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September 2nd, 2008

Mr. Robert Tembeekjian
COMMISSION ON JUDICIAL CONDUCT
NEW YORK STATE SUPREME COURT
61 Broadway
New York NY 10006

Re: JUDGE ACOSTA MISCONDUCT INVESTIGATION
FIRST DEPARTMENT MISCONDUCT INVESTIGATION

Dear Mr. Tembeekjian:

As you may have heard, the New York Court of Appeals declined to hear our petition to rehear the decision of the First Department to overturn the jury verdict that Judge Acosta upheld in 2006. Although we presented a critical issue of law, that being the misapplication of the "pretext" burden under McDonnell Douglas, the highest court declined without comment. I believe they did so because it was a political hot potato.

Nonetheless, the First Department's decision was not only legal error, it was founded in a deep prejudice about the disabled and women.* One need only read the Decision to see how inflamed they were by Judge Acosta's slanderous remarks and how willing they were to adopt his unsworn denial that my complaints were "baseless". Their misogynistic rage is threaded throughout the Decision. It translated into full blown accusations and insinuations that I was "lying". This was accompanied by incredibly biased remarks about questioning why I did not report the hazing to my supervisors, why I testified in another proceeding that I was laid off because of "financial problems" (which they considered an admission), and other misconceptions (from the 1950's) about how disabled people are expected to comport themselves. It was also justified (as in a "pretext") by misapplying the McDonnell Douglas standard for proving pretext in discrimination cases (wrongfully concluding that a litigant has to disprove the legitimate reason, as opposed to proving that it was not the real reason).

Now if you are very naïve, and looking for a way to justify this entire scandal, you might be tempted to conclude that this was a legal matter and out of your jurisdiction. It might have been if the First Department had not declared its operative bias so openly and transparently. However, it was clear that the panel was so biased that it could not restrain itself from calling my veracity into question, when there was no evidence to support this and when the jury had already adjudicated this issue.

I also learned recently that someone, who I am not able to identify at this time, leaked to Judge Acosta that I was arrested in a dispute with the New York City police several years ago. The problem with this leak was that they forgot to mention that it was a false arrest and that the City was forced to pay me damages after the facts were brought forth. I personally would have litigated the matter to completion but Judge Donna Dixon, who was subsequently arrested for drunk driving, refused to allow me to try the case. At the time of my false arrest I was attempting to leave an abusive relationship and the police misread the entire situation.

Nonetheless, I do believe that this information was leaked to Acosta. I also believe that Acosta's tantrum was a signal to his new colleagues that he was switching teams and ready to abandon his Human Rights roots. It certainly explains a great deal of the heretofore inexplicable.

In any event, all of these jurists have acted inconsistent with their office. Even on its face, Judge Acosta's treatment of me reflected an abuse of his authority and position. For you to conclude otherwise, means that you either did not read the Final Judgment, or that you agree with his conduct. As I pointed out in great detail in my analysis of Acosta's conduct compared to the Canons, there were several breaches. In the case of the First Department they clearly agreed with Judge Acosta's bullying and intimidation of me, and did so with zeal. They should have recused themselves, not gone on the use their bias to disturb a verdict that Acosta himself put his imprimatur on.

Judge Friedman also had the same problem: she was biased in favor of Acosta before she even read my malpractice complaints. Dismissing all four cases at the MTD stage, and allowing the files to be corrupted and evidence to be removed, she clearly made her position clear before their was a scintilla of discovery. She should have recused herself.

You have put your stamp of approval on these matters by finding these jurists not guilty of any violation of their office. Now I will publish your decisions along with the evidence that proves that these jurists abused their oaths on the internet and in the media. I also plan to go to 60 Minutes to get this story out there. Judges are trampling on our laws instead of enforcing them. The cost to litigants like myself is incalculable..

This is a scandal of gargantuan proportion. It is regrettable that you are unable to recognize that. I am now faced with bankruptcy. After *winning* a jury verdict.

Respectfully,

Kathryn Grace Jordan
COMPLAINANT

*There have been several major studies by Bars and Commissions like yourself that attest to the tremendous gender bias that exists in our legal system. Men simply do not treat women with the same respect as they do their fellow male collegues. I can personally attest to that. A disabled woman is even further down the food chain. It is this bias that is affecting the ability to adjudicate these matters fairly.

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CONFIDENTIAL FAX MEMORANDUM

September 6, 2008

Hon. Thomas A. Klonick
NYS COMMISSION ON JUDICIAL CONDUCT
61 Broadway
NY NY 10006

Re: Robert Tembeckjian and Misconduct Investigations
Of Judge Rolando Acosta, Judge Marcy Friedman,
First Department Panelists Judge Lippman, P.J. Friedman,
Sullivan, Gonzalez and Catterson, JJ.

Dear Honorable Judge Klonick:

I am contacting you again regarding the issue of Mr. Tembeckjian's leadership of the Commission on Judicial Misconduct. As I asserted in my August 10th letter to you, there are many reasons for my recommendation that he step down, but the main and most obvious reason is the clear conflict of interest that exists with his cable television show *where he routinely interviews judges and attorneys as his guests.* I cannot imagine how he could impartially adjudicate his duties when he is beholding to the judicial and legal communities for support of his very one-sided Pro Judge program.

I again must ask for his resignation.

I also ask for a de novo review of the Judge Acosta-First Department-Judge Friedman matter. This was clearly not handled properly. I received letters at various times advising me that investigations were "completed", when I was never contacted, and often only a month or two after the complaint was filed. I also received a letter at the time of the Acosta investigation that the outcome was "there was *insufficient* evidence" to support my claims. This was a very complex case where timing was a critical factor, and it should have been assigned to a senior investigator. We now know that Judge Acosta had been notified at some point while my case was active that he was being considered for a promotion to the First Department. This casts an entirely different light upon his motives for attacking me and essentially throwing the case. Further, the issue of the eye witnesses' (his clerks) motivation takes on a different light as they may have had significant "incentives" to remain "loyal" to Acosta when he moved up the judicial ladder. If they stood to benefit from his promotion directly or indirectly, these factors should have been considered.

I GAVE TEMBECKJIAN A "CODE BY CODE" ANALYSIS OF HOW JUDGE ACOSTA, THE FIVE APPELLATE JURISTS AND JUDGE FRIEDMAN, ALL VIOLATED THE CODES OF JUDICIAL CONDUCT. IF THIS HAD BEEN READ THERE WAS NO WAY ANY OF THESE MATTERS COULD HAVE BEEN DISMISSED AS NPC.

