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November 10, 2022

Hon. Arthur Engoron
Supreme Court, New York County
60 Centre Street
New York, NY 10007

RE: *People v. Donald J. Trump, et al.* – Index No. 452564/2022

Dear Justice Engoron:

The Office of the Attorney General (“OAG”) writes to recommend three candidates to serve as monitor pursuant to the Court’s November 3, 2022 order granting a preliminary injunction and the appointment of an independent monitor (the “November 3 Order”). NYSCEF No. 183.

In fashioning the recommendations below, OAG considered the sort of experience and expertise that would facilitate discharging the duties of the monitorship ordered by the Court. In particular, OAG concluded that experience serving as a monitor or neutral arbiter in complex financial-related matters would be important for the monitor’s ability to expeditiously implement the November 3 Order’s provisions. OAG also concluded that experience assessing whether misrepresentations are occurring, and whether important information is being withheld, would be important as well. Lastly, OAG concluded that expertise in accounting, including forensic accounting, would be important for any monitor in this matter to have at his or her disposal. To serve effectively, any monitor will be required to quickly absorb information about the Trump Organization as a corporate conglomerate, the assets reflected on the Statements of Financial Condition, the nature of the verified allegations in this action and the conclusions reached by the Court on OAG’s preliminary-injunction motion.

With those considerations in mind, OAG proposes the following candidates for the Court's consideration:

1. **The Honorable Barbara S. Jones (Ret.)** Judge Jones served as a United States District Judge for the Southern District of New