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July 7, 2010

The Honorable Jeff Sessions
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Senator Sessions:

Thank you for your letter dated June 17, 2010 and for the opportunity to provide additional information in response to your written questions.

1. Have you, or any current or former attorneys in your current or previous law firm, ever represented or contracted to represent any State or local government (or any subdivision of a state or local government) or any public official in the State of North Dakota? If so, please provide the names of any such cases and identify the state or local government or any public official involved.

Response: On January 26, 2000, North Dakota Attorney General Heidi Heitkamp appointed me as a Special Assistant Attorney General for the State of North Dakota to assist in the implementation and enforcement of the terms of the Master Settlement Agreement and the Smokeless Tobacco Master Settlement Agreement. North Dakota Attorney General Wayne Stenehjem reappointed me in 2001. My appointment was terminated on February 13, 2009. The appointment specified that I was to serve without compensation. No other attorneys in my current or previous firms have, during association with the firm, represented the State of North Dakota, or any local governments or public officials in North Dakota.

2. What is the total amount of compensation that you and any current or former attorney in your current or previous law firm received or expect to receive in connection with its participation against the manufacturers of cigarettes, tobacco, or other tobacco products? Please indicate what portion, if any, of such compensation your firm received or expects to receive in connect with its participation in the multistate tobacco litigation, which resulted in the 1998 multistate tobacco master settlement agreement.

Response: My prior firm (MRRM, P.A.) received attorney fees pursuant to the Master Settlement Agreement for its work on tobacco litigation. As a result of my work for the firm, I have received between \$2-3 million dollars per year since 1999. I anticipate receiving future deferred compensation for work performed and completed for the firm on tobacco litigation of approximately \$2.5 million to \$3.1 million each year through 2024.

3. Motley Rice's website and several news reports indicate that you were both a negotiator and primary drafter of the multistate tobacco master settlement agreement. Please describe your role in those negotiations, including a description of what specific subject matters of the settlement you participated in negotiating. In your response, please indicate which states you negotiated on behalf of, and which state or local government officials, if any, you worked with or along side during the course of the litigation.

Response: I served as outside counsel to a team of state Attorneys General that negotiated the settlement. The States' negotiating team consisted of Attorneys General Christine O. Gregoire (D-WA), Michael F. Easley (D-NC), W.A. Drew Edmondson (D-OK), Mike Fisher (R-PA), Heidi Heitkamp (D-ND), Daniel E. Lungren (R-CA), Gale A. Norton (R-CO), and Dennis C. Vacco (R-NY). This team of Attorneys General would confer with a larger group of Attorneys General who were to be parties to the settlement, providing updates on the negotiations and seeking input into its terms. On occasion, I assisted the team of Attorneys General with these communications to their fellow Attorneys General.

I primarily worked on negotiating the public health sections of the agreement, including the prohibition on youth targeting, the ban on the use of cartoons in tobacco advertising, the limitation of tobacco brand name sponsorships, the elimination of tobacco billboards and outdoor advertising, and the elimination of tobacco brand name merchandise. I also assisted with negotiations of the enforcement provisions and the public access to documents section. I was a member of the team of attorneys that drafted the language of the negotiated Master Settlement Agreement. I did not, however, have any involvement in the negotiation or drafting of the attorneys' fee provisions of the Master Settlement Agreement. Those negotiations were conducted by Attorney General Mike Fisher (R-PA).

4. To the extent you have not done so in response to a prior question from the Committee, please list any political contributions from you, your law firm, or any current or former attorneys at your current or former law firms to any of the state or local government officials who participated with you in the multistate tobacco litigation or the negotiations that resulted in the multistate tobacco master settlement agreement.

Response: My firm does not maintain a list of contributions by members or employees to elected public officials. In addition to the items I listed in response to question five from Senator Coburn, question ten from Senator Cornyn, and question one from Senator Kyl, I contributed to Heidi Heitkamp's campaign for governor of the State of North Dakota. I have no additional information.

Very truly yours,

A handwritten signature in black ink, reading "John J. McConnell, Jr." in a cursive style. The signature is written over the printed name below it.

John J. McConnell, Jr.

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