The issue of the First Department is far from resolved. This panel did something that was not only outside the law (the legal standard for overturning jury verdicts is incredibly high, and was not met in this instance), they clearly acted as advocates of Acosta's outrageous behavior. One need only read their Decision to realize that their was collusion here. Judge Acosta signaled his new found allegiance to the First Department when he attacked me, a disabled pro se litigant at the time, as "contemptuous". The First Department reciprocated by throwing a perfectly bona fide jury case out and not only adopted Judge Acosta's unsworn denials as fact but adopted Acosta's attack on me as an indication that I was "a liar". I have never seen a more sexist blatant manipulation of authority in the court system in my life. This "blame the victim" approach is contrary to everything we know about discrimination victims. Moreoever, the jury addressed the issue of my veracity in great detail, when Judge Acosta allowed my adversary to conduct one of the most gender biased lines of questioning that we have seen since the 1950's. The fact is that their attacks on very veracity emanated from a deep prejudice about women and the disabled. The fact that they substituted their assessment of my credibility for that of the jury's is testimony to that, and also hard evidence that they improperly abused their authority to impose their biases upon this case.

Senator McCain addressed the issue of "legislating from the bench" head on in his speech at the Natioinal Convention. He essentially stated that there would be no more of this in the future. My question to you is: You are the head of this Commission, and are you going to stand by and allow this gross abuse of justice to occur, under these scandalous conditions, or are you going to do something about it?

Over the last several decades, research has enlightened the legal communities about the risks of "blaming the victim" and the fact that even the "imperfect victim" is entitled to justice. I had a clean jury trial with 6 objective outsiders, one of which was a corporate attorney (foreman). These people sat patiently for 11 days and heard my former employer attempt to portray me as a deranged litigious individual. They knew that they had to do this because the evidence, including a sworn admission from the president of the ad agency that had employed me that he had *personally heard me* openly derided as "a cripple", was overwhelmingly against them. Judge Acosta allowed them to bully and badger me. He allowed them to make improper insinuations about my sanity even though no evidence of any kind was proffered that would support this "theory". He allowed them to characterize my testimony as "an illusion". Yet when the 11 day ordeal was over, the jury still believed me.

The First Department had no right to substitute their gender and disability biased views of the world on this case. They had no right to act as the trier of fact. There was no error

in directing the jury on liability by Acosta. There was no error in evaluating the evidence by the jury. These are the only ways that a jury verdict can be overturned. No, the First Department abused their authority. They decided they did not like the case and imposed their own view of the facts. This is not provided for under our state's laws. In fact, their conclusion violated and undermined the federal anti-discrimination laws and the ADA.
When the First Department adopted Judge Acota's inexplicable attack upon me, allegedly because I accused him of "baseless allegations", they were signaling back. They were reciprocating his offer to throw the case as an indication that this former Human Rights executive was now one of them. The problem is that what they did was not supported by any bona fide legal standard.

In reality, the panel of five judges should have interpreted Judge Acosta's attack upon me as a violation of the Codes of Judicial Conduct, and should have reported the same to your Commission. They clearly had an *ethical duty* to do so. Under the Canons, all judges are required to report improper conduct by a judge. They not only failed to do this, they signaled that they supported this improper conduct. What does that tell you about the guilt or innocence of this panel?

I proved the following facts in my Complaints to your organization:

Judge Acosta held improper "ex parte" meetings with my former attorney Laurence Lebowitz, and allowed him to present "evidence" to him when I was not presence. Acosta knew that Lebowitz was trying to influence him on the legal fee matter before the hearing on the facts. Judge Acosta used his authority to threaten and intimidate me. I took a voluntary polygraph that proves that this occurred. His two clerks were present when these threats were issued.

After I reported Judge Acosta's misconduct, he censored and sanctioned me. He did not act to censor or sanction the male attorneys, all of whom communicated with him after his "gag order".

During the period between when the jury trial was upheld by Judge Acosta (February 2006) and when Acosta moved out of NYSC, he was advised that he was a candidate for the Appellate Court (First Department). The timing of this knowledge is key to this investigation.

Judge Acosta issued a Final Judgment in November 2006 that essentially *revoked* what he had affirmed in February 2006. In his Final Judgment, he said virtually nothing about he discrimination I was subjected to, and no word of the "cripple" evidence. This all dropped out. Instead, he dedicated 7 pages to attacking me as "contemptuous". At the time, I thought he had lost his mind. Now knowing what was going on at that time, I realize that he was knowingly throwing the case. I believe he knew at this time that he was a candidate for the First Department and this was his signal that he was no longer a Human Rights advocate, and that he was signaling his loyalty to the Pro Employer First Department panel. He did this solely to advance his own position in the Courts.

(Mr. Tembeckjian failed to address the timing issue, and personally I believe he would use this information to help Acosta out of the "tight spot" he is in.). I can tell you with 100% certitude that Acosta had his clerks release a very biased story about me to the press at this time. I know it was him because I called the Law Journal and asked them at the time. I was not surprised that he leaked the story. He is completely ruthless.

Sometime during this period, Acosta was soliciting references for his promotion. I believe many of the attorneys who were involved in the malpractice cases, and my adversary Gregory Homer, helped Acosta out. This "quid for quo" was never considered by this investigation. Nor was the obvious signaling that took place (having working as an EVP in corporate America, I have seen this kind of technique frequently deployed).

No one has ever questioned why a jurist would suddenly attack his own case, when he knew that it would, under normal circumstances, look bad for him. No one has questioned why Acosta would attack a litigant as "contemptuous" after he had just taken a high profile position against my former employer Bates Advertising for calling me "a cripple". This logic gap was obviously never explored by this Commission.

We then have the First Department, who signaled back to Acosta. First, by adopting his attack upon me as "contemptuous" and filing "baseless allegations" as fact, and literally calling me a liar (without any evidentiary basis), and second, by intentionally misapplying the McDonnell Douglas standard for proving discrimination and pretext.

Your Commission found no violations here. The problem is that Acosta's conduct was in direct violation of the Codes, and the failure by the First Department to report this, a violation in itself, along with their own escalating abuse of authority ***were all violations of the Code.***

Finally, the cover up ended with Judge Marcy Friedman. Judge Friedman dismissed all four malpractice cases that I filed before any discovery was conducted, including my case against Lebowitz, where he was accused of mishandling "evidence". Not only did the First Department Decision lay blame at Lebowitz doorstep, but my Complaint and affidavits did. Judge Friedman made it clear that my "strong feelings" about attorney malpractice did not find a sympathetic audience in her court. Whether she was directly or indirectly responsible, a key piece of evidence against Lebowitz was taken from the file. She had no problem with this when notified of the tampering. I personally believe that Judge Friedman did Judge Acosta a favor. She dismissed those cases because she did not want any opportunity for me to re-open the Acosta-Lebowitz matter.

This was a cover-up and scandal of outrageous proportion. I believe Mr. Tembekjian actually helped Judge Acosta by looking the other way and disregarding all of the evidence that came before him. I think he is too concerned with impressing judges he hopes to have on his program than he is about performing bona fide and high level investigations.

Please consider my input seriously. I have dedicated a large amount of time to sending your Commission it needs to ensure that jurists, at all levels of our courts, act consistent with the Canons of Judicial Conduct.

