

Mr. Stark Ligon, Executive Director
Office of the Arkansas Supreme Court
Committee on Professional Conduct
625 Marshall Street
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The Hon. Timothy Fox, Judge
Pulaski County Circuit Court, Sixth Division
401 W. Markham, Suite 210
Little Rock, AR 72201

Departmental Disciplinary Committee for the First Department
61 Broadway, 2nd Floor
New York, NY 10006

RE: Kathy L. Hall and Leslie Cooper

To Whom It May Concern;

I wish to file a complaint against attorney Kathy L. Hall of Little Rock, Arkansas for violating the rule prohibiting conflicts of interest (Arkansas Model Rule 1.7). I further wish to file a complaint against attorney Leslie Cooper of New York, New York for colluding with Ms. Hall to perpetrate a fraud on the Circuit Court of Pulaski County.

Ms. Hall has been defending the Child Welfare Board of the Arkansas Department of Human Services (“DHS”) against a lawsuit brought by the American Civil Liberties Union (“ACLU”). Specifically, Ms. Hall is defending the state’s practice of preventing homosexuals from serving as foster parents. The ACLU is represented by Ms. Cooper, among others.

Since 2003, Ms. Hall has been simultaneously serving as co-counsel with Ms. Cooper on a case concerning homosexual rights; namely, Ms. Hall represents a teenage public school student who has alleged that school officials violated his Constitutional rights by trying to restrict his statements and expressions concerning his homosexuality. See <http://www.aclu.org/LesbianGayRights/LesbianGayRights.cfm?ID=12298&c=106>. Accordingly, Ms. Hall is both defending against and representing the ACLU at the same time and on closely related subject matter. At the very least, Ms. Cooper was aware of this blatant conflict of interest and failed to report it to the court.

Worse, there is evidence that Ms. Hall actively sabotaged the interests of DHS even as she represented it before the court. I have included (below) the verbatim text of an October 6, 2004 e-mail I received from Dr. George Rekers, the expert witness for DHS:

I gave [Kathy Hall] extensive summaries of research that I could testify on in support of the state, but she asked me only enough questions on the witness stand for me to give only a fraction of what I prepared. Also, she had made motions previously to rule out even considering

- *pedophilia rates by homosexuals*
- *domestic violence in homosexual couples*
- *HIV/AIDS transmission to children*
- *substantially higher rates of psychiatric disorders in homosexuals*

I was disappointed, to say the least, that so much research could not even be considered because of her prior motions to exclude these issues. Then on issues remaining, she did not give me an opportunity to provide much of the research I had to offer, and did not let me give reasons why the homosexual parenting research is flawed, and does not apply to foster children, even though the ACLU's experts made a big deal about the supposed adequacy of that research.

As Dr. Rekers' notes in his e-mail, Ms. Hall -- not the ACLU -- has filed motions that prevent DHS from offering key evidence in support of its policy of preventing homosexuals from serving as foster parents. In fact, Ms. Hall laughed when recounting to Dr. Rekers a statement by Judge Fox that he was surprised that the motions to exclude evidence were coming from Ms. Hall rather than the ACLU attorneys.

Dr. Rekers further informed me that: (1) he provided Ms. Hall with lengthy written evidence and professional articles for submission to the court; Ms. Hall provided all the evidence to the ACLU attorneys but did not submit it to the court; (2) Ms. Hall had him write out the questions that she should ask him, then failed to ask the vast majority of the questions; (3) she cut him off during his testimony; (4) she regularly failed to return his phone calls prior to his deposition and prior to his testimony, even failing to be available by phone on both of the scheduled times she told him she would call him; and (5) she admitted that, during his deposition, she was working on her laptop on other matters related to her private practice.

At the very least, Ms. Hall's conduct suggests she is serving the interests of the ACLU rather than DHS. Accordingly, I ask that the Arkansas Committee on Professional Conduct investigate Ms. Hall's simultaneous representation of adverse parties. Likewise, I ask that the New York Disciplinary Committee of the First Department investigate whether Ms. Cooper colluded with Ms. Hall to perpetrate a fraud on the court.

Further, I urge the court to immediately disqualify Ms. Hall from representing DHS and reconsider all motions filed by Ms. Hall that serve to undermine the position of DHS. Finally, I urge the court to consider civil contempt charges against both Ms. Hall and Ms. Cooper and to refer the matter for criminal prosecution.

Respectfully submitted,

Ty Clevenger

cc: Milton Fine, Chief Counsel
Office of the Governor

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