

MEDIA MENTION

Robert Walker Discusses Whether Sen. Menendez's Staff Will Be Forced to Testify

Roll Call

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Robert L. Walker, of counsel in Wiley Rein's Election Law & Government Ethics Practice, was quoted by *Roll Call* in an article published yesterday about whether Congressional staff to Sen. Robert Menendez would be forced to testify against their boss if federal corruption charges are brought against the New Jersey Democrat.

According to news reports, the U.S. Department of Justice is planning to bring federal corruption charges against Sen. Menendez. At issue is whether or not communications between Sen. Menendez and his staff pertain to legislative matters, and are therefore entitled to privileged communication.

"The case law makes the distinction between 'legislative acts' that are directly related to the legislative business in [the] Senate and 'political acts,' in the sense that it may be part of the official duties of a member, but they are outside of the specific legislative duties," Mr. Walker said. "If it's intertwined, if you can't get it without treading on protected [speech], the protections get to prevail. On the other hand, it may well be a discrete set of activities related to constituent-service like conduct; chances are that the courts are not going to find that that's protected."

To read the entire article, [click here](#).

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Practice Areas

Election Law & Government Ethics