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It appears that the agency has legitimate, non-retaliatory reasons to end Mr. Brickman's at-will employment with the OAG today (10/19/2020). Here is a draft of a justification (if needed).

Per agency policy, employees of the Office of the Attorney General (OAG) are expected to behave in a professional manner that provides the highest quality of work and customer service. Every OAG employee is expected to acquaint himself/herself with performance criteria for his/her job and with all policies, procedures, rules, and standards of conduct established by the OAG and the employee's division, section, or unit.

As the State's chief legal officer, the Attorney General must rely on his employees to fulfill his constitutional and statutory responsibilities. Employees who form part of his Executive Administration, especially those appointed by him, are held to a higher standard and are expected to support the Attorney General. Mr. Brickman was appointed Director of Policy and Strategic Initiatives and began his employment on February 1, 2020. In this appointed and high-level position, Mr. Brickman forms part of an important inner circle, which requires a basic level of trust.

It is well known that approximately two weeks ago Mr. Brickman and other members of the Attorney General's Executive Administration accused the Attorney General of criminal conduct. It is unclear whether Mr. Brickman made those accusations in good faith. Regardless, an employee's right to make good-faith accusations is recognized and respected. (As you know, those accusations are vehemently denied.) That aside, it is still necessary for Mr. Brickman to comply with agency policies. Even though the Attorney General and First Assistant Attorney General have attempted to work with Mr. Brickman during the last few weeks, Mr. Brickman has engaged in the following misconduct, as identified in the agency's "Unacceptable Conduct" policy:

- Intentional disobedience or refusal to perform a reasonable directive from management

- Use of an insubordinate or unprofessional tone towards management
- Deterioration in the quality or quantity of work as to reflect a willful or substantial disregard for OAG work standards

Although the agency has been committed to avoiding an adverse personnel action against Mr. Brickman, Mr. Brickman has engaged in an insubordinate attitude towards the Attorney General and the First Assistant. This misconduct has rendered the current working relationship strained, inefficient, and unworkable. Besides displaying an insubordinate tone, Mr. Brickman has also refused specific and reasonable directives. In addition, his work product has apparently fallen to a point that makes this involuntary separation of his at-will employment necessary.

Mr. Brickman can be allowed to resign and exhaust his available non-sick leave. If he is unable to secure a job before he exhausts his leave, he can apply for unemployment benefits with the Texas Workforce Commission. Because his involuntary separation is based partially on performance issues, the agency would be willing not to challenge a claim for unemployment benefits.

Mr. Brickman can be thanked for his service.

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It appears that the agency has legitimate, non-retaliatory reasons to end Ms. Mase's at-will employment with the OAG today (10/19/2020). Here is a draft justification (if needed).

Per agency policy, employees of the Office of the Attorney General (OAG) are expected to behave in a professional manner that provides the highest quality of work and customer service. Every OAG employee is expected to acquaint himself/herself with performance criteria for his/her job and with all policies, procedures, rules, and standards of conduct established by the OAG and the employee's division, section, or unit.

As the State's chief legal officer, the Attorney General must rely on his employees to fulfill his constitutional and statutory responsibilities. Employees who form part of his Executive Administration, especially those appointed by him, are held to a higher standard and are expected to support the Attorney General. Because Ms. Mase is one of those appointed employees who form part of this important inner circle, the Attorney General and the First Assistant Attorney General must share a basic level of trust with her.

It is well known that approximately two weeks ago she and other members of the Attorney General's Executive Administration accused the Attorney General of criminal conduct. The agency recognizes and respects her right to make such accusations, which the Attorney General vehemently denies. That aside, it is still necessary for her to comply with agency policies. Even though the Attorney General and the First Assistant have attempted to work with her during the last few weeks, they have learned that she engaged in the following misconduct per the "Unacceptable Conduct" policy:

- Abuse of supervisory authority
- Unethical behavior
- Use of an insubordinate or unprofessional tone towards management
- Conduct or performance resulting in workplace disruption

Although the agency has been committed to avoiding an adverse personnel action against her, her misconduct, especially the abuse of her supervisory authority, her abusive treatment of employees, and her flagrant disregard for the attorney-client privilege make this involuntary separation of her at-will employment necessary and justified.

If Ms. Mase agrees to resign, the agency would allow her to exhaust available non-sick leave to make her separation effective in November (which would give her health insurance until 11/30/2020). If she is unable to secure a job before she exhausts her leave, she can apply for unemployment benefits with the Texas Workforce Commission. Because her involuntary separation is based partially on performance issues, the agency would be willing not to challenge a claim for unemployment benefits.

Ms. Mase can be thanked for her service.

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