

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION, :

08 Civ. 10791 (LLS)

Plaintiff, :

**MOTION TO ADMIT COUNSEL
PRO HAC VICE**

- against - :

BERNARD L. MADOFF and
BERNARD L. MADOFF INVESTMENT
SECURITIES LLC, :

Defendants. :

JUN 1 C 2009

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern District of New York, I, ALEXANDER M. VASILESCU, a member in good standing of the bar of this Court, hereby move for an Order allowing, *nunc pro tunc* as of December 11, 2008, the admission *pro hac vice* of:

Applicant's Name: James A. Clarkson

Securities and Exchange Commission v. Madoff et al

Firm Name: Securities and Exchange Commission, New York Regional Office

Address: 3 World Financial Center, Room 400

City/State/Zip: New York, New York 10281-1022

Phone Number: 212-336-1100

Fax Number: 212-336-1319

E-mail: clarksonj@sec.gov

JAMES A. CLARKSON is a member in good standing of the Bar of the State of New York, admitted by the First Department on December 22, 1969, and of the Bar of the District of Columbia, admitted April 18, 1972, as shown by the Certificates of Good Standing attached hereto as, respectively, Exhibit 1 and Exhibit 2.

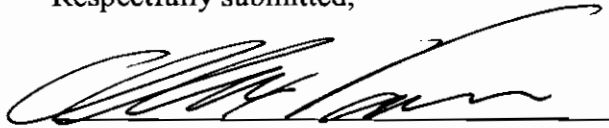
act

FILED
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
JUN 11 2009

There are no pending disciplinary proceedings against JAMES A. CLARKSON in any State or Federal Court.

Dated: June 9, 2009
New York, New York

Respectfully submitted,



ALEXANDER M. VASILESCU (AV-2575)
SECURITIES AND EXCHANGE COMMISSION
New York Regional Office
3 World Financial Center, Room 400
New York, New York 10281-1022
Tel: 212-336-0178
Fax: 703-813-3282
E-mail: vasilescum@sec.gov

**Appellate Division of the Supreme Court
of the State of New York
First Judicial Department**

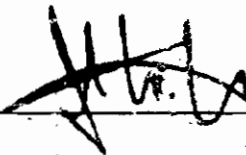
I, John M. McConnell, Clerk of the Appellate Division of the Supreme Court of the State of New York, First Judicial Department, certify that

JAMES ARTHUR CLARKSON, III

was duly licensed and admitted to practice as an Attorney and Counsellor at Law in all the courts of the State of New York on **December 22, 1969**, has duly taken and subscribed the oath of office prescribed by law, has been enrolled in the Roll of Attorneys and Counsellors at Law on file in my office, has duly registered with the administrative office of the courts, and according to the records of this court is in good standing as an attorney and counsellor at law.

In Witness Whereof, I have hereunto set my hand and affixed the seal of this court on

June 3, 2009



Clerk of the Court



District of Columbia Court of Appeals
Committee on Admissions
430 F Street, N.W. — Room 123
Washington, D. C. 20001
202 / 879-2710

I, GARLAND PINKSTON, JR., Clerk of the District of Columbia Court of Appeals, do hereby certify that

JAMES A. CLARKSON, III

was on the 18TH day of APRIL, 1972
duly qualified and admitted as an attorney and counselor and entitled to practice before this Court and is, on the date indicated below, an active member in good standing of this Bar.

In Testimony Whereof, I have hereunto subscribed my name and affixed the seal of this Court at the City of Washington, D.C., on June 4, 2009.

GARLAND PINKSTON, JR., CLERK

By: *M. Charles*
Deputy Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION, :

Plaintiff, :

- against - :

BERNARD L. MADOFF and
BERNARD L. MADOFF INVESTMENT
SECURITIES LLC, :

Defendants. :

08 Civ. 10791 (LLS)

**DECLARATION OF
ALEXANDER M. VASILESCU
IN SUPPORT OF MOTION
TO ADMIT COUNSEL
PRO HAC VICE**

I, Alexander M. Vasilescu, pursuant to 28 U.S.C. § 1746, declare as follows:

1) I am an Attorney with the United States Securities and Exchange Commission, New York Regional Office, counsel for the Plaintiff in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of Plaintiff's motion to admit, *nunc pro tunc* as of December 11, 2008, JAMES A. CLARKSON as counsel pro hac vice to represent Plaintiff in this matter.