Sincerely,

Kathryn Grace Jordan

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CONFIDENTIAL FAX MEMORANDUM

October 6th, 2008

Hon. Thomas A. Klonick
NYS COMMISSION ON JUDICIAL CONDUCT
61 Broadway
NY NY 10006

Re: Misconduct Investigations
Of Judge Rolando Acosta, Judge Marcy Friedman,
First Department Panelists Judge Lippman, P.J. Friedman,
Sullivan, Gonzalez and Catterson, JJ.

Dear Honorable Judge Klonick:

If the only evidence that you considered was the Final Judgment of Judge Rolando Acosta, or the Decision by the First Department to overturn that Judgment, you would have all the evidence you would need to prove that these jurists abused their authority and discretion, that they violated several of the Codes of Conduct, and that they conspired to fix this case. Judge Acosta, by his own admission, affirmed the jury verdict in February 2006. To reach that decision, he had to *believe* me and to find me a credible witness. Then, while he is being considered for a promotion to the conservative pro-employer First Department, he for all practical purposes throws the case by issuing a highly personal, inflammatory, vicious attack on me and my veracity. This also followed by allegations of "Ex Parte" communications with my former attorney. I told the truth about this, and there would be no rational reason for me to lie and put myself in such a precarious position if I were not telling the truth. I *won* the case. A litigant who wins a case after a decade of litigation does not suddenly lie about the judge's conduct on that case. If you read Judge Acosta's Final Judgment, where he dedicates 7 rage filled pages to attacking me, it is essentially an admission. Nowhere does he deny that on April 3rd, 2006 he invited me into his chambers, where Mr. Lebowitz was already seated, and threatened me repeatedly. Nowhere does he deny, or could he deny, that he allowed Lebowitz, who had been fired from the case, to continue to file "pleadings" on behalf of Plaintiff, when I was filing my own pleadings and receiving independent legal advice.

The motives of Judge Acosta were two fold. One was to discredit me as a Complainant of judicial misconduct. Suddenly I went from the credible victim of discrimination to the incredible reporter of "baseless allegations". The second reason was that he wanted to signal to the First Department that he was now one of them. No longer would he be

limited by any Human Rights nonsense, Judge Acosta had used those achievements and the achievement of my case against Bates Advertising to gain publicity and bolster his ambitious career.

The First Department knew that the evidence in my case more than met the legal burden for proving discrimination. However, they have an agenda and that agenda is to undermine the anti discrimination statutes in our state. They clearly wanted to dismiss my case but to do that they had to create credibility issues around me to do that. Judge Acosta, in return for his promotion, gladly stepped up to the plate. By attacking me as making "baseless" allegations against him, and by publishing those allegations in his final judgment, and by leaking a very nasty story to the press about me, he gave the First Department the "evidence" that was otherwise lacking. This "evidence" which related to incidents that occurred 9 months after the jury trial was improperly used by the First Department jurists (5 white men) to throw my bona fide jury verdict out. It is clear from a plain reading of their decision that they adopted Judge Acosta's accusations at face value and that they used these statements to justify calling me a liar. Further they paraphrased my testimony and misinterpreted several innocuous statements that I made all with the intention of creating a false image of me as a litigant. This was not who the jury heard testify during an 11 day trial where the employer witnesses also testified. Credibility determinations cannot be made by appellate panels. This was extremely improper. In the process of doing this, they proved how misinformed they were about state of the art knowledge of the disabled in the workplace. Their statements, criticizing me for not reporting the harassment to my harassing supervisors and other brilliant insights, were reflective of what one would find in a 1950's analysis. It was as if the ADA and Title VII never happened. Further their application of Stephenson as the appropriate legal standard was ridiculous. This standard, and their argument, relies upon the fact that to prove discrimination a litigant must always disprove the employers' "legitimate reason". We proved in our appellate papers that not only is this not necessary, as the priority is to prove the "real reason" that motivated the employer, but that the truth or falsity of the employer's pretext is not dispositive of the issue of discrimination.

There are two ways your Commision avoids dealing with these highly charged situations. One is to hide behind the "judicial discretion" umbrella, and the other is the "legal issue" umbrella. Neither exculpates Judge Acosta or the First Department. The issue here is not whether they are right or wrong on the law, but the willful knowing acts to manipulate the outcome of this case. The Decision of the First Department openly admits that it was Judge Acosta's remarks that influenced their opinion about my veracity as a litigant. They ran with that and began scouring the records for "lies" that they could bolster their argument. In doing so they not only revealed their hand, they put themselves up for ridicule for misinterpreting how disabled people function in a hostile workplace. The entire legal argument is ridiculous. If that Decision were upheld, employers everywhere will stampede through this loophole.

The reason this scheme is going to fall apart is that the "glue" here is the attack by Acosta upon me after I reported his "ex parte" misconduct.

I am stupefied that your Commission has not been able to connect the dots. Judge Friedman dismisses four malpractice cases, one of which is Lebowitz, who clearly was responsible under the First Department Decision, and no one says anything.

So here is what your Commision, by default, has endorsed:

Judges attacking disabled litigants who report judicial misconduct.

Judges using personal vitriolic slanderous language to discredit the credibility of a complainant.

Judges attacking their own cases to appeal to the higher court that is reviewing their candidacy for promotion to their panel.

Appellate judges disturbing jury verdicts and imposing their own credibility determinations.

Appellate judges manipulating evidence to create credibility issues. Jurists disregarding abundant evidence of discrimination by an employer including knowledge of the discrimination and failure to take remedial action.

Appellate judges manipulating well established legal standards for proving pretext in discrimination cases. Suddenly the standard is an obsure case "Stehpenson" instead of Mc Donnell Douglas.

Signaling between jurists.

Jurists throwing out cases in MTD's to "help" their colleagues.

Judges tampering with evidence.

This is a disgrace. This is a scandal. I fully intend to release this information at the proper time if these jurists are not held accountable for their actions.

Respectfully Submitted,

Kathryn Grace Jordan

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OCTOBER 25, 2008

HONORABLE CHIEF JUDGE JUDITH S. KAYE
COURT OF APPEALS
STATE OF NEW YORK
20 EAGLE STREET
ALBANY NY 12207-1095

RE: KATHRYN JORDAN V. BATES ADVERTISING ET AL 118785-99

Dear Honorable Judge Kaye:

Our choices in life define what we stand for and what is most important to us.

This month the New York Court of Appeals declined to hear the instant matter, the most important discrimination case in decades to come before this Court, one where the lower appellate court, the First Department, challenged the very foundation of discrimination law and the basis upon which ADA and Title VII law is enforced. While I understand and appreciate the enormous case load that appellate courts are burdened with, it was very discouraging to learn that this Court felt that an eviction case about a Park Avenue celebrity, Bianca Jagger, was considered more important than a case that will affect the rights of fifty million disabled litigants for decades to come. By not hearing the instant matter, this Court has effectively "blinked" in response to the blatant power play by the First Department, the latter using my case to "legislate from the bench" their Pro Employer view of the world and undermine the very foundation of the ADA and Title VII. Unchallenged, this aggressive maneuver will invite legions of corporate employers to use "legitimate reasons" to negate disabled litigants', or litigants in all protected classes for that matter, claims of discrimination. In the current world recessionary climate, this will be quite a picnic. We cannot abandon our values because the world is in crisis. History has shown us the perils of that. Nor can we devalue women and people who have fallen down.

