

**ILLINOIS HOUSE OF REPRESENTATIVES
SPECIAL INVESTIGATIVE COMMITTEE**

In re: House Resolution 1650)
Investigation of Governor Rod R. Blagojevich)

**GOVERNOR ROD R. BLAGOJEVICH'S MOTION
FOR APPOINTMENT OF COUNSEL**

Governor Rod R. Blagojevich respectfully moves this Honorable Committee to appoint and pay counsel of choice in this matter:

1. The Illinois House of Representatives has passed House Resolution 1650 by which a Special Investigative Committee has been formed to investigate alleged misconduct in office by Governor Rod R. Blagojevich.
2. The Resolution provides that the Committee shall adopt rules to ensure due process and fundamental fairness.
3. Governor Rod R. Blagojevich is in receipt of a letter from the House Majority Leader, Barbara Flynn Currie, in which she invites the Governor and his counsel to appear before the Special Committee to question witnesses, examine the evidence and present witnesses.
4. In House Speaker Madigan's press release and public statements regarding the Special Committee, he stressed that Governor Blagojevich would be afforded due process rights, including the right to counsel.
5. Under the Attorney General Act, 15 ILCS 205/4, the Attorney General of Illinois has a duty to represent the Governor.
6. The Attorney General is conflicted in this matter in that she has filed a motion seeking to remove the Governor from Office in the Illinois Supreme Court, *People v. Blagojevich*, No. 107698, and has spoken publicly against the Governor.

7. The matters before this Committee relate to an investigation of alleged actions by Governor Blagojevich while in office. The Attorney General cannot represent the Governor in this matter. Fundamental fairness and the constitutional rights to due process and counsel dictate that counsel of the Governor's choice be appointed and paid to represent the Governor before this Committee and all matters in which the Attorney General is charged by statute to represent the Governor. See *Ware v. Illinois*, 37 Ill.Ct.Cl. 43, 1985 WL 729645 (1985).

8. Attorneys Edward M. Genson, Sheldon Sorosky and Eli Rosenbloom are Governor Blagojevich's counsels of choice.

Respectfully submitted,

EDWARD M. GENSON
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(312) 726-9015

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NOTICE OF FILING

To: Lisa Madigan
Illinois Attorney General
100 W. Randolph St.
Chicago, IL

David Ellis
Chief Legal Counsel of the
Speaker House of Representatives
412 State House
Springfield, IL 62706
Fax No. 217-557-7599

PLEASE TAKE NOTICE that on December 17, 2008, at the hour of 11:00 a.m., I shall appear before the Illinois House of Representatives Special Investigative Committee, Springfield, Illinois, and then and there present Governor Rod R. Blagojevich's Motion for Appointment of Counsel, a copy herewith served upon you.

Edward M. Genson
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