



September 25, 2018

John Horan, Esq.
Referee appointed by the Court
Fox Horan & Camerini LLP
825 Third Avenue
New York, NY 10022

Re: Concern about abuse of process regarding NY Attorney and human rights defender Steven Donziger

Dear Mr. Horan:

I write to express our serious concern about the treatment by the New York bar Grievance Committee and the New York judiciary of Steven R. Donziger, a respected attorney and human rights defender well-known for his groundbreaking work on behalf of Ecuadorian communities devastated by decades of oil pollution. We write to inform you that Amazon Watch plans to monitor the proceedings initiated by colleagues of Judge Lewis A. Kaplan that seek sanctions to be imposed on Mr. Donziger based on highly disputed evidence and produced via a trial proceeding that did not afford a jury or basic due process protections to Mr. Donziger that are normally afforded in criminal trials even though he was found “guilty” of criminal wrongdoing. We intend to monitor the process closely and demand that the procedures utilized in the proceeding where you have been appointed referee be fully transparent and open to the public, per the stated wishes of Mr. Donziger. We intend to publicize these proceedings to help protect Mr. Donziger’s due process and other rights.

We hope you understand that Mr. Donziger is widely acknowledged to have been the victim of a highly irregular, and seemingly unprecedented, SLAPP-style RICO counterattack by Chevron that involved the expenditure of at least \$2 billion and the use of 60 law firms, 2,000 lawyers, and six investigations firms. Chevron openly admitted that its main defense strategy in the Chevron case was to “demonize Donziger” and it appears to us that the machinery of the bar disciplinary process has allowed itself to be utilized, either inadvertently or intentionally, by Chevron to carry out its retaliation strategy. We find this most disturbing, particularly given that our organization was also targeted by Chevron with a SLAPP-style subpoena that a federal court quashed after determining it was a violation of our constitutional rights as protected by the First Amendment.

We also wish to call your attention to the apparent ethical problems of Judge Kaplan, whose findings apparently have been accepted for purposes of collateral estoppel and thereby denied Mr. Donziger the chance to offer evidence or otherwise be heard prior to his suspension from the practice of law. This is particularly concerning given that evidence has emerged that Chevron committed fraud in the Kaplan proceeding and that Mr. Donziger was not allowed an opportunity to submit any evidence of the company's environmental contamination or fraud either before Judge Kaplan or apparently now before the bar disciplinary proceeding.

Chevron's and Judge Kaplan's behavior up this point is most disturbing and an obvious affront to the rule of law. We urge you to allow Mr. Donziger the opportunity to submit evidence to challenge the Kaplan findings or your proceeding will widely be considered illegitimate. To do anything less that afford Mr. Donziger a full opportunity to challenge the Kaplan findings would be in our assessment be a violation of the rule of law and a gross abdication of your duties to be fair. As representatives of the environmental and human rights community, we will be monitoring your handling of these procedure closely and we expect you to guarantee a fair proceeding.

If you have any questions or concerns or would otherwise like to communicate with us, I can be reached at 510-281-9020 x302 or at paz@amazonwatch.org.

Thank you for the consideration.

A handwritten signature in black ink that reads "Paul Paz y Miño". The signature is written in a cursive, flowing style.

Paul Paz y Miño
Associate Director
Amazon Watch