Clearly, I had hoped that if there were even the illusion of justice that this Court would have put aside the "politics" of this case and taken on the very serious issues that it represents and confronts. By deciding not to hear this case this Court has effectively puts its imprimatur on the lower courts decisions that henceforth put into law:

1. A disabled litigant, or any person in a protected class, can no longer prove discrimination even where there is abundant evidence of the same and evidence that the employer was *motivated* by discrimination and treated the litigant

differently than persons outside the protected class, unless they prove that the employer's "legitimate reason" is false.

2. Women and the Disabled who seek to be made "whole" and enjoy equality with their male Non Disabled counterparts will always be punished and labeled as "troublemakers" or delusional. This will be especially true when a woman, especially a disabled woman, has through her own intelligence and competence attained the status of a $250K position in her career.

3. Appellate courts are entitled to make credibility determinations and substitute their own opinions about cases and are entitled to manipulate and misrepresent testimony and facts if it suits their biases. It is now completely acceptable for appellate courts to overturn jury verdicts that they don't like even when they have not met the very high legal burden for disturbing trial court decisions. This is completely counter to Justice Scalia's reprimand about the perils of the same.

4. Errant trial court judges who have been caught violating the Rules of Judicial Conduct will not be held accountable if they go on the offensive and launch a proactive attack on their accuser. In the event of a dispute between a trial court judge and a Complainant of misconduct, appellate courts will not conduct investigations, they will simply presume that the trial court is telling the truth and the complainant is "lying", even after the very same jurist has *affirmed* the veracity of the complainant by upholding a jury verdict after a full hearing of the facts. And trial judges up for promotions may very well reverse their decisions if they find them to be suddenly politically incorrect and inconsistent with their political ambitions.

Your Honor, the instant matter is the most important discrimination case to come before this court in decades. The premise upon which the *Stephenson* law cited by the First Department to dismiss my bona fide jury trial is simply legal error and will create bad law for decades to come. In my case I proved that the employer knew I was being hazed about my cane and harassed about being a "cripple", the President and EEO chief knew it was going on and failed to take any remedial action, admitting under cross that they did not have an EEO policy much less a reporting body. The Decision Maker (Doug Fidoten) who terminated me after it was widely recognized that I was a "cripple" admitted he "did not know" if it was more cost effective to fire me and hire several non-disabled managers to perform my job. This was one of the *several* "legitimate reasons" that the employer here provided but never proved. Non contemporaneous claims by execs first surfacing after lawsuits are filed are not "evidence" of anything.

I do not underestimate the enormity of this task. As I argued in my papers to this Court, the lower New York courts are still struggling with this issue. However, there is a light shining the way in the decisions that courts outside New York have made. Please understand: This is an observation, not a criticism. And it is an invitation to deploy all of the tools that are available to this Court to resolve and clarify once and for all this very

critical legal standard, the standard for proving "pretext" in discrimination cases, in this Court.

Finally, if this Court still declines to rise to this challenge, I would respectfully request that the decision of the lower court to overturn my jury verdict be revisited either here or by the First Department as it is does constitute a legal issue of paramount importance. My adversary agreed to the jury instructions that dictated the legal standard upon which this case was tried. Now in his appeal he wants this Court to retroactively change the legal standard because he *lost*. The trial court itself upheld this jury verdict. This is not equitable. This is not fair. This is not justice. This is judicial politics at its scandalous worst. And it will set a very dangerous precedent.

As far as myself, I have dedicated my life to this issue. I lost two homes and my life savings in pursuit of justice. For some people that makes me "delusional". The fact is that I am a serious person of high integrity and the jury saw and heard that. The First Department's Decision revealed the mental process that led them to challenge my veracity. They were outraged that I had challenged a trial court judge about his improper "ex parte" conduct. They then used this to justify what amounted to a witch hunt for "facts" that would support their view. They paraphrased my testimony and mis-interpreted my actions as a disabled person in a hostile workplace. It was like something about of a 1950's employer manual. I did not lie. Not about my employer's harassment of me, nor about what occurred at the trial court level. When you have an incurable medical condition that is exacerbated by stress, you don't have time for games.

Respectfully,

Kathryn Jordan
APPELLANT-PLAINTIFF

Cc: Mr. Gregory Homer,
DRINKER BIDDLE
140 Broadway
New York NY 10017

Mr. Robert Meister
PEDOWITZ MEISTER
1501 Broadway, Suite 900
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CONFIDENTIAL FAX MEMORANDUM

October 30th 2008

Hon. Thomas A. Klonick
NYS COMMISSION ON JUDICIAL CONDUCT
61 Broadway
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Re: Misconduct Investigations
Of Judge Rolando Acosta, Judge Marcy Friedman,
First Department Panelists Judge Lippman, P.J. Friedman,
Sullivan, Gonzalez and Catterson, JJ.

Dear Honorable Judge Klonick:

I have moved back to New York, now that my home in Florida has been foreclosed, but came across the following criteria that the Florida Bar uses in rating judges. I thought it might be of interest to you and wondered if you felt that any of the jurists we have been discussing met the criteria and your thoughts about the same:

A secret ballot mailed in August to all lawyers residing and practicing in Florida asked respondents whether the incumbent justice and appeals court judges should be retained or not and asked that they consider eight attributes in their ratings. Those attributes are:

-- Quality and clarity of judicial opinions.
-- Knowledge of the law.
-- Integrity.
-- Judicial temperament.
-- Impartiality.
-- Freedom from bias/prejudice.
-- Demeanor
-- Courtesy.

You might contrast this criteria with the following behaviors that I have personally observed in New York Supreme Court and US District Court judges:

- **Cherry picking cases**
- **Overt favoritism for one party or another**
- **Bullying and intimidation tactics**

- **Blatant disregard of the Rules for jurists**
- **Manipulation of evidence**
- **Blatant disregard for the Law and legislating biases "from the Bench"**
- **Sexist and demeaning treatment of female litigants and attorneys (even by female jurists).**
- **Use of judicial power to retaliate or punish a litigant who reports misconduct**
- **Encouraging attorney misconduct and rewarding the same**
- **Power Plays**
- **Leaking of confidential information to third parties and the press**
- **Tampering with evidence**
- **Yelling, name calling, verbal abuse**
- **Demeaning and exclusionary treatment of women**
- **Abuse of "sanctions"**
- **Censorship of free speech**
- **Judges covering up for other judges misconduct as opposed to reporting it**

I thought as the head of this Commission these matters might be worth some reflection. I would also highly recommend the Florida Commission on Judicial Conduct's Report on Gender Bias in the Legal system.

