

January 19, 2013

Authors and Signatories of *Amici Curiae* Brief  
of Legal Ethics Professors and Practitioners and  
the Ethics Bureau at Yale in *Maples v. Thomas*,  
Supreme Court Case No. 10-63  
(Names appear in Attachment 2 hereto)

To the Aforementioned Ethicists,

In honor of Dr. Martin Luther King Jr. and his renowned statement that “injustice anywhere is a threat to justice everywhere,” please see the attached letter from Jorge Dopico, Chief Counsel of New York’s Departmental Disciplinary Committee, regarding its *sua sponte* investigation of the representation of Cory Maples as a result of the United States Supreme Court decision in *Maples v. Thomas*. As you recall, you authored and/or signed on to an *Amici* brief in that matter in which you accused my client, Jaasi Munanka, of having abandoned and breached his professional obligations to Mr. Maples; you obviously did so without having conducted a thorough and adequate investigation into the facts and complete record before besmirching Mr. Munanka’s name and reputation.

As Mr. Dopico states, the Committee closed the matter with respect to Mr. Munanka, stating in pertinent part that “there is no basis for taking disciplinary action.” The Committee so found after considering a thorough (as opposed to incomplete and warped) record, and after noting that “nowhere is sound, ethical practice more critical than in the defense of those facing execution.”

Of course, this result leads to the inexorable conclusion that either Mr. Munanka is the soundest, most ethical abandoner known to man, or, as I apprised various of you nearly a year ago, the United States Supreme Court was, at best, presented with a record that contained “gross inaccuracies and material omissions”

(of both fact and law). The *Amici* exacerbated the situation by authoring a brief predicated on that incomplete and warped record.

It is incredibly disappointing, and quite frankly shocking, to Mr. Munanka and me that you would sign onto an *Amici* brief that utilized this distorted, inaccurate and incomplete factual and legal record to wrongly vilify Mr. Munanka, particularly without having conducted an investigation (as I suggest you were obligated given the nature of the positions and comments you took and made in that brief) to ensure that the “facts” on which you relied were true and accurate. Due in part to your conduct, my client’s reputation has been unjustly impugned and he has been mocked and berated throughout the legal community.

I am sure that, as renowned ethicists, Dr. King’s words have special meaning to you. Accordingly, I would suggest three possible results of the knowledge you now have (and which Mr. Munanka is entirely within his ethical right to disclose, as confirmed by the New York Ethics Hot Line):

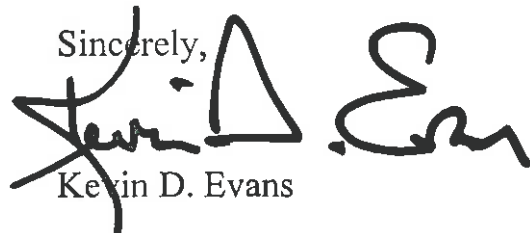
- First, please consider whether the *Amici* brief violates the ethical obligation to bring and make only meritorious claims and contentions (*with its underlying obligation to perform a good faith investigation of both the facts and the law*).
- Second, New York Judiciary Law 90(10) provides that, upon “good cause being shown,” the Appellate Court can disclose the voluminous records and materials submitted to the Disciplinary Committee on behalf of Mr. Munanka. Consider whether the facts that (1) the United Supreme Supreme Court, presented with an incomplete and distorted factual and legal record and briefs predicated thereon, found that Mr. Munanka abandoned Mr. Maples, and (2) the Disciplinary Committee, with a far more complete set of facts and an accurate assessment of the law, determined that no basis exists for taking disciplinary action, constitute the “good cause” that would lead to the disclosure of the submitted records and materials.

Authors of and Signatories to *Amici* brief in *Maples v. Thomas*

January 19, 2013

Page 3

- Third, armed with this new knowledge, consider whether you 1) can continue to vilify Mr. Munanka to your peers, the public and your students, or whether you now must publicly take steps to reconcile the truth (Mr. Munanka's ethical conduct) with Mr. Munanka's shameful public treatment, and 2) must correct the false dispersions cast upon Mr. Munanka by the *Amici* brief and whatever nonjudicial comments you have made about him.

