

THE LAW OFFICES OF
MILLSTEIN & ASSOCIATES

September 11, 2006

Re: LAWYERS ALLIANCE FOR FREE SPEECH RIGHTS

I am writing concerning your support the so-called “Lawyers for Free Speech”, a group which seeks to raise money for purported threats to the “free speech” rights of departed journalists of the Santa Barbara News-Press. Your entry into this private dispute is completely inappropriate and I urge you to re-consider support for any such effort.

Fundamental principles of justice and fairness demand that legal controversies be based upon on evidence, not speculation. This is why it is so disturbing to see a group of attorneys seemingly try to stir up a public flogging of the News-Press on the pretense of “free speech” --without even seeking to determine the facts.

Many of you may have represented employers, many who have confidentiality policies and/or agreements. The employees who were contacted by me on behalf of the New- Press have made public statements which purported to describe the process of producing news content at the News-Press. These processes, which include publisher-editor relationships are clearly encompassed by the policies/and or agreements.

Without knowing the content of those policies, agreements and the statements made, you are in no position to opine as to whether a letter to cease and desist was appropriate—let alone whether it legitimately implicated the First Amendment. How can any reasonable legal professional form a conclusion as to this or the motivation of the News-Press without knowing these facts?

Likewise, it was reported by another newspaper that the News-Press has filed a demand to arbitrate a matter against Jerry Roberts. Are any of your members aware of the facts? Have you looked at Mr. Roberts’ employment agreement? Are you satisfied to rely upon blogs and gossip to form a conclusion? How can any lawyer reasonably place their name on a document that concludes the News-Press acted irresponsibly in its relationship with Mr. Roberts without knowing the facts? Were you aware, for example,

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that while Mr. Roberts claims to have quit in protest to purported ethical issues, he thereafter demanded in writing (through his counsel) over \$100,000.00 claiming he was “constructively terminated”?

Lawyers should be the advocates of evidence-based justice, and it is disappointing to see the abandonment of this role. I urge you to re-consider your support of this group.

Very truly yours,

MILLSTEIN & ASSOCIATES



David J. Millstein, Esq.

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