



The Office of  
**Minnesota Attorney General Keith Ellison**

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April 29, 2024

Representative Jim Nash  
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Senator Mark Koran  
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Senator Andrew Mathews  
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**Re:** Outside counsel agreement with Sher Edling, LLC

Dear Representative Nash, Senator Koran, and Senator Mathews:

I write in response to your letter of April 9, 2024.

My office has been transparent about its relationship with the State Energy & Environment Impact Center at New York University since the beginning. After 2019, in response to a data-practices request from Energy Policy Advocates, a group affiliated with the petroleum industry, my office turned over all our correspondence and agreements with the SEEIC. The same documents were produced to the defendants in the *State v. American Petroleum Institute* matter in response to data practices act requests from their attorneys. And in 2022, I again provided extensive information to various legislators, in response to concerns raised by a group funded by the fossil-fuel industry.<sup>1</sup> In short, the information has been freely shared for years.

I will reiterate here what I said to lawmakers in 2022. I am committed to rebuilding the Minnesota Attorney General's Office to the strength required to fully meet the needs of the state and the people of Minnesota in the 21<sup>st</sup> century. I intend to continue to secure outside revenue from legitimate sources in a transparent, arms-length manner, under my sole direction and control, in order to do that.

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<sup>1</sup> The source you reference in the opening line of your letter, Energy in Depth, is not a neutral reporter, but instead a "public outreach campaign of the Independent Petroleum Association of America." <https://eidclimate.org/about/>. Further, according to the New York Times, "[f]ormer employees familiar with Energy In Depth said the site's content had direction from Exxon Mobil," which is a defendant in the very case in question here. <https://www.nytimes.com/2020/11/11/climate/fti-consulting.html>. The other primary source you use, [goveroversight.org](https://goveroversight.org), is one that unsuccessfully sued my office over this issue. See <https://climatelitigationwatch.org/gao-files-suit-against-minnesota-ag-ellison-over-refusal-to-release-records/> (noting Government Accountability & Oversight, [goveroversight.org](https://goveroversight.org), had sued my office).

In the spirit of transparency, I offer the following responses to your five specific questions.

1. I appreciate your acknowledgement that the AGO appropriately submitted its draft agreement with Sher Edling to the Legislative Advisory Commission pursuant to Minn. Stat. § 8.065 in the beginning of September 2020. You ask “why it was necessary” to retain Sher Edling, when there are two attorneys at the AGO already working on the climate deception case “full time.”<sup>2</sup> It is incorrect that any attorneys have been working on the case “full time” to date, because the fossil-fuel defendants effectively tied the litigation up for nearly four years in procedural wrangling about the proper venue, which has required only shorts spurts of briefing.<sup>3</sup> Nevertheless, I engaged Sher Edling to ensure that the AGO has sufficient bench strength to handle the case in discovery and trial. The defendants in the case have currently engaged seven law firms, and more than a dozen attorneys are representing the defendants.
2. You suggest that my office “did not publicly disclose” the Sher Edling contract. As already noted, we sent the draft contract to the Legislative Advisory Commission, just as we did with the agreement for outside counsel in the JUUL matter. Furthermore, when our Office filed the case in June 2020, we had a press conference to announce the litigation.<sup>4</sup> At that point, we had not yet engaged Sher Edling, which explains why the law firm is absent from the initial press release.
3. The AGO hired Sher Edling because they are the most accomplished law firm in the country at protecting consumers from the decades-long campaign of fraud and deception that the fossil-fuel industry writ large has conducted. Whatever funding Sher Edling receives or does not receive from other sources is immaterial, as the contract with Sher Edling makes explicit that the AGO retains complete control over the strategy and direction of the climate-deception case. I make all decisions about litigation strategy on behalf of the people of Minnesota, in whose name I brought the lawsuit. No one else does or will.
4. You ask me to identify “all third parties and special-interest groups” that have funded Sher Edling’s work. I do not have that information.
5. I also do not have information about whether any Sher Edling attorneys donated to my re-election campaign. As you are aware, that information is publicly available.

Sincerely,



Keith Ellison  
Attorney General

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<sup>2</sup> I request that you not name individual attorneys on my staff in public correspondence in the future, as it opens up those attorneys to harassment. No public servants should be subject to harassment for doing important work as directed by public officials.

<sup>3</sup> The United States Supreme Court recently rejected the defendants’ final appeal of their loss on the venue challenge, and the case will now proceed on the merits in state court.

<https://www.scotusblog.com/case-files/cases/american-petroleum-institute-v-minnesota/>

<sup>4</sup>[https://www.ag.state.mn.us/Office/Communications/2020/06/24\\_ExxonKochAPI.asp](https://www.ag.state.mn.us/Office/Communications/2020/06/24_ExxonKochAPI.asp). Compare with [https://www.ag.state.mn.us/Office/Communications/2019/12/04\\_JUUL.asp](https://www.ag.state.mn.us/Office/Communications/2019/12/04_JUUL.asp).