



The Law Office of
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The Honorable William B. Moran
Administrative Law Judge
U.S. Environmental Protection Agency
Office of Administrative Law Judges
Mail Code 1900L, Ariel Rios Building
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460

November 25, 2003

Via Facsimile and U.S. Mail

**Re: *Director of Professional Responsibility v. Banister, Complaint No. 2003-2;*
*Hearing Public Access***

Dear Judge Moran:

The court suggested to counsel during our teleconference of November 24, 2003, that the hearing is closed to both the press and public. The court's chambers, however, has apparently been directing both public individuals and members of the press to our offices to "arrange attendance" for the hearing. I am therefore at a loss as to what to advise these individuals, who appear to believe that the court has approved their attendance at the hearing and all that remains is for our office to arrange the details.

The court also implied during the teleconference that it might give a harsher sanction to my client because of his alleged public statement(s) concerning this litigation, including apparently encouraging people to attend the hearing. This places our office in an even more difficult position as to how to advise these callers. We would very much appreciate a clarification of the court's position on these matters, including a written order confirming the court's decision to close the hearing to both public and press.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Robert G. Bernhoft", with a long horizontal flourish extending to the right.

Robert G. Bernhoft
Attorney and Counselor at Law

cc: Jay J. Kessler, Esquire (via facsimile and U.S. Mail)
Joseph R. Banister (via e-mail attachment)