



March 18, 2025

VIA Email: opengovernment@riag.ri.gov

RI Office of the Attorney General
150 S. Main St
Providence, RI 02903

Access to Public Records Act request relating to forum shopping and lawsuit against federal government.

Dear APRA Processor:

Rhode Island recently joined with twenty-one other states and the District of Columbia to challenge the Trump Administration's temporary pause in discretionary spending pending a cross-agency review for fraud, waste, and abuse. In so doing, it appears that Rhode Island engaged in forum shopping to seek a presiding judge who Rhode Island knew would be disposed to rule favorably toward the plaintiffs.

In this case, styled *New York et al v. Trump et al.*, the judge presiding over the case sat for many years on the board of a Rhode Island charity that received more than \$128 million in federal funding during his tenure, much of which funding passed through the plaintiff State of Rhode Island to the charity.

The practice of forum shopping, where “the fix is in” or “the system is gamed,” undermines the hallmarks of America’s judicial system that “justice is blind,” impartial and objective, free of bias or favoritism. Ironically, it has long been decried by the same people who embrace the practice, particularly those on the left.¹ Thus, some on the left have suggested there should be no single-judge districts.² Rhode Island Senator Whitehouse, in particular, has been the tip of the spear pushing

¹ See, e.g., Press Release, AM. TORT REFORM ASS'N, Rhode Island Senator Calls Out Forum Shopping as Problematic During Congressional Bankruptcy Hearing (Feb. 9, 2022), <https://perma.cc/5LG8-DBQS> (“Senator Sheldon Whitehouse (D-Rhode Island) identified ‘forum shopping’ and venue issues as a central concern, stating ‘Outcomes in court should not be determined by strategic forum shopping.’”)

² Alice Clapman, Amanda Shanor, & Jennifer Ahearn, *Courts Move to Bolster Fairness by Addressing ‘Judge Shopping’*, BRENNAN CTR. FOR JUST. (Mar. 15, 2024), <https://perma.cc/4UBJ-XHRM>.

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judicial ethics in his attempt to discredit Justice Samuel Alito of the United States Supreme Court.³

Therefore, pursuant to the Rhode Island Access to Public Records Act, 38 R.I. GEN. LAWS § 38-2-1, *et seq.*, we request the following records held by the Attorney General's Office:

I. Records Request

- All non-privileged records and communications mentioning or referring to a lawsuit to challenge OMB Memorandum M-25-13 dated January 27, 2025, which paused federal funding to certain states.
 - This should include requests related to ongoing litigation now styled *New York et al v. Trump et al*, Case No. 1:25-cv-039 (D.R.I. Jan. 28, 2025), brought in part by the Rhode Island Attorney General, even if such records pre-date the filing of this litigation.
- All non-privileged records and communications mentioning or referring to any of President Trump's executive orders.
- All non-privileged records and communications held by your office containing the terms:
 - One of the following:
 - Forum
 - District
 - Venue
 - Bench
 - And any of the following
 - "John McConnell"
 - "Judge McConnell"
 - Judge
 - Freeze
 - Pause
 - Memorandum
 - "Executive Order"

The timeframe for this request is 1/21/25 to 2/15/25.

³ Press Release, Sen. Sheldon Whitehouse, Chairman, S. Comm. on the Judiciary, Whitehouse Lodges Ethics Complaint Against Supreme Court Justice Samuel Alito (Sep. 5, 2023), <https://perma.cc/G7TH-HQSX>.

II. Conclusion

Thank you for your prompt attention to this matter.

Sincerely,

/s/ Andrew Block
America First Legal Foundation