Respectfully Submitted:

Kathryn Grace Jordan

COPY

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December 31st 2008

HONORABLE JUSTICE CARMIN CIPARECK
INTERIM ACTING CHIEF JUDGE
SUPREME COURT OF STATE OF NEW YORK
COURT OF APPEALS
20 Eagle Street
New York, NY 12207-1095

Re: **Kathryn Jordan v. Bates Advertising et al**
Decision of August 28th, 2008: 1-14, Mo. No. 661

Dear Honorable Judge Cipareck:

This serves to request that the NYCOA formally re-consider it's Decision not to hear the aforementioned matter. All of the papers for the pleadings to re-argue this matter have been sent to this court by myself, my appellate attorney and my adversary. I make this final application as a last resort in advance of the next phase of my campaign to secure justice in this matter for myself and for 50,000,000 disabled Americans.

I am not just another disappointed plaintiff who has been cheated out of justice by the arcane legal system in New York State. My Appeal was about the necessity of this Court's review of the legal standard for proving "pretext" in discrimination cases, a standard which is being inconsistently adjudicated in the Courts of New York while states outside New York have aligned around the "real reason" standard. The latter requires that the "motives" of the employer are taken into consideration and that the employer pretext is not taken at face value. My appeal also addressed the manipulations of the lower court, the First Department Appellate Division, to effectively legislate adverse changes to our nation and state's anti-discrimination laws "from the bench" under the guise of outrage about allegations of judicial scandal. The New York Court of Appeals shamefully ignored this ruse and refused to hear this important discrimination case. Yet Courts outside of New York have aligned around the more logical and consistent "real reason" legal standard that, because of its clarity and consistency, is far easier to apply to discrimination cases and whose enforcement is vastly more likely to enforce the anti discrimination laws. Let me now re-direct attention to the serious "errors" committed by the First Department in their zeal to "help" a fellow jurist and change the ADA laws in the process.

A plain reading of the First Department Decision of December 24th, 2007 reveals the following errors that will impact not only my destiny but that of millions of disabled persons:

Error #1: **The assumption that my allegations against recently promoted jurist Rolando T. Acosta were "baseless" despite the absence of any evidence of any kind to support such an allegation.** Our nation's laws do not presume that the testimony of a litigant is any less meritorious than that of a jurist, whose unsworn denials were never vetted, and the underpinning

of this decision was that my claims were not even worthy of consideration, much less a proper investigation. And for the Record, while the Commission on Judicial Misconduct "investigated" this matter*, the panel should have remanded the entire matter to another trial judge, not thrown the case out. It was petulant and it smacked of a cover up.

Error #2: **The arrogance of the First Department, that it was *entitled* to throw out a bona fide jury verdict, ostensibly because allegations were made against the trial court by the lowly disabled litigant, when it was actually deploying this guise to "legislate from the bench" a looser interpretation of the legal standard for proving pretext in discrimination cases.** In both defending the judge's defenseless conduct, and at the same time reversing the Decision that the very same judge had sanctioned only nine moths earlier, it was apparent that this Court was exploiting an unethical situation to gain political advantage. This Decision, because it was unchallenged by NYCOA, will now open the floodgates of discrimination. Every employer out there will be defending their discriminatory acts with "financial reasons" as the pretext. This Decision will set a very dangerous precedent, and from NYCOA's perspective, represents a major missed opportunity to take leadership of the legal standard for proving pretext in discrimination cases.

Error #3: **The obvious deep prejudices that the First Department panel has about disabled litigants and their unwarranted and misguided biases about how the disabled should comport themselves in the workplace led them to <u>disregard all of the evidence of discrimination</u> as is indisputably revealed in the Opinion.**

These prejudices included:

- Completely ignoring and disregarding the sworn admissions from Bates Management that they knew about the discrimination but took no action; Similarly ignoring Decision Maker and Supervisor Fidoten's acts of exclusionary and disparate treatment of Jordan vis a vis non disabled managers.
- Focusing suspicion instead on the disabled plaintiff who was criticized for not telling her employers at Bates Advertising at the time of her hire that she had a disability, Multiple Sclerosis,when she applied for the highest Planning position at the agency, an EVP $250,000 base salary job;
- Criticizing and speculating as to why Jordan did not "tell anyone" or report the harassment that was proven to have occurred when her harassers were her very supervisors themselves, and when she had been advised to fire the only other disabled manager because she "had a clubbed foot";
- Consciously manipulating Jordan's sworn testimony to justify labeling her as a "liar", when no such evidence supported such a conclusion, including *paraphrasing of her testimony* and manipulating statements from other unrelated litigation. Specifically misapplying her testimony about her negotiated "reason for leaving" Bates Advertising, where Bates and Jordan unilaterally agreed to assert that she left the agency for "financial reasons" and the loss of big accounts, the latter of which was publicly known and preferable to her having to tell future employers that she was axed because she was viewed as "a cripple".

Error #4: **The deployment of an outmoded and incorrect legal standard, as cited under the <u>*Stephenson v. Hotel Employees*</u> case, that all an employer has to do to defeat an allegation of**

discrimination and assert an acceptable "pretext" is to claim, but not prove, that it had a "legitimate reason", even if there is abundant evidence that the motives of the employer were discriminatory. This entire legal argument is a hoax and clearly the FD panel was either not smart enough to discern this or too pre-occupied with their power play to notice.

In the instant matter, the employer simply stated that it had "financial problems" and that it was more "cost effective" to replace the disabled manager with "several other" non-disabled ones. Aside from the obvious flaw of not being suspect about replacement of a person in a protected class with "several" outside that class, the myopic decision disregarded the following evidence:

- That my termination was not part of the layoffs of the merger, either in timing or in character, as it targeted non-client face staffers, and that my functional area Planning was actually engaged in extensive hiring of outside non disabled workers *at the very time my termination was planned.*
- That senior Bates/AC&R management admitted in their depositions that they knew I was being openly ridiculed as "a cripple" but they failed to take any remedial action (causing the jury to award punitive damages).
- That the Decision Maker had admitted under cross examination that he "could not say" whether it was more cost effective or not and that Bates failed to produce a single document that supported the "more cost effective" argument.
- That at no time did the employer produce documentary contemporary evidence that supported it's pretext of "more cost effective" to fire Jordan and hire new non disabled workers. The "evidence" relied upon by FDAD was solely the denials of management effected over a decade after the incidents occurred and case filed, all of which contradicted each other and none of which could be considered "proven". (Note: At one point Bates had four pretexts floating around).

Error #5: **The pinning of the entire "insufficiency of evidence" conclusion on the omission from evidence (after being marked for identification) of one meaningless document that proved only one thing: How much Jordan's non-disabled replacement was compensated**. In the absence of a full cost effectiveness analysis, the "Jill Kosoff Compensation" document, even if it had been admitted, did not by itself prove the employer's "cost effectiveness" pretext. The First Department simply decided to divert attention from the overwhelming evidence of discrimination, all of which was admitted and accepted by the jury, and substituted a diversionary meaningless document upon which they relied to conclude, erroneously, that the evidentiary burden had not been met for disproving the employers' pretext. Of course, if the "real reason" legal standard is deployed, this meaningless document becomes even less relevant.

