

**UNITED STATES DISTRICT COURT
 DISTRICT OF NEW MEXICO
 Case Number CIV-05-928 BB/ACT**

**STUART L. STEIN and
 STUART L. STEIN, P.A.,
 a professional law
 corporation d/b/a THE
 STEIN LAW FIRM,**

Plaintiffs,

vs.

**LEGAL ADVERTISING COMMITTEE,
 et al.,**

Defendants.

DEPOSITION OF VIRGINIA FERRARA

May 24, 2006

2:06 p.m.

500 Marquette, Northwest, Suite 280

Albuquerque, New Mexico

PURSUANT TO THE FEDERAL RULES OF CIVIL

PROCEDURE, this deposition was:

**TAKEN BY: MR. STUART L. STEIN
 Attorney for Plaintiffs**

REPORTED BY: Sally Peters, RPR, CCR 57

Bean & Associates, Inc.

Professional Court Reporting Service

500 Marquette, Northwest, Suite 280

Albuquerque, New Mexico 87102

(3553M)SP

COPY

1 Q No cover letter? Just faxed it up?
 2 A Just faxed it up, because when the court
 3 calls and asks for something, we usually give it to
 4 them. In fact, we always give it to them.
 5 Q And this was after Jerry and I were arguing
 6 that day when you were in the --
 7 A Yes.
 8 Q You weren't in the well of the court. You
 9 were in the audience?
 10 A Back row.
 11 MR. STEIN: Let's mark as No. 9 the Order to
 12 Show Cause.
 13 (Exhibit 9 marked.)
 14 Q Now, the Order to Show Cause -- which was
 15 issued clearly before the oral argument?
 16 A Yes.
 17 Q -- says, "Why this court should not, (1),
 18 reverse the Disciplinary Board's Special Hearing
 19 Committee's decision that the Disciplinary Board does
 20 not have jurisdiction to consider a declaratory
 21 action, and (2), remand the matter to the Disciplinary
 22 Board for a hearing on the merits." How, if you know,
 23 did they even know that, effectively know of the
 24 existence of the Thayer decision?
 25 A Well, they would have known that the

1 decision existed, because I asked them to appoint a
 2 special panel to review it, but they wouldn't have
 3 known, from me at least, what the decision was.
 4 Didn't you file something in between? Did you tell
 5 them?
 6 Q No. This is the first -- this is the
 7 initial Order to Show Cause that Mr. Walz and I got.
 8 A Was this before you filed whatever? Didn't
 9 you file something with them? You did. Well, I don't
 10 know if it was before or after this order, but I
 11 thought you filed a motion to deny the request for a
 12 special panel or something like that.
 13 Q There was a writ.
 14 A A writ?
 15 Q That I believe I filed after this committee
 16 was appointed saying that they didn't have the power
 17 to issue the declaratory relief, and the Supreme Court
 18 denied that without an opinion, but this seems to
 19 indicate some knowledge.
 20 A It would. I can see where you're coming
 21 from, and I can't answer your question. And I swear I
 22 didn't give them a copy of that opinion.
 23 Q Okay. If I remember correctly, at the oral
 24 argument my first comments were that I didn't see the
 25 Thayer committee opinion in the court file?

1 A I recall you did say that.
 2 Q And there was no response from the bench.
 3 But it was after the oral argument that day, after you
 4 came back to the office, your office in Albuquerque,
 5 that you got a call from the clerk?
 6 A Well, actually before I got back.
 7 Q Before you got back. By the time you got
 8 back?
 9 A Yes.
 10 Q The report was, "We got a call from the
 11 Court. They want a copy of the Thayer committee
 12 opinion," and it was faxed up?
 13 A Yes.
 14 MR. STEIN: Take five minutes.
 15 (A recess was taken.)
 16 Q All right. We are back on the record.
 17 Ms. Ferrara, would you be able to get a copy
 18 of the cover letter from Mr. Thayer with the date
 19 stamp over to your counsel to get over to me?
 20 A I will certainly try.
 21 Q Okay. Again, directing your attention back
 22 to the whole Thayer committee situation, do you
 23 remember having conversations with Mr. Thayer about
 24 the matters before his committee?
 25 A I had no conversations with Mr. Thayer about

1 that.
 2 Q He didn't give you a call?
 3 A Not that I recall. He is one of our most
 4 experienced hearing officers. Some hearing officers
 5 we have really a hard time with, because they call up
 6 and say, "What do I do about this?" And it's like we
 7 can't talk to you, but Mr. Thayer has been on the
 8 hearing committee, he has been chairman of the board,
 9 so he's pretty cool. He knows not to do that.
 10 Q He called me and spoke to me and told me
 11 that he had a conversation with you, and I think maybe
 12 with Mr. Hoses, and then followed it up with a letter
 13 saying, we all should get together and see if maybe we
 14 can resolve this?
 15 A I remember the letter.
 16 Q You don't remember a telephone call?
 17 A How many years ago was that? No, I don't.
 18 Q Okay, that's fine. Now, I know in some of
 19 the correspondence that we had back and forth, and
 20 even in your testimony here today, that your
 21 relationship with the clerk of the Supreme Court is
 22 rather informal and ongoing, is that correct?
 23 A Yes.
 24 Q That you talk on a fairly regular basis?
 25 A Yes. We have not recently, but yes.