

19 December 2018

Dear Friend,

I am writing to thank you for your support during the recall campaign, and to ask you to contribute to defray \$135,000 in court-ordered attorney fees arising from the recall.

On June 5, 2018, I was recalled by voters after a well-funded, misleading, and extremely negative campaign by recall proponents. My campaign, which stressed the vital importance of an independent judiciary, received broad support from the legal community in Santa Clara County and beyond.

Early in the recall process, I filed a writ petition with the Santa Clara County Superior Court, arguing that Superior Court Judges are state officers for the purposes of recall, as opposed to local elected officials such as city mayors. I pursued the litigation so that Superior Court Judges would benefit from the same procedural protections as other state officers who face recall elections. As the California Legislature declared with respect to state officers, "recall elections are extraordinary elections in which an official may be removed by fewer voters than the number of voters who elected that official," and that before a recall election is held, "any and all steps should be employed to ensure the accuracy and validity of the petition process." Unfortunately, recall proponents, represented by a California law firm, prevailed in the litigation.

**After the recall election, the law firm filed a motion for attorney fees, arguing that the firm was entitled to fees because they and their clients had acted as a "private attorney general," vindicating the right of voters to recall a Superior Court Judge. The retired Superior Court Judge who ruled in the case-in-chief agreed, and ultimately ordered me to pay over \$163,000 in attorney fees and costs to the law firm (which was reduced to \$135,000 through a stipulated settlement). The Fair Political Practices Commission has informally advised me that any funds used to pay the fee order should pass through my campaign committee.**

My campaign committee has spent all its resources fighting the recall, and now must pay \$135,000 to satisfy the attorney fees order, **which is due by December 31.**

I am writing to ask you to make a contribution to that effort.

If my campaign committee is unable to raise the money to pay the amount ordered, I will be personally liable for any balance owed. Thank you for considering this request.

**Please contribute online by clicking**

**here:** <https://secure.squarespace.com/checkout/donate?donatePagelId=578c54b7f7e0ab358fd6c095>

Payments by check can be made out to “Retain Judge Persky--No Recall” and mailed to [171 Main Street, #621, Los Altos, CA 94022](#). Please write your occupation and employer on the check.

With Gratitude,

Aaron Persky

Paid for by Retain Judge Persky -- No Recall, major funding by McManis Faulkner. FPPC ID#[1387571](#). Committee major funding from 1) McManis Faulkner, and 2) No Recall of Judge Persky, major funding by Elizabeth Siegelman.