

April 14, 2021

BY HAND

Rachael Rollins
District Attorney, Suffolk County of Massachusetts
One Bulfinch Place
Boston, MA 02114

**Re: Goodwin Procter Investigation Concerning Adam Foss and the Suffolk County
District Attorney's Office**

Dear District Attorney Rollins:

In November 2020, a number of women published their accounts of their experiences with Adam Foss, an Assistant District Attorney of the Suffolk County District Attorney's Office ("SCDAO" or "Office") from September 2008 to May 2016. (We note, of course, that you were not at SCDAO during Mr. Foss's tenure, and that you became the District Attorney on January 2, 2019.) Shortly after the reports concerning Mr. Foss surfaced, you retained us to conduct an investigation into Mr. Foss's behavior while he was a SCDAO employee. Goodwin Procter was directed to (i) investigate whether there were allegations or evidence that Mr. Foss engaged in conduct during his tenure that violated policy, law, or ethical rules, and (ii) review relevant policies and procedures in place at SCDAO during Mr. Foss's tenure, as well as today.

Our review is now complete, as we have investigated all matters relevant to the scope of our engagement. SCDAO did not impose any constraints on our review and cooperated fully with it, including by providing documents and other information, and facilitating access to current and former SCDAO employees. Given the numerous events and communications over many years, memories are understandably incomplete. Also, as is common with this type of investigation, several witnesses either declined to be interviewed or were nonresponsive to our outreach. Most notably, through his counsel, Mr. Foss declined to be interviewed or to respond to written questions. And, as you know, in light of the sensitive nature of our investigation, the witnesses who did agree to speak with us did so on the condition of anonymity. We ultimately interviewed 28 people and conducted targeted searches of a vast collection of electronic documents.

In sum, our investigation did not reveal evidence of any *per se* violation of any law, formal SCDAO policy, or ethical rules by Mr. Foss during his tenure as an ADA. That being said, our review identified evidence that Mr. Foss engaged in concerning conduct with at least two adult female Office interns and students that violated informal SCDAO expectations and norms.



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We did not, however, identify any evidence that past or present SCDAO leadership was ever aware of Mr. Foss's misconduct pertaining to women inside or outside the Office, prior to the allegations in late 2020 that led to our retention to conduct this review. Our investigation likewise did not identify any evidence that the Office's senior management failed to respond to any allegation of misconduct by Mr. Foss during his tenure.

We have made certain recommendations regarding potential enhancements to certain legacy SCDAO policies, compliance reporting procedures, and employee training, to ensure that they appropriately address the key areas of risk identified through our investigation. We understand that enhancements to these legacy policies and protocols were already underway immediately prior to the initiation of our investigation.

Thank you again for entrusting Goodwin Procter with this important engagement.

Very truly yours,

Roberto M. Braceras

Roberto M. Braceras

Very truly yours,

A blue ink signature of Jennifer L. Chunias, featuring a stylized, flowing script.

Jennifer L. Chunias