2) I am a member in good standing of the Bar of the State of New York, and I was admitted to practice law by the First Department on May 8, 1989. Since October 31, 1989, I have been admitted to the Bars of the United States District Court for the Southern District of New York and the United States District Court for the Eastern District of New York. Since February 18, 1992, I have been admitted to the Bar of the Second Circuit Court of Appeals.

3) I have known JAMES A. CLARKSON since 2000.

4) Mr. Clarkson is the Acting Regional Director of the New York Regional Office of the Securities and Exchange Commission (the "Commission") and has served as such since October 2008.

- 5) As the confirmed by the accompanying certificates of good standing, Mr. Clarkson has been a member of the New York State bar since 1969 and the D.C. bar since 1972.
- 6) I have found Mr. Clarkson to be a skilled attorney and a person of integrity. He is experienced in Federal Practice and he is familiar with the Federal Rules of Procedure.
- 7) Accordingly, I am pleased to move the admission of Mr. Clarkson, *pro hac vice*.
- 8) Plaintiff is seeking a *nunc pro tunc* order as Mr. Clarkson signed the civil cover sheet and complaint in this action, filed on December 11, 2008. I, Andrew Calamari, Israel Friedman, and Preethi Krishnamurthy, attorneys in the New York Office of the Commission who are admitted to practice in this District, also reviewed and drafted the complaint, and are listed in the of counsel section of that pleading.
- 9) As explained in the copy of the letter dated May 27, 2009, from Mr. Clarkson to then Chief Judge Kimba M. Wood, during the period from October 2008 through May 2009, Mr. Clarkson signed several complaints filed in this district. A copy of that letter is attached as Exhibit A. Mr. Clarkson had believed he was admitted in this District when he signed the complaint in this action (as well as the other complaints filed from October 2008 through May 2009). On May 20, 2009, Mr. Clarkson learned that the Clerk's Office of this District did not have a record of his admission. In his letter to Chief Judge Wood, Mr. Clarkson proposed filing *nunc pro tunc* motions in the various actions.
- 10) By letter dated May 28, 2009, a copy of which is attached as Exhibit B, then Chief Judge Wood indicated that the Commission and Mr. Clarkson should proceed with such motions *pro hac vice* and *nunc pro tunc*.

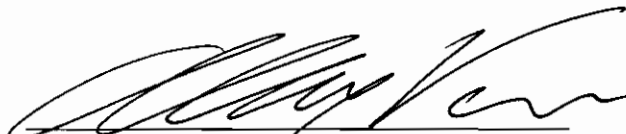
11) Having obtained current certificates of good standing concerning Mr. Clarkson from New York and the District of Columbia concerning, the Commission moves for his admission.

12) I respectfully submit a proposed Order granting the admission of JAMES A. CLARKSON, which is attached hereto as Exhibit C.

WHEREFORE, it is respectfully requested that the motion to admit JAMES A. CLARKSON, *pro hac vice*, to represent the Plaintiff in the above captioned matter, be granted.

Executed on June 9, 2009, in New York, New York

I declare under penalty of perjury that the foregoing is true and correct.



Alexander M. Vasilescu



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
NEW YORK REGIONAL OFFICE
3 WORLD FINANCIAL CENTER
ROOM 4300
NEW YORK, NEW YORK 10281-1022

May 27, 2009

By Hand Delivery

The Honorable Kimba M. Wood
Chief Judge of the Southern District of New York
United States District Court
Southern District of New York
United States Courthouse
500 Pearl Street
New York, New York 10007-1312

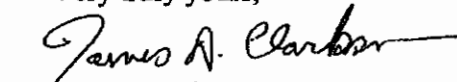
Dear Judge Wood:

I am writing to inform you of an inadvertent error that the Securities and Exchange Commission has made over the course of the past eight months in connection with filing various complaints in the Southern District of New York. On October 3, 2008, I was appointed to serve as the Acting Regional Director of the Commission's New York Regional Office. In that role, I am responsible for the prosecution of enforcement actions and as part of my duties, I often sign complaints that are filed in federal district court. On May 20, 2009, it was brought to my attention that the Clerk's Office did not have a record of my admission to this Court. Although I graduated from New York University Law School in 1969, and I was then admitted to the Bar of the State of New York in 1969 (and am currently a member in good standing), it does not appear that I was admitted to the Southern District. (I did believe, however, that I had been admitted.)

