

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Arizona State Office
One North Central Avenue, Suite 800
Phoenix, Arizona 85004-4427

September 23, 2009

In Reply Refer To:
1872/1278 (9540) P
Supersedes IM No. AZ-2005-041

EMS TRANSMISSION 9/23/2009
Instruction Memorandum No. AZ-2009-029
Expires: When Superseded or Canceled

Expired

To: All Employees
From: State Director
Subject: *Touhy* Requests

Purpose: This Instruction Memorandum (IM) sets forth revised procedures to follow when responding to subpoenas or other requests specifically for testimony by employees concerning information acquired while performing official duties or because of an employee's official status or official records for Federal, State, territorial, or Tribal civil judicial, legislative, or non-Federal administrative proceedings in which the United States is not a party. These types of requests must be accompanied by a "*Touhy* Request" made in accordance with 43 C.F.R. §§ 2.80-2.90.

Policy/Action: Any employee receiving a *Touhy* Request, a subpoena, or other request to testify or produce records under the conditions outlined above, must immediately inform their supervisor and forward, through their supervisor, copies of the incoming correspondence to the State Director to attention of the State Litigation Coordinator (AZ9300). The Coordinator will contact the Solicitor's Office. The Solicitor's Office will ensure that the requester has complied with the applicable regulations. After consultation with appropriate Bureau of Land Management (BLM) staff and the State Director's Office, the Solicitor's Office will provide a recommendation to the State Director to grant or deny the *Touhy* Request. This recommendation will be in the form of a draft letter to the requestor, prepared for the signature of the State Director.

Timeframe: This policy is effective immediately.

Background: *Touhy* Requests typically are made by outside attorneys and involve litigation matters in which BLM does not have an interest. If not addressed appropriately, these matters

have the potential to escalate into an adverse proceeding against the BLM. For these reasons, the Phoenix Field Solicitor's Office is the appropriate office to evaluate these requests.

Manual/Handbook Sections Affected: BLM Manual 1278 – External Access to BLM Information.

Coordination: This IM has been coordinated with the Solicitor's Office.

Contact: Questions about this IM may be addressed to the State Litigation Coordinator at 602-417-9542 or at 602-364-7896.

Signed by:
Helen M. Hankins
FOR James G. Kenna
State Director

Authenticated by:
Margaret Walker
Division Management Assistant