Sincerely,  
  
Kevin D. Evans

*Attachments included*

## **ATTACHMENT 1**

DEPARTMENTAL DISCIPLINARY COMMITTEE  
SUPREME COURT, APPELLATE DIVISION  
FIRST JUDICIAL DEPARTMENT  
61 BROADWAY  
NEW YORK, NEW YORK 10006  
(212) 401-0800  
FAX: (212) 287-1045 (NOT FOR SERVICE OF PAPERS)

ROY L. REARDON, ESQ.  
CHAIRMAN

SPECIAL COUNSEL  
HALBURTON FALES, 2D, ESQ.  
CHARLOTTE MOSES FISCHMAN, ESQ.  
MARTIN R. GOLD, ESQ.  
ROBERT L. HAIG, ESQ.  
MYRON KIRSCHBAUM, ESQ.  
STEPHEN L. WEINER, ESQ.

COMMITTEE MEMBERS  
CATHERINE M. ABATE, ESQ.  
JAMES M. ALTMAN, ESQ.  
DOMINIC F. AMOROSA, ESQ.  
DAVID ARROYO, ESQ.  
PATRICK H. BARTH, ESQ.  
NINA BEATTIE, ESQ.  
PETER A. BELLACOSA, ESQ.  
GEORGE BERGER, ESQ.  
SHEILA S. BOSTON, ESQ.  
DAVID BUKBAUM  
JOHN F. CAMBRIA, ESQ.  
NICHOLAS M. GANNELLA, ESQ.  
GIORGIO CARLITO  
JOHN H. CARLEY, ESQ.  
AURORA CASSIRER, ESQ.  
CHRISTOPHER E. CHANG, ESQ.  
CATHERINE A. CHRISTIAN, ESQ.  
ERNEST J. COLLAZO, ESQ.  
RALPH G. DAWSON, ESQ.  
LEONARD F. DELUCA  
SHELDON ELSEN, ESQ.  
ROSALIND S. FINK, ESQ.  
WILLIAM P. FRANK, ESQ.  
RUTH W. FRIENDLY  
MATTHEW GAIER, ESQ.  
DAVID R. GELFAND, ESQ.  
ROBERT J. GIUFFRÀ, ESQ.  
ROBERT E. GODOSKY, ESQ.  
JOHN D. GORDAN, III, ESQ.  
RICHARD M. GREENBERG, ESQ.  
MAURA BARRY GRIMALDS, ESQ.  
JAMES W. HARBISON, JR., ESQ.  
GERARD E. HARPER, ESQ.  
PETER C. HARVEY, ESQ.  
BRIAN C. MCK. HENDERSON  
SEYMOUR W. JAMES, JR., ESQ.  
JOHN J. JEROME, ESQ.  
ALAN R. KAUFMAN, ESQ.  
ALFREIDA B. KENNY, ESQ.  
CARLA A. KERN, ESQ.  
MARVIN LEFFLER  
ALAN LEVINE, ESQ.  
NANCY B. LUDMERER, ESQ.  
ARTHUR MARTIN LUXENBERG, ESQ.  
WILLIAM A. MAHER, ESQ.  
ROGER JUAN MALDONADO, ESQ.  
EMILY F. MANDELSTAM  
ROBERT J. MCGUIRE, ESQ.  
ROBERT P. MCGREEVY, ESQ.  
MARIA D. MELENDEZ, ESQ.  
HON. EUGENE L. NARDELLI  
MERCEDIS A. NESFIELD  
FREDRIC S. NEWMAN, ESQ.  
JACOB PULTMAN, ESQ.  
ROLAND G. RIOPELLE, ESQ.  
ROBIN STRATTON RIVERA  
BARBARA K. ROTHSCHILD  
WILLIAM T. RUSSELL, JR., ESQ.  
BARBARA A. RYAN, ESQ.  
AUGUSTIN J. SAN FILIPPO, ESQ.  
KARLA G. SANCHEZ, ESQ.  
KATHLEEN M. SCANLON, ESQ.  
KAREN PATTON SEYMOUR, ESQ.  
EUGENE P. SMUTHER, ESQ.  
HON. JOSEPH P. SULLIVAN  
RONALD J. SYLVESTRI, JR.  
NAYICA VON ALTHANN  
SUEAN WELSHER  
MILTON L. WILLIAMS, JR., ESQ.  
FRANK H. WOHL, ESQ.  
RICHARD R. ZAYAS, ESQ.  
GONZALO S. ZEBALLOS, ESQ.  
SARAH E. ZGLINIEC, ESQ.

