

Supreme Court  
of the  
State of New York



**JUAN M. MERCHAN**  
JUDGE OF THE COURT OF CLAIMS  
SUPREME COURT, CRIMINAL TERM  
FIRST JUDICIAL DISTRICT

CHAMBERS  
100 CENTRE STREET  
NEW YORK, N.Y. 10013

Via E-mail

September 1, 2023

Todd Blanche, Esq.  
Blanche Law  
99 Wall Street, Suite 4460  
New York, NY 10005

Re: People v. Trump, Indictment No. 71543/23

Dear Mr. Blanche:

I write as a follow-up to your letter of August 30, 2023, and our ensuing e-mails. In light of the many recent developments involving Mr. Trump and his rapidly evolving trial schedule, I do not believe it would be fruitful for us to conference this case on September 15 to discuss scheduling. Rather, I have decided to adhere to the existing schedule. We can discuss scheduling and make any necessary changes when we next meet on February 15, 2024, for decision on motions. We will have a much better sense at that time whether there are any actual conflicts and if so, what the best adjourn date might be for trial.

Very truly yours,

A handwritten signature in black ink, appearing to read "J. Merchan".

Juan M. Merchan  
Judge Court of Claims  
Acting Justice Supreme Court

CC: Susan R. Necheles  
Gedalia M. Stern  
Assistant District Attorneys of record  
Court file

**HON. J. MERCHAN**

**SEP 01 2023**

Supreme Court  
of the  
State of New York



**JUAN M. MERCHAN**  
JUDGE OF THE COURT OF CLAIMS  
SUPREME COURT, CRIMINAL TERM  
FIRST JUDICIAL DISTRICT

PART 59 SEP - 1 2023

CHAMBERS  
100 CENTRE STREET  
NEW YORK, N.Y. 10013

September 1, 2023

Via E-Mail

Joseph Tacopina, Esq.  
Tacopina Seigel & Deoreo  
275 Madison Avenue, 35<sup>th</sup> Floor  
New York, NY 10016

Re.: People v. Donald J. Trump, Indictment # 71543/2023

Dear Mr. Tacopina:

As you are aware, at Mr. Trump's arraignment on April 4, 2023, Assistant District Attorney Christopher Conroy, brought to this Court's attention what he characterized as a potential conflict involving your representation of Mr. Trump. ADA Conroy requested that I conduct an inquiry to better gauge the existence of a conflict as a result of your prior dealings with Stormy Daniels, a possible People's witness in this case. Arraignment transcript Page 8. You disagreed with the People's assertions and suggested that a way to deal with the People's concerns would be for you to not participate in the cross-examination of Ms. Daniels, were she called as a witness by the People. Transcript Pages 23-25. This Court made no findings at that time, invited additional submissions and instead, briefly informed Mr. Trump of his right to conflict free representation. I also encouraged Mr. Trump to seek the advice of other counsel if he so wished. Mr. Trump indicated that he understood his rights. Transcript pages 26 and 27.

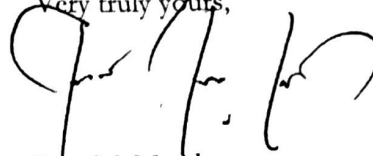
On April 12, 2023, you filed a letter, together with numerous attachments, further explaining your position that there is no conflict. The People filed a letter dated April 14, 2023, in substance, asking this Court to make additional inquiries of you and to conduct a *Gomberg* inquiry of Mr. Trump. By letter dated April 28, 2023, this Court requested that you provide certain additional materials for in camera review. You provided the requested documents on May 15, 2023. The Court subsequently asked you to meet in chambers.

On July 18, 2023, we met in my chambers. The proceedings were conducted on the record, which you requested be sealed. At the conclusion of our meeting, you asked this Court for an opportunity to provide the formal opinion of Michael S. Ross, an expert in the field of legal ethics.

This Court agreed. Some time later, this Court received a letter dated August 14, 2023, from Mr. Ross, together with a packet of exhibits. In his letter, Mr. Ross opines that there is no ethical basis for your disqualification and that a *Gomberg* hearing is not necessary. He further concluded that it is his opinion "... to a reasonable degree of professional certainty, that Ms. Clifford's conflict claims lack merit."

Having considered the arguments advanced by you as well as the prosecution, together with all documentation provided in support thereof, I accept your representations, as well as those of Mr. Ross, as officers of the Court, that there is no conflict. Additionally, the Court will not conduct a formal *Gomberg* inquiry. Nonetheless, in an excess of caution, the Court will revisit this issue with Mr. Trump when he next appears virtually on February 15, 2024. Lastly, the Court accepts your suggestion that you do not participate in the examination of Ms. Daniels if she is called as a witness at trial.

Very truly yours,



Juan M. Merchan  
Judge Court of Claims  
Acting Justice Supreme Court

**HON. JUAN M. MERCHAN**

CC: Todd Blanche  
Susan Necheles  
Gedalia Stern  
Assistant District Attorneys of record  
Court file