Error #6: **That the decision to completely dismiss and reverse the jury verdict, and to completely disregard all of the evidence of discrimination, was not only not equitable, it was not a statutory remedy under the appropriate law.** A determination of a finding of "insufficiency of evidence" or even a finding of error of law by the trial judge does not mandate dismissal of the verdict. The remedy is remand for retrial. The reason that this remedy was not applied was for several completely corrupt reasons:

- A clear decision to cover up any allegations of misconduct of a jurist who was being vetted for a promotion to the higher court (having being appointed by the venerable Elliot Spitzer himself).

- A blatant act of retaliation intended not only to punish the Plaintiff for making the allegation, but also to prove that the imperialist jurists who control the decision making at the appellate level are so powerful that they are indeed above the law, and if sufficiently irritated, endowed to circumvent all precedents and accepted legal standards.

- A naked power play and bid to reverse the laws on discrimination and to undermine the advances of the ADA and Title VII for the last 30 plus years, by issuing a decision that would effectively undermine New York Courts ability to enforce anti-discrimination law, while this Court stood by mute.

Error #7: **That all of the above was justified because the Plaintiff, an activist for equality in the workplace, was spun as a "troublemaker" by Chambers and by the powerful trial attorney machine which feeds off victims of discrimination like women and the Disabled.** Judge Acosta clearly felt that the most important issue before him, aside from his pending promotion, was to see that my discharged attorney, Mr. Lebowitz,was paid over a million dollars in legal fees for a case he indisputably mismanaged. My welfare and the future of fifty million disabled persons were clearly unimportant to him. *It has been proven that Judge Acosta's chambers released a very biased story to the Law Journal at the time of my allegations.* This was just one example of the ruthlessness of this jurist. The trial attorneys who got him elected (the entire process of judicial appointments is corrupt) helped spread these rumors throughout the court system and legal community. The Judicial system is a closed, fraternal system ripe for corruption. The First Department proved that when they entertained an otherwise frivolous "appeal" from DBR of a completely bona fide jury verdict. Not only had the trial court sanctioned this verdict, but my adversaries themselves had waived any right to an appeal when they accepted the jury instructions, or the "law of the case". That's the reason that they lost the Post Trial motions. That leads to one inescapable conclusion: The First Department, clearly motivated by abundant gender and disability bias, closed the door on the rights of the Disabled, especially those at executive levels. It has effectively said "Be grateful for the tokens we throw you from time to time. Do not aspire to equality".

The reason I am so threatening to this arcane machine is that for years the Disabled have been rendered powerless and invisible by token settlements. As the highest ranking disabled executive to pierce the corporate glass ceiling and the one who took on the corrupt trial attorneys, the judiciary should have expected rumors to be afloat. Yet Judge Acosta himself allowed a highly gender biased line of questioning of me by DBR where without foundation my very sanity was put on trial. I personally believe that the First Dept does not believe the Disabled deserve equality. I believe they see them as an albatross on the necks of employers, when in fact data confirms that the Disabled population is actually more productive than their non disabled counterparts, when accommodated.

Trial by rumor has become today just as acceptable as "ex parte" communications between jurists and "loyal" attorneys. The latter opens up a virtual bounty of potential abuses from judicial kick backs, to "pay for play" deals, to "vindicating" guilty employers and promises of "quid pro quo" support come election time.

So here are the questions that the First Department did NOT ask in formulating it's Opinion:

a) WHY WOULD A DISABLED LITIGANT WHO WON A JURY TRIAL THAT WAS UPHELD BY THE TRIAL COURT, FILE COMPLAINTS AGAINST SAID COURT, IF THOSE ALLEGATIONS WERE NOT TRUE? **WHY WAS JUDGE ACOSTA SO INTERESTED IN THE "CONTINGENT" LEGAL FEE THAT PLAINTIFF'S DISCHARGED ATTORNEY HAD SOUGHT TO IMPROPERLY INFLUENCE THE TRIAL COURT ABOUT IN APRIL 2005, WHEN THIS MATTER WAS NOT BEFORE THE COURT AND WHEN JORDAN ADVISED THE COURT THAT IT WOULD BE RESOLVED IN A SEPARATE PROCEEDING? WHAT INTEREST WAS THIS MILLION PLUS DEAL TO THIS JURIST AND WHY DID HE FEEL ENTITLED TO NOT ONLY INTRUDE INTO THE DISPUTE BUT TO USE HIS POSITION TO THREATEN AND INTIMIDATE JORDAN INTO ACCEDING TO THE DEMAND, INSTEAD OF ALLOWING THE MALPRACTICE LITIGATION TO RESOLVE IT?**

b) WHY WOULD A SENIOR EXECUTIVE LIKE JORDAN SEEKING EMPLOYMENT WHO HAS A VISIBLE DISABILITY TELL HER EMPLOYER ABOUT SAID DISABILITY AT THE TIME OF HIRE? IS THE FIRST DEPARTMENT SO DETACHED FROM THE REALITIES OF THE REAL WORLD THAT THEY DO NOT RECOGNIZE THAT EMPLOYERS DO NOT WANT TO HIRE THE DISABLED?

c) HOW COULD AN EMPLOYEE WHO IS BEING HARASSED ABOUT HER DISABILITY REPORT HER HARASSMENT TO "ANYONE" AT THE TIME WHEN HER HARASSERS WERE HER SUPERVISORS AND THERE WAS NO EEO FUNCTION?

d) WHY WOULD AN INTELLIGENT BUSINESS EXECUTIVE TESTIFY IN AN UNRELATED PROCEEDING, KNOWING SHE WOULD BE FILING A CASE AGAINST BATES IN THE FUTURE, TO FACTS THAT WERE CONTRARY TO THE REASON SHE ARTICULATED IN HER COMPLAINT IN THIS MATTER FOR WHY SHE WAS TERMINATED? Or put another way, how could anyone conclude that the assertion that Jordan's admission in another unrelated litigation that Bates "had financial problems, the lost big accounts" was in any way an "admission" that the Plaintiff *really* believed that this was the real reason for her discriminatory discharge? (Underlying this assumption is the premise that all women are stupid prevarieating manipulators who will eventually be caught).

e) WHY WAS THE MISSING "KOSOFF" DOCUMENT CRITICAL TO DISPROVING THE EMPLOYER'S PRETEXT WHEN THE DECISIONMAKER FIDOTEN HAD ADMITTED UNDER CROSS THAT HE "COULD NOT SAY" WHETHER IT WAS MORE COST EFFECTIVE OR NOT TO FIRE THE DISABLED JORDAN AND REPLACE HER WITH NON DISABLED EXECS? WHY WAS ANY OF THE TESTIMONY ALLEGEDLY REBUTTING THIS PRETEXT EVEN CONSIDERED WHEN a) IT WAS NON-CONTEMPORANEOUS; and b) WHEN BATES NEVER PRODUCED A SINGLE DOCUMENT PROVING THAT THEY HAD SHOWN IT WAS INDEED MORE

COST EFFECTIVE? (EXPERT ANALYSIS IS USUALLY HOW THIS IS HANDLED).

f) WHY WAS THE ENTIRE CASE DISMISSED INSTEAD OF REMANDED FOR TRIAL IF THERE WERE ISSUES OF LAW OR EVIDENCE TO RESOLVE BY THE TRIAL COURT?

g) WHY DID JUDGE FRIEDMAN DISMISS ALL FOUR MALPRACTICE CASES RELATED TO THE INSTANT MATTER INCLUDING THE ONE AGAINST LEBOWITZ BEFORE JORDAN EVEN HAD AN OPPORTUNITY FOR DISCOVERY? WHY WERE CERTAIN EVIDENTIARY DOCUMENTS WHICH DETAILED THE NEGLIGENCE OF LEBOWITZ MISSING FROM THE FILE FOR THE PERIOD DURING FRIEDMAN'S EVALUATION, EVEN THOUGH JORDAN PROVED THEY WERE RECEIVED? MOREOVER, WHY WASN'T THE ALLEGATION OF MISMANAGEMENT OF EVIDENCE BY LEBOWITZ AS INDISPUTABLY ARTICULATED IN THE COMPLAINT SUFFICIENT TO DISMISS FOUR MTD'S FILED AGAINST A PRO SE DISABLED PLAINTIFF?

How did this disgraceful scandal come about? How was it possible that an employer, through the deceptive but arms length manipulations of its attorneys, could turn the justice system on its head when it's own managers admitted to violating the law and indisputable admissible evidence of wrong doing existed? How could a perfectly bona fide jury verdict be reversed after the ordeal of a decade of litigation, on the whim of a vain, overly ambitious and manipulative jurist, when the same jurist had only nine month prior vindicated the same plaintiff and her veracity? Why were the "baseless allegations" of the Plaintiff dismissed out of hand, instead of properly investigated? How did five appellate judges feel entitled to disregard all legal precedent to render a vindictive, knowingly corrupt decision riddled with conflicts of interest that clearly mandated recusal, unless there was an "understanding" in play where all of the actors were reading from the same script? How were they able (or allowed) to disregard all of the facts favoring the Plaintiff and toss the law on its head?

The jurists targeted by this scrutiny will undoubtedly be shaking their heads and falling back on the very arcane misapplied logisms that led to this disaster. They retreat behind a world of secret languages and arcane laws, a world where they continue to believe they will always be right because they are entitled to be. A world where the words "in the interests of justice" are no longer spoken.

After 13 years of litigation in the pursuit of something I completely believed in, justice, I have learned a great deal about the secret languages and arcane laws, and I now realize that our judicial system has become so corrupt, so arcane, so illogical to the point of ludicrousness, that it is not only a completely dysfunctional system, it is completely broken and unable to do what it is charged to do: ENFORCE OUR LAWS.

I also know that my case, the instant matter, was fixed. Probably not in the sense of money changing hands, although that possibility has never been ruled out, but in the nouveau interpretation of fixing, where favors are granted, promotions expedited, and indiscretions pardoned.

My adversary has been bragging on many of the popular Internet sites and in the press that **"WPP is vindicated after 13 year litigation against a former exec and MS victim".** Vindicated is the message that the judges who oversaw have left as their legacy.

That only leaves one last question. Do you believe that the American public, who the jury was a clear surrogate of, will feel that anyone involved in this outrageous scandal should feel "vindicated"? Do you think they will find Judge Acosta or the First Department's actions santionable ?

Respectfully,

Kathryn Jordan
Appellant and Plaintiff

Cc: Gregory Homer, Drinker Biddle Reath
140 West Street, 39th floor
New York NY 1005

*I am not a big fan of CJM. It's headed by a man who earns his living on his cable show interviewing lawyers and judges. In other words, there is no regulatory entity governing judges that is free of conflicts. When a Supreme Court judge verbally attacks, with vicious language, a disabled litigant who is unable by virtue of her position to defend herself or seek recourse against such an attack, there is no "fail safe". Judicial misconduct is at an all time high. The First Department had no legal authority to take a position on this matter. They did not have all of the evidence, and not one of them even met or spoke to me. It was simply outrageous that they even considered this "cronyism" in their decision making (conversely, jurists who mask their biases by not commenting or providing the reasons for their decisions and just dismiss cases without explanation are far worse in my opinion. At least these jurists had the courage to publish their Opinions even if they were 100% wrong and motivated by deep illegal biases).

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WPP Annual General Meeting Trading Update for first four months of 200

2 June, 2009

WPP

ANNUAL GENERAL MEETING TRADING UPDATE FOR FIRST FOUR MONTHS OF 2009

REPORTED REVENUES UP ALMOST 34%

CONSTANT CURRENCY REVENUES UP OVER 10%

LIKE-FOR-LIKE REVENUES DOWN ALMOST 7%

The following statement was made by the Chairman at the Company's 37th Annual G Meeting held in Dublin at noon today:

"First, a few comments on current trading over the first four months of this year.

On a reportable basis, worldwide revenues were up 33.7%. In constant currencies, re were up 10.3%, principally reflecting the weakness of the pound sterling against the U Euro. On a like-for-like basis, excluding the impact of acquisitions and currency fluctua revenues were down 6.7%.

The first four months reflect the acquisition of Taylor Nelson Sofres plc ("TNS"), which completed on 29 October 2008. The pattern of trading continues to be similarly difficu quarter, although April was worse.

As in the first quarter, the economic pressure was most keenly felt in the United State has spread to the United Kingdom and Continental Europe, although Eastern Continer still shows revenue growth for the first four months of 2009. Despite these difficult tra conditions, some other parts of the world continued to show resilience, with Latin Ame Africa still showing like-for-like growth. As in the first quarter, some countries were m such as Spain, Italy, the Netherlands and Denmark, but others such as Russia and Po performed relatively better year to date. In Asia Pacific, Australia, Japan, Singapore a Korea continued to be difficult, but mainland China still showed like-for-like growth, wi having a tougher April, in front of the General Election.

By communications services sector, advertising and media investment management c be the least affected by the recession on a like-for-like basis, with public relations and affairs and branding and Identity, healthcare and specialist communications (including internet and interactive) a little more affected and information, insight and consultancy affected.

Although revenues were below budget for the first four months of 2009, headline oper

and headline operating margin were both above budget. Profit before tax, mainly as a result of the first-time amortisation of intangible assets in relation to TNS, higher interest charges and incremental severance costs, was down significantly on the previous year.

Our first quarter revised forecasts show that, on a like-for-like basis, revenues are likely to decline in the mid-single digits. As a result, the Group's operating companies are reducing headcount and associated staff costs, in line with the forecast revenue decline. In the first four months of 2009 the number of people in the Group fell by almost 4,300 or 3.7%, in comparison to the pro-forma figure at 31 December 2008. Over half of the people who left, did so on a voluntary basis.

For the remainder of 2009 the short-term focus will continue to be on balancing staff costs and headcount, against the fall in revenues. In the medium and longer term the Group's strategy remains focused on six objectives: increasing operating profit by 10% to 15% per annum; increasing operating margins by half to one margin point per annum; reducing staff cost to revenue ratios by up to 0.6 margin points per annum; growing revenue faster than industry averages; continuing to improve our creative reputation and stimulating co-operation among Group companies.

Average net debt for the first four months of this year was £3.499 billion, compared to £2.219 billion in 2008, at 2009 average exchange rates, an increase of £1.280 billion, a continuing improvement over the first quarter net debt figures. Average net debt reflects the net acquisition cost of TNS and smaller acquisitions and earnout payments totalling £1.0 billion, debt acquired on the acquisition of TNS of £578 million and £21 million spent on share repurchases during the last twelve months. Net debt at 30 April 2009 was £3.574 billion compared to £2.412 billion in 2008 (at constant exchange rates). The current net debt figure compares with a market capitalisation of £6.0 billion, giving an enterprise value of £9.6 billion. Currently free cash flow amounts to over £900 million, or $1.4 billion per annum. Capital expenditure, mainly on information technology and property, is expected to remain equal to or less than the depreciation charge in the long-term.

In the first four months of 2009, the Group made acquisitions or increased equity interests in advertising and media investment management in Italy, Portugal and South Africa; in information, insight & consultancy in the United Kingdom; in public relations and public affairs in Poland; in direct, internet and interactive in France and Hong Kong; in digital in the United States and in healthcare in France.

As noted in the 2008 Preliminary Announcement, the cost of the acquisition of TNS was £1.6 billion and was funded principally by debt. At the time of the acquisition it was announced that for two years following this acquisition, the Group's share buy-back programme will be targeted at a rate of 1% per annum and dividend growth at 15% per annum, subject to review by the Board. These actions, together with a reduced level of acquisition spend targeted at £100 million per annum, are expected to generate surplus cash and a reduction in the borrowing levels. In the first four months of 2009, 2.4 million ordinary shares, equivalent to 0.2% of the share capital were purchased at an average price of £3.92 per share and total cost of £9.5 million. All of these shares were purchased in the market.

On 19 May 2009 the Group issued £450 million of 5.75% convertible bonds due May 2014. The conversion price has been set at 600 pence per share. The net proceeds of the offering will be used to pay debt drawn under the £650 million term facility, which was ra sed during 2008 to assist in the purchase of TNS, which has a final maturity date of July 2010.

Professionally, the parent company's objectives continue to be to encourage greater co-ordination and co-operation between Group companies, where this will benefit our clients and our people, and to improve our creative product. As both multi-national and national clients seek to expand geographically, while at the same time seeking greater efficiencies, the Group is uniquely placed to deliver added value to clients with its coherent spread of functional and geographic activities.

To these ends we continue to develop our parent company talents in five areas: in human resources, with innovative recruitment programmes, training and career development, and incentive planning; in property, which includes radical re-design of the space we use to improve communication, as well as the utilisation of surplus property; in procurement, to ensure we are using the Group's considerable buying power to the benefit of our clients; in information technology, to ensure that the rapid improvements in technology and capacity are deployed as quickly and effectively as possible; and finally in practice development, where cross-brand or cross-tribe approaches are being developed in a number of product or service areas: media investment management, healthcare, privatisation, new technologies, new faster growing markets, internal communications, retail, entertainment and media, financial services, and hi-tech and telecommunications.

In addition, we seek to continue to improve our creative product in as broadly a defined sense as possible, by recruiting, developing and retaining excellent talent, acquiring outstanding creative businesses, recognising and celebrating creative success.

The one great certainty in times of great uncertainty is that every business re-examines its ways of working with a heightened intensity. Routines and habits and long-standing relationships are no longer taken for granted. As if for the first time, every expenditure has to demonstrate its worth - or run the risk of de-selection.

For a company such as WPP, operating in some of the world's most competitive markets, this is both a serious challenge and an inspiring opportunity. Over the next few months, our clients and prospective clients will be more than ever eager to find elegant and inventive solutions to their marketing goals; where success depends more on the compelling nature of the idea itself than on the sheer weight of money put behind it. It will undoubtedly be a time that tests the value of the marketing services industry and the relative merits of those companies who comprise it, more than at any other time in living memory.

And that is a reality that we welcome – because WPP is hugely fortunate in the quality and the talent of our companies' leaders. These are people of remarkable experience who see the turbulent times ahead as an opportunity to prove and re-prove their worth and – by doing so, on merit – to make competitive gains.

It is that knowledge that enables your board to contemplate the future with considerable confidence. So on behalf of both our management and our share owners, I would like to close this statement with warm and grateful acknowledgement of all those talented men and women in our operating companies. In serving their clients wonderfully well, they serve this company, too. We thank them sincerely – and wish them much professional success and personal happiness.

For further information, please contact:

Sir Martin Sorrell }
Paul Richardson }
Feona McEwan }

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statements are subject to risks and uncertainties that could cause actual results to differ materially including adjustments arising from the annual audit by management and the company's independent auditors. For further information on factors which could impact the company and the statements contained herein, please refer to public filings by the company with the Securities and Exchange Commission. The statements in this press release should be considered in light of these risks and uncertainties.

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WPP

Corporate Responsibility Report 2008/2009

Employee infringements

We strive to treat all our people fairly and with respect. Occasionally things do not go according to

plan. We may get things wrong or the overall interests of a company or the Group may be incompatible with requirements of local employment legislation.

We monitor the number of employment cases involving WPP. In 2008 there were 122 new cases, compared to 79 cases in 2007. During the year 139 cases were concluded. Of these 16 were withdrawn, 40 agreed between parties, 62 judged against WPP and 21 judged in our favour.

All cases are carefully evaluated to ensure that we have the right policies and procedures in place to reduce infringements wherever possible.

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COMMISSION ON JUDICIAL CONDUCT
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EMPIRE STATE PLAZA
ALBANY, NEW YORK 12223

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April 16, 2008

CONFIDENTIAL

Ms. Kathryn Jordan
222 Lakeview Avenue
West Palm Beach, Florida 33401

Dear Ms. Jordan:

The State Commission on Judicial Conduct has reviewed your letter of complaint which was received on January 8, 2008. The Commission has asked me to advise you that it has dismissed the complaint.

Upon careful consideration, the Commission concluded that there was insufficient indication of judicial misconduct to justify judicial discipline.

Very truly yours,

Jean M. Savanyu

JMS:ld