JORGE DOPICO  
CHIEF COUNSEL

DEPUTY CHIEF COUNSEL  
ANGELA CHRISTMAS  
NAOMI F. GOLDSTEIN  
VITALY LIPKANSKY  
RAYMOND VALLEJO

SPECIAL TRIAL COUNSEL  
JEREMY S. GARBER

STAFF COUNSEL  
NICOLE CORRADO  
KEVIN P. CULLEY  
KEVIN M. DOYLE  
PAUL L. FRIMAN  
ROBERTA N. KOLAR  
JUN HWA LEE  
NORMA I. LOPEZ  
NORMA I. MELENDEZ  
KEVIN E.F. O'SULLIVAN  
ELISABETH A. PALLADINO  
ORLANDO REYES  
EILEEN J. SHIELDS  
KAYLIN L. WHITTINGHAM  
KATHY WU

September 21, 2012

PERSONAL AND CONFIDENTIAL

Jaasi J. Munanka, Esq.  
c/o Kevin D. Evans, Esq.  
Steese, Evans and Frankel, PC  
6400 South Fiddlers Green Circle, Suite 1820  
Denver, CO 80111

Re: Sua Sponte investigation  
Docket No. 2011.2505

Dear Mr. Munanka:

Please be advised that, upon completion of investigation, the above-referenced matter was submitted to the Committee for disposition.

The Committee thereafter determined that there is no basis for taking disciplinary action. Therefore, the matter has been closed.

Nowhere is sound, ethical practice more critical than in the defense of those facing execution. Hence the Committee is especially appreciative of your cooperation in this matter.

Very truly yours,

  
Jorge Dopico  
Chief Counsel

JD/KMD/gr

## **ATTACHMENT 2**

Richard Abel  
UCLA Law School  
BOX 951476, 2230 Law Building  
Los Angeles, CA 90095-1476  
abel@law.ucla.edu

Aviva Abramovsky  
Syracuse University College of Law  
Suite 440  
Syracuse, NY 13244-1030  
aabramov@law.syr.edu

Dr. Gregory B. Adams  
Room 418  
USC School of Law  
701 Main Street  
Columbia, South Carolina  
29208g.b.adams@sc.edu

James J. Alfini  
South Texas College of Law  
1303 San Jacinto Street  
Houston, Texas 77002  
jalfini@stcl.edu

James Ellis Arden  
5200 Lankershim Boulevard, Suite 850  
North Hollywood, CA 91601  
persuade@ardenlaw.com

Robert H. Aronson  
University of Washington School of Law  
William H. Gates Hall  
Box 353020  
Seattle, WA 98195-3020  
raron@uw.edu

Robert Ashford  
Syracuse University College of Law  
Suite 440  
Syracuse, NY 13244-1030  
rashford@law.syr.edu

Benjamin H. Barton  
University of Tennessee College of Law  
1505 W. Cumberland Avenue  
Knoxville, Tennessee 37996-1810  
bbarton@utk.edu

Debra Lyn Bassett  
Southwestern Law School  
3050 Wilshire Boulevard  
Los Angeles, CA 90010  
dbassett@swlaw.edu

Susan J. Becker  
Cleveland-Marshall College of Law  
2121 Euclid Avenue, LB 138  
Cleveland, Ohio 44115  
susan.becker@law.csuohio.edu

Paul D. Bennett  
University of Arizona James E. Rogers  
College of Law  
1201 E. Speedway  
Tucson, Arizona 85721  
bennett@law.arizona.edu

Laura Berend  
University of San Diego School of Law  
Warren Hall 109B  
5998 Alcalá Park  
San Diego, CA 92110-2492  
lberend@sandiego.edu

Richard Bourne  
Professor Law  
University of Baltimore School of Law  
John and Frances Angelos Law Center  
Room 313  
1420 N. Charles St.  
Baltimore, MD 21201  
rbourne@ubalt.edu

