

SCHMITT, SCHNECK, SMYTH & HERROD, P.C.

ATTORNEYS AT LAW

Timothy J. Casey

e-mail: timcasey@azbarristers.com

June 17, 2008

VIA E-MAIL AND REGULAR MAIL

John A. Furlong, Esq.
General Counsel
STATE BAR OF ARIZONA
4201 N. 24th St., Suite 200
Phoenix, AZ 85016

Re: *Michael Lacy/New Times v. Arpaio et al., CV08-997-PHX-SRB*

Dear Mr. Furlong,

This firm represents Maricopa County Attorney Andrew P. Thomas and his wife in regards to the above-referenced civil litigation pending in the United States District Court for the District of Arizona before the Honorable Susan R. Bolton ("the Action."). In that capacity, I write this letter to you because I am advised that you may formally represent incoming State Bar President Ed Novak in regards to matters involving my clients.

I understand that on Wednesday, May 28, 2008, the Arizona Women's Lawyer Association, Maricopa County Chapter, met over lunch. After a host publicly acknowledged and introduced members of the judiciary present at the meeting, *including the trial judge in the Action*, Mr. Novak, as the featured speaker, spoke to the attendees. He said: "We have a certain elected official who believes that he is immune from Bar discipline." It is unknown to me whether Mr. Novak's comment was sincere or made in an effort to be humorous. What is known, however, are two points about the extrajudicial comment. First, Mr. Novak's comment is false. Neither Mr. Thomas nor any attorney representing him in any pending State Bar matter has ever said or suggested that he is immune from Bar discipline. Second, Mr. Novak's comment reflects a serious lapse in good judgment and has a substantial likelihood of materially prejudicing Mr. Thomas' interest in the Action.

This letter, therefore, respectfully requests that: (a) you inform Mr. Novak of the inappropriate nature of his comment and encourage him, as the official incoming State Bar President, to refrain in the future from making false and disparaging comments about Mr. Thomas; and (b) Mr. Novak issue by July 31, 2008 a written apology for, or a retraction of, his comment to all members of the Arizona Women's Lawyer Association, Maricopa County Chapter, and all other attendees of the lunch meeting (including the trial judge in the Action) and copy Mr. Thomas on the written apology.

Note that if you have reasonable and fair alternative suggestions as to how best Mr. Novak can attempt to mitigate the damage and harm his comment has caused my clients, please know that they are open to discussing the same.

Sincerely,

SCHMITT, SCHNECK, SMYTH & HERROD, P.C.



Timothy J. Casey, Esq.

TJC:eh

cc: Michael Manning, Esq. (Counsel for plaintiffs in the Action)
William R. Jones, Esq. (Counsel for Defendant Arpaio in the Action)
Scott Zwillinger, Esq. (Counsel for Defendant Wilenchik in the Action)