

**United States District Court
Northern District of New York**

JUDGMENT

**JAMES L. ALEXANDER; ALEXANDER & CATALANO LLC; and PUBLIC CITIZEN,
INC.**

Plaintiffs'

VS.

5:07-CV-117 (FJS) (GHL)

THOMAS J. CAHILL, in his official capacity as Chief Counsel for the Departmental Disciplinary Committee for the Appellate Division of the New York State Court of Appeals, First Department; DIANA MAXFIELD KEARSE, in her official capacity as Chief Counsel for the Second and Eleventh Judicial District Grievance Committee; GARY L. CASELLA, in his official capacity as Chief Counsel for the Ninth Judicial District Grievance Committee; RITA E. ADLER, in her official capacity as Chief Counsel for the Tenth Judicial District Grievance Committee; MARK S. OCHS, in his official capacity as Chief Attorney for the Committee on Professional Standards for the Appellate Division of the New York Court of Appeals, Third Department; ANTHONY J. GIGLIOTTI, in his official capacity as acting Chief Counsel for the Seventh Judicial District Grievance Committee; DANIEL A. DRAKE, in his official capacity as acting Chief Counsel for the Seventh Judicial District Grievance Committee; and VINCENT L. SCARSELLA, in his official capacity as acting Chief Counsel for the Eighth Judicial District Grievance Committee

Defendants'

[X] Decision by Court. This action came to hearing before the Court.
The issues have been heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

That plaintiffs' Motion for Permanent Injunction is granted; Plaintiffs' request for a declaration that N.Y. Comp Codes R. & Regs. tit. 22, section 1200.6(c)(1),(3),(5),(7) and (g)(1) are unconstitutional based on the current record is granted. Defendants' are hereby enjoined from enforcing amendments to the Disciplinary Rules of the Code or Professional Responsibility contained in N.Y. Comp. Codes R. & Regs. tit. 22, section 1200.6(c)(1),(3),(5),(7) and (g)(1), which took effect on 2/1/07. The Court rules granting in part and denying in part the defendants' Motion for Summary Judgment (granted for plaintiffs' on plaintiffs' claims concerning N.Y. Comp. Codes R. & Regs. tit. 22 section 1200.6(c)(1),(3),(5),(7) and (g)(1)); and further rules granting in part and denying in part the plaintiffs' Motion for Summary Judgment (granted for defendants' on plaintiffs' claims concerning N.Y. Comp. Codes R. & Regs. tit. 22, section 1200.7(e), 1200.8(g), and 1200.41-a and plaintiffs' claims concerning the amended rules' applicability to non-commercial communications).

All of the above pursuant to the Order of the Honorable Senior Judge Frederick J. Scullin, Jr. dated the 20th day of July, 2007.

JULY 23, 2007

DATE

LAWRENCE K. BAERMAN

CLERK OF COURT

s/

**JOANNE BLESKOSKI
DEPUTY CLERK**