William J. Bridge  
Southern Methodist University  
SMU Dedman School of Law  
3315 Daniel Avenue  
Dallas, Texas 75205  
wbridge@mail.smu.edu

Darren R. Cantor  
The Law Office of Darren R. Cantor, P.C.  
1127 Auraria Parkway, Suite 201B  
Denver, CO 80204  
darren@cantorlaw.net

Robert F. Cochran, Jr.  
Pepperdine University  
School of Law  
24255 Pacific Coast Highway  
Malibu, CA 90263  
robert.cochran@pepperdine.edu

Sherman L. Cohn  
Georgetown University Law Center  
600 New Jersey Avenue N.W.  
McDonough 580  
Washington, DC 20001  
cohn@law.georgetown.edu

Liz Ryan Cole  
Vermont Law School  
164 Chelsea Street  
PO Box 96  
South Royalton, VT 05068  
lcole@vermontlaw.edu

Teresa S. Collett  
University of St. Thomas  
School of Law  
1000 LaSalle Avenue  
Minneapolis, MN 55403  
tscollett@stthomas.edu

Robin Morris Collin  
College of Law  
Willamette University  
245 Winter Street SE  
Salem, Oregon 97301  
rcollin@willamette.edu

Roger C. Cramton  
Cornell Law School  
203 Myron Taylor Hall  
Ithaca, NY 14853-4901  
rcc10@cornell.edu

Dennis Curtis  
Yale Law School  
P.O. Box 208215  
New Haven, CT 06520  
dennis.curtis@yale.edu

Joshua P. Davis  
University of San Francisco  
School of Law  
2130 Fulton Street  
San Francisco, CA 94117-1080  
davisj@usfca.edu

Meredith J. Duncan  
University of Houston Law Center  
100 Law Center  
Houston, Texas 77204  
MDuncan@central.uh.edu

A.James Elliott  
Emory University School of Law  
1301 Clifton Road  
Atlanta, Georgia 30322  
jelliott(at)law.emory.edu

Marie A. Failinger  
Hamline University School of Law  
1536 Hewitt Avenue  
Saint Paul, MN 55104-1284  
mfailinger@hamline.edu

Barbara Glesner Fines  
UMKC School of Law  
500 East 52nd St.  
Kansas City, MO 64110-2458  
glesnerb@umkc.edu

Susan Saab Fortney  
Texas Tech University School of Law  
MS0004  
1802 Hartford Avenue  
Lubbock, Texas 79409-0004  
susan.fortney@ttu.edu

Lawrence J. Fox  
Drinker Biddle & Reath LLP  
One Logan Square, Ste. 2000  
Philadelphia, PA 19103-6996  
Lawrence.Fox@dbr.com



Monroe H. Freedman  
Hofstra University  
121 Hofstra University  
Hempstead, NY 11549  
Monroe.H.Freedman@hofstra.edu

Marsha B. Freeman  
Barry University  
Dwayne O. Andreas School of Law  
6441 East Colonial Drive, Orlando, FL 32807  
mfreeman@mail.barry.edu

David A. Green  
NCCU School of Law  
640 Nelson Street  
Durham, NC 27707  
dgreen@nccu.edu

Leonard Gross  
Southern Illinois University School of Law  
1150 Douglas Drive  
Mailcode 6804  
Carbondale, IL 62901  
lgross@siu.edu

Melissa Hart  
University of Colorado Law School  
425 Wolf Law Building  
401 UCB  
Boulder, CO 80309-0401  
melissa.hart@colorado.edu

Louise Hill  
Widener University School of Law  
4601 Concord Pike  
P.O. Box 7474  
Wilmington, DE 19803  
llhill@mail.widener.edu

Joseph Gordon Hylton  
Marquette University  
707 Building, Room 403  
P.O. Box 1881  
Milwaukee, WI 53201-1881  
joseph.hylton@marquette.edu

Donald Joseph  
Formerly Philadelphia attorney  
Formerly Rutgers Law-Camden  
Cannot locate – law firm closed down

Peter Joy  
Washington University  
Campus Box 1120  
One Brookings Drive  
St. Louis, Missouri 63130-4899  
joy@wustl.edu