I wanted to alert the Court to this error and I am anxious to rectify the situation. I am in the process of applying for admission to the Southern District of New York. Additionally, I would propose filing a *pro hac vice* motion *nunc pro tunc* to be admitted in the cases that are currently pending in which I previously signed the complaints. Of course, if there is another way you would like us to proceed, please let me know so that we can take whatever action the Court prefers.

Please call me at (202) 551-4948 if you would like to discuss this issue. Thank you for your assistance with this matter.

Very truly yours,


James A. Clarkson
Acting Regional Director

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
UNITED STATES COURTHOUSE
500 PEARL STREET
NEW YORK, NEW YORK 10007-1312

KIMBA M. WOOD
CHIEF JUDGE

(212) 805-0258
FAX 805-7900

May 28, 2009

James A. Clarkson, Esq.
Acting Regional Director
Securities & Exchange Commission
3 World Financial Center
Room 4300
New York, NY 10281-1022

Dear Mr. Clarkson:

Thank you for your May 27 letter. Your proposal is reasonable.

Sincerely,

Kimba Wood

KIMBA M. WOOD

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION, :

08 Civ. 10791 (LLS)

Plaintiff, :

**ORDER FOR ADMISSION
PRO HAC VICE
ON WRITTEN MOTION**

- against - :

BERNARD L. MADOFF and
BERNARD L. MADOFF INVESTMENT
SECURITIES LLC, :

Defendants. :

Upon the motion of ALEXANDER M. VASILESCU, attorney for Plaintiff Securities and Exchange Commission, and said sponsor attorney's declaration in support:

IT IS HEREBY ORDERED that

Applicant's Name: James A. Clarkson

Firm Name: Securities and Exchange Commission, New York Regional Office

Address: 3 World Financial Center, Room 400

City/State/Zip: New York, New York 10281-1022

Phone Number: 212-336-1100

Fax Number: 212-336-1319

E-mail: clarksonj@sec.gov

is admitted, *nunc pro tunc* as of December 11, 2008, to practice *pro hac vice* as counsel for Plaintiff Securities and Exchange Commission in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of

attorneys. As this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at nysd.uscourts.gov.

Dated: _____, 2009
New York, New York

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION, :

08 Civ. 10791 (LLS)

Plaintiff, :

- against - :

CERTIFICATION OF SERVICE

BERNARD L. MADOFF and
BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendants.

ALEXANDER M. VASILESCU declares under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I am over 18 years old and I believe in the obligations of an oath.
2. On June 9, 2009 I served the following documents:
 - (a) Motion to Admit Counsel [James A. Clarkson] Pro Hac Vice;
 - (b) Declaration of Alexander M. Vasilescu in Support of Motion to Admit Counsel [James A. Clarkson] Pro Hac Vice; and
 - (c) Proposed Order of Admission Pro Hac Vice on Written Motion

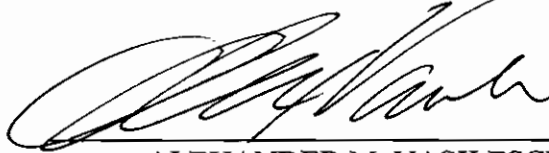
by Federal Express, upon the following counsel:

1. Matthew Gluck
Milberg LLP (NYC)
One Pennsylvania Plaza
New York, NY 10119
2. Regina Griffin
Windels, Marx, Lane and Mittendorf LLP (NY)
156 West 56th Street
New York, NY 10019

3. Mauro Michael Wolfe
Dickstein Shapiro LLP (NY)
1177 Avenue of Americas
New York, NY 10036

4. John J. Carney
Baker Hostetler
Rockefeller Plaza
11th floor
New York, New York 10111

I declare under penalty of perjury that the foregoing is true and correct. Executed in New York, New York on June 9, 2009.



ALEXANDER M. VASILESCU