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Bradley Smith, Esq.
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RE: DOCUMENT HOLD NOTICE

Dear Brad:

Ever since my involvement in defending a corrupt activities lawsuit, against the NAACP National Voter Fund and other entities that organized the voter registration and motivation efforts prior to the 2004 Ohio Presidential election, Bob Fitrakis and I have been discussing the possibility that such a suit, brought on behalf of the public interest, could be a vehicle for restoring fairness and balance to our Ohio Supreme Court elections.

On Monday, June 18, of this week the New York Times editorialized in "The Best Judges Business Can Buy," that only with public financing or going to a nonelective merit selection system could justice be preserved (copy attached). There are in our view two additional alternatives for Ohio, both of which could be remedies in a corrupt practices law suit:

- 1) stop allowing corporate money to be spent in a way that created and maintains the imbalance and unfairness of the current system and
- 2) hold the Ohio Chamber to its word and require that the corporate funds it introduced into our Ohio Supreme Court elections in the 2000 cycle be used only for truly non-partisan educational purposes.

Neither the Chamber's shift in 2002 to running only positive ads for the Republican candidates nor the Chamber's shift in 2006 in the form and timing of the corporate-funded ads has addressed the unfairness and imbalance of having corporate money tilting the Ohio Supreme Court elections on a partisan basis. Stopping all election campaign funding with corporate treasury dollars could eventually take us back to the status quo before the 2000 cycle. Requiring that corporate money be used only for truly non-partisan purposes—informing the voters about, and exposing the public to, all the Supreme Court candidates could make our elections even more fair and balanced than they were prior to 2000.

Either of these alternatives could be remedies in a public interest corrupt practices lawsuit against the funding system the Chamber put into place during the 2000 election.

For these reasons, we have begun discussions with our existing public interest clients, as well as prospective clients, about bringing such a suit against the Chamber, and some of these clients want us to proceed along these lines on their behalf.

We ask two things of you, as elections counsel to the Ohio Chamber, at this point:

- 1) Please share this communication with your client, its members and affiliated contributors, as a document hold notice with respect to all documents, including Email, that may be relevant to these practices and litigation in this matter.

2) Please initiate discussions with your client and its members about the possibility of voluntarily pursuing one or both of the alternatives we have put forth as a ways of making such litigation unnecessary.

Because of the central role that the Statehouse press corps played in bringing this matter to light in the 2000 election cycle, and the importance of this matter to preserving judicial independence and integrity of the Ohio Supreme Court we are, concurrently herewith, sharing this letter with them.

I look forward to continuing our discussions of how to improve our elections.

Sincerely yours,

Clifford O. Arnebeck, Jr.