



**FILED**  
UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO

AUG 19 2008

**UNITED STATES DISTRICT COURT  
District of New Mexico**

Pete V. Domenici United States Courthouse  
333 Lomas Blvd., N.W., Chambers 660  
Albuquerque, New Mexico 87102

**MATTHEW J. DYKMAN**  
CLERK

**James O. Browning**  
District Judge

Chambers: (505)348-2280  
Facsimile: (505)348-2285

August 19, 2008

**VIA FACSIMILE (212) 450-3166 and  
FIRST CLASS MAIL**

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Shannon Robinson  
6743 Academy Road, N.E., #A  
Albuquerque, New Mexico 87109-3372

Counsel of Record

Re: *American Association of People with Disabilities, et al., v. Mary Herrera,*

No. CIV 08-702 JB/WDS

August 19, 2008

Page 2

Re: *American Association of People with Disabilities, et al., v. Mary Herrera,*

No. CIV 08-702 JB/WDS

Dear Counsel of Record:

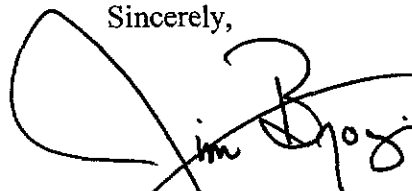
I want to bring one other matter to your attention. I have, with one of my law clerks, reviewed the Judicial Code of Conduct and do not believe these matters require me to recuse myself. I want, however, everyone to be fully informed about, and fully comfortable with, my participation in the case.

Last night, I reviewed the Larranga transcript that the Plaintiffs attached to their Reply. I noticed John Wertheim was one of the witnesses. I have known John and his father for quite some time, and, before I went on the bench, have litigated against and with their firm. I have also met John's mother. John is a former Democratic Party Chairman, and, on occasions, we discussed various campaigns and elections. While I have been friendly with the Wertheims, and our relationship has been largely, if not entirely, professional, we have not socialized outside of case or bar events.

I believe that I can be fair and impartial. If anyone, however, has any questions about the above, please let my Courtroom Deputy Clerk, K'Aun Sanchez, know, and we can perhaps have a conference call. I have instructed Ms. Sanchez not to tell me who may call. On the other hand, because the case has only recently been filed, if anyone is uncomfortable with my involvement in this case, please call Mr. Matthew Dykman, Clerk of Court, and the case will be reassigned. Again, I have instructed Mr. Dykman and his staff not to tell me or my staff who calls.

Best regards.

Sincerely,

A handwritten signature in black ink, appearing to read "James O. Browning". The signature is written in a cursive style with a large, looping initial "J" and "B".

James O. Browning  
United States District Judge



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**FACSIMILE**

TO:

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Attorney at Law  
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FROM: James O. Browning

DATE: August 19, 2008

RE: *American Association of People with Disabilities, et al., v. Mary Herrera,*  
No. CIV 08-702 JB/WDS

Number of pages: 4 (# includes cover page)

MESSAGE: Please see attached letter.

## Transaction Report

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212 450-3166



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