



FILED

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

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

AUG 13 2008

Pete V. Domenici United States Courthouse
333 Lomas Blvd., N.W., Chambers 600
Albuquerque, New Mexico 87102

**MATTHEW J. DYKMAN
CLERK**

**James O. Browning
District Judge**

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

August 13, 2008

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

Anna T. Bridge
Daniel F. Kolb
David J. Lisson
Russell L Lippman
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450 Lexington Avenue
New York, New York 10017

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Brennan Center for Justice
New York University School of Law
161 Avenue of the Americas, 12th Floor
New York, New York 10019-1205

**VIA FACSIMILE (505) 827-6036 and
FIRST CLASS MAIL**

Scott Fuqua
New Mexico Attorney General's Office
408 Galisteo Street
Santa Fe, New Mexico 87501

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

Dear Counsel of Record:

Counsel of Record

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

August 13, 2008

Page 2

I want to bring three matters to your attention. I have, with 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.

I occasionally attend the Micah Fellowship lunches, which are held every other week at the First Spanish Fruit Avenue Baptist Church in downtown Albuquerque. The Micah Fellowship is a group of Christians involved in all aspects of the criminal justice system. Mary Herrera attended one of these lunches while she was Bernalillo County Clerk and said that she was seriously thinking about running for Secretary of State. I recall her asking for the group's prayers. After the lunch, I recall speaking to her and wishing her well in her decision. I do not recall any other contact with her.

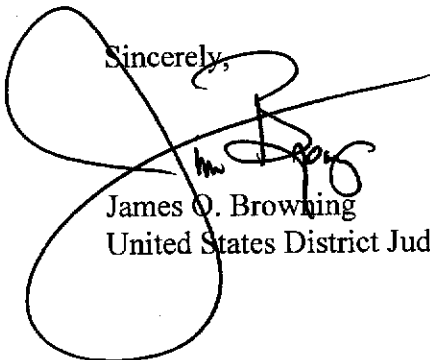
I recall being on a CLE panel on election and campaign law with Rebecca Vigil-Giron after one of the elections. My best memory is that it was after the 2000 election, but I am not certain of the time frame. I do not recall any discussion by me or anyone else about registration of voters. I also remember registering one time, as a lobbyist, with Hal Stratton for a corrections company, not doing any lobbying, and failing to file the necessary closing reports with the Secretary of State's office. I recall Mr. Stratton calling Ms. Vigil-Giron about what needed to be done, she advised what to do, and she and her office did not impose any fines or penalties. I recall no other contact with Ms. Vigil-Giron.

I recall having had some interaction with the New Mexico Public Interest Research Group, probably back in the 1980's, when I was Deputy Attorney General of New Mexico. I vaguely recall it was in rate utility cases with Public Service Company of New Mexico, but I am not certain. I do not know anyone within NMPIRG.

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 large, stylized handwritten signature in black ink, appearing to read 'James O. Browning', is written over the typed name and title.

James O. Browning
United States District Judge



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FROM: James O. Browning

DATE: August 13, 2008

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

Number of pages: 3 (# includes cover page)

MESSAGE: Please see attached letter.

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