Ann Juergens  
William Mitchell College of Law  
875 Summit Avenue  
Saint Paul, MN 55105-3076  
ann.juergens @wmitchell.edu

Peter Keane  
Golden Gate University School of Law  
536 Mission Street  
San Francisco, CA 94105-2968  
pkeane@ggu.edu

Sung Hui Kim  
U.C.L.A. School of Law  
385 Charles E. Young Drive  
1242 Law Building  
Los Angeles, CA 90095  
kim.sung@law.ucla.edu

Chris Kindregan  
Suffolk University  
73 Tremont St.  
Boston, MA 02108  
ckindreg@suffolk.edu

Renee Newman Knake  
Michigan State University College of Law  
Law College Building  
648 N. Shaw Lane Rm 461  
East Lansing, MI 48824-1300  
rk@law.msu.edu

Michael I. Krauss  
George Mason University School of Law  
3301 Fairfax Drive  
Arlington, VA 22201  
mkrauss@gmu.edu

Maury Landsman  
University Minnesota Law School  
N224 Mondale Hall  
229–19th Ave. South  
Minneapolis, MN 55455  
lands001@umn.edu

Carol M. Langford  
Law Office of Carol M. Langford  
100 Pringle Avenue, Suite 570  
Walnut Creek, CA 94596  
No e-mail address

Lisa G. Lerman  
The Catholic University of America  
620 Michigan Ave., N.E.  
Washington, DC 20064  
lerman@law.edu

Howard Lesnick  
University of Pennsylvania Law School  
3400 Chestnut Street  
Philadelphia, PA 19104  
hlesnick@law.upenn.edu

David Luban  
Georgetown University Law Center  
600 New Jersey Avenue N.W.  
McDonough 434  
Washington, DC 20001  
luband@law.georgetown.edu

Myles V. Lynk  
Duke University School of Law  
Durham, NC 27708  
Lynk@law.Duke.edu

Peter Margulies  
Roger Williams University School of Law  
Ten Metacom Avenue  
Bristol, RI 02809  
pmargulies@rwu.edu

Ellen Marrus  
University of Houston Law Center  
100 Law Center  
Houston, Texas 77204  
EMarrus@central.uh.edu (a guess from other  
faculty – no e-mail on website)

Susan D. Reece Martyn  
University of Toledo College of Law  
2801 W. Bancroft  
Toledo, OH 43606-3390  
susan.martyn@utoledo.edu

Judith L. Maute  
University of Oklahoma College of Law  
300 Timberdell Road  
Norman, Oklahoma 73019  
jmaute@ou.edu

James McGrath  
Texas Wesleyan  
1201 Wesleyan Street  
Fort Worth, TX 76105  
jmcgrath@law.txwes.edu

Judith A. McMorrow  
Boston College Law School  
885 Centre Street  
Newton Centre, MA 02459  
judith.mcmorrow@bc.edu

Carrie Menkel-Meadow  
Georgetown University Law School  
600 New Jersey Avenue N.W.  
Washington, DC 20001  
meadow@law.georgetown.edu

Thomas Metzloff  
Duke University School of Law  
Durham, NC 27708  
metzloff@law.duke.edu

Kevin E. Mohr  
Western State University College of Law  
1111 North State College Blvd.  
Fullerton, California, 92831  
kmohr@wsulaw.edu

James E. Moliterno  
Washington and Lee University  
Lexington, VA 24450  
moliternoj@wlu.edu

Edward Ohlbaum  
Temple University School of Law  
1719 North Broad Street  
Philadelphia, PA 19122  
edward.ohlbaum@temple.edu

Arden J. Olson  
Harrang Long Gary Rudnick PC  
360 E. 10th Avenue, Suite 300  
Eugene, OR 97401  
arden.j.olson@harrang.com

William Wesley Patton  
Whittier Law School  
3333 Harbor Boulevard  
Costa Mesa, CA 92626  
bpatton@law.whittier.edu

Rex Perschbacher  
University of California at Davis  
Davis One Shields Avenue  
2137 King Hall  
Davis, CA 95616  
rrperschbacher@ucdavis.edu

Lee A. Pizzimenti  
University of Toledo College of Law  
2801 W. Bancroft  
Toledo, OH 43606-3390  
lee.pizzimenti@utoledo.edu

Brenda Jones Quick  
Michigan State University College of Law  
Law College Building  
648 N. Shaw Lane  
East Lansing, MI 48824-1300  
No e-mail listed

Nancy B. Rapoport  
William S. Boyd School of Law  
4505 S. Maryland Parkway, Box 451003  
Las Vegas, Nevada 89154-1003  
nancy.raoport@unlv.edu

Cruz Reynoso  
University of California at Davis  
Davis One Shields Avenue  
1107 King Hall  
Davis, CA 95616  
creynoso@ucdavis.edu

Patricia E. Roberts  
William & Mary Law School  
P.O. Box 8795  
Williamsburg, Virginia 23187-8795  
perobe@wm.edu

Shannon M. Roesler  
Oklahoma City University  
School of Law  
2501 N. Blackwelder  
Oklahoma City, OK 73106  
sroesler@okcu.edu

Ronald D. Rotunda  
Chapman University School of Law  
One University Drive  
Orange, CA 92866  
rrotunda@chapman.edu

John P. Sahl  
University of Akron School of Law  
Akron, OH 44325  
jps@uakron.edu

Jack L. Sammons  
Mercer University School of Law  
1021 Georgia Avenue  
Macon, Georgia 31207  
[jlsjr@aol.com](mailto:jlsjr@aol.com)

Maria S. Savasta-Kennedy  
UNC School of Law  
160 Ridge Road, CB #3380  
Chapel Hill, NC 27599-3380  
mskenned@email.unc.edu

Professor Andrea Kupfer Schneider  
Marquette University Law School  
1215 W. Michigan St.  
Milwaukee, Wisconsin 53233  
andrea.schneider@marquette.edu

Antoinette Sedillo Lopez  
UNM School of Law  
MSC11 6070  
1 University of New Mexico  
Albuquerque, NM 87131-0001  
lopez@law.unm.edu

Jeffrey M. Shaman  
DePaul University  
1 E. Jackson  
Chicago, IL 60604  
jshaman@depaul.edu

Jay S. Silver  
St. Thomas University School of Law  
16401 NW 37th Ave, Miami Gardens, FL  
No e-mail listed

Gregory C. Sisk  
University of St. Thomas School of Law  
1000 LaSalle Avenue  
Minneapolis, MN 55403  
gcsisk@stthomas.edu

Linda F. Smith  
University of Utah  
S.J. Quinney College of Law  
332 S. 1400 E., Room 101  
Salt Lake City, UT 84112  
linda.smith@law.utah.edu

John A. Strait  
Seattle University School of Law  
901 12th Avenue  
Seattle, WA 98122  
straitj@seattleu.edu

Keith Swisher  
Phoenix School of Law  
One North Central Ave  
Phoenix, AZ 85004  
kswisher@phoenixlaw.edu

Laurel S. Terry  
Penn State Dickinson School of Law  
Lewis Katz Building  
University Park PA 16802  
lterry@psu.edu

Lance Tibbles  
Capital University Law School  
303 East Broad Street  
Columbus, OH 43215  
ltibbles@law.capital.edu

Manning Gilbert Warren, III  
Louis D. Brandeis School of Law  
University of Louisville  
2301 South Third Street  
Louisville, KY 40208  
mgwarr01@exchange.louisville.edu

W. Bradley Wendel  
Cornell Law School  
106 Myron Taylor Hall  
Ithaca, NY 14853-4901  
wbw9@cornell.edu

Charles W. Wolfram  
Cornell Law School  
2804 Cherry Street  
Berkeley, CA 94705-2310  
charlesw.wolfram@yahoo.com

Nancy A. Wonch  
Thomas M. Cooley Law School  
300 S. Capitol Avenue  
P.O. Box 13038  
Lansing, MI 48901  
wonchn@cooley.edu

Ellen Yaroshefsky  
Benjamin N. Cardozo School of Law  
55 Fifth Avenue, Suite 1115  
New York, NY 10003  
yaroshef@yu.edu

Richard Zitrin  
UCHastings College of the Law  
200 McAllister  
San Francisco, CA 94102  
zitrinr@uchastings.edu