



United States
Office of Government Ethics
1201 New York Avenue, NW., Suite 500
Washington, DC 20005-3917

May 9, 2006
DO-06-014

MEMORANDUM

TO: Designated Agency Ethics Officials

FROM: Marilyn L. Glynn
Acting Director

SUBJECT: Court of Appeals Upholds OGE Rule on Teaching,
Speaking and Writing

On May 3, 2006, the United States Court of Appeals for the 10th Circuit affirmed the decision of the district court in Wolfe v. Barnhart, upholding the validity of 5 C.F.R. § 2635.807(a) against a first amendment challenge by an administrative law judge (ALJ) of the Social Security Administration (SSA). See Wolfe v. Barnhart, No. 04-5194, available at <http://pacer.ca10.uscourts.gov/pdf/04-5194.pdf>, and <http://www.kscourts.org/CA10/cases/2006/05/04-5194.htm>. The Court also upheld the interpretation of the Office of Government Ethics that the rule prohibited the ALJ from receiving royalties for a book he co-authored about the SSA disability adjudication process, notwithstanding the fact that the ALJ may have acquired expertise on the subject prior to his employment by SSA.