



THE STEIN LAW FIRM

April 27, 2007

Hon. Bill Richardson  
Governor  
State Capitol  
4800 Old Santa Fe Trail  
Suite 400  
Santa Fe, NM 87501

Re: Appointment of Norman Thayer to Governor's  
Task Force on Ethics Reform

Dear Governor Richardson:

On April 21, 2007 the Santa Fe New Mexican reported that you have appointed 23 members to your Task Force on Ethics Reform. I was stunned to find the name of Norman S. Thayer, Jr. from the Sutin, Thayer and Browne law firm on the list.

Although Mr. Thayer has been sitting in judgment over lawyers accused of ethical violations for years, his real colors were finally displayed in a disciplinary matter brought against this writer.

Mr. Thayer was asked to be a reviewing officer on a case being investigated by Disciplinary Counsel Joel L. Widman against this writer under Rule 17-307 of the Rules Governing Discipline. See, enclosed copy of Rule. Mr. Widman failed to write the brief summary report required to be delivered with the file to Mr. Thayer. Without the report, both sides of the ethical controversy were not presented. See, Rule 17-307.D.(2).

Not only was there no brief summary report, Widman only gave Thayer materials that were adverse to this writer. It was an obvious, one-sided hatchet job. Thayer, in not demanding that Widman follow the rules, was complicit in compounding the wrong.

So without hearing the other side or even reviewing all the materials sent to him by Mr. Widman, Mr. Thayer damned the actions of this writer, encouraged disciplinary counsel to bring ethical charges and urged Widman to pursue criminal charges. Mr. Widman claims he spoke to an Assistant United States Attorney about the matter but could not remember the name of the AUSA and what they spoke about. No criminal charges were ever brought.

When Thayer was called to the stand, the following transpired:

Q. . . . Mr. Thayer, did you ever have contact with Mr. Widman asking for the other side of these complaints?

A. The answer is no.

Q. And the reason for that?

A. I didn't find it necessary.

See, copy of transcript from December 18, 2006 hearing, page 54, line 24 to page 55, line 12. Mr. Thayer, a lawyer for over 45 years, cares nothing for basic fairness or following established rules of the Supreme Court. He finds it "not necessary" to hear both sides before making a determination. His actions are contrary to our society's long established goals of justice and fair play.

Constitutional Due Process on both the state and federal level require that all sides to a case have an ability and right to present their theories, supporting facts and arguments before anyone empowered makes determinations affecting the parties. Mr. Thayer allowed Mr. Widman to ignore Rule 17-307.D when he failed to write and supply the summary report for his review. Mr. Thayer compounded the sin by reviewing only some of the materials supplied and making a rubber-stamp review determination without any input from the other side in his decision making process. Enclosed with this letter is a copy of a post from the Bench and Bar Reform web site which gives additional details on this matter.

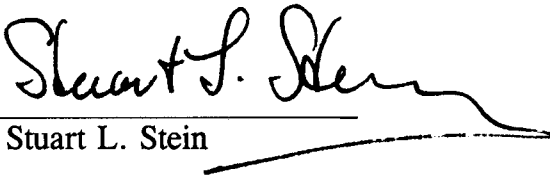


Mr. Thayer's unethical conduct in the disciplinary case is self-evident proof that he should not be sitting on your blue-ribbon panel concerning ethical criteria for the legislature.

In the past you have admitted mistakes in other appointments and have rectified those errors by persuading those appointed to resign. No matter how good one's resume looks - and Thayer's resume is as good as it gets - it is the actions of a person that reflect their beliefs.

Mr. Thayer's actions outlined in this letter belie his credentials as an expert on ethics. He is not fit to be a member of your ethics task force. All members of this important task force should be beyond reproach. Norman S. Thayer, Jr. does not meet this criteria. He should be asked to resign and if he does not, and you have the power, he should be removed.

Yours very truly,  
THE STEIN LAW FIRM

by   
Stuart L. Stein

copies to: The Santa Fe New Mexican  
The Albuquerque Journal  
Mr. Norman S. Thayer, Jr.

enclosures: Copy of Rule 17-307  
Transcript of Mr. Thayer's Testimony  
Copy of Blog Post  
Copy of Widman Letter  
Copy of Santa Fe New Mexican Article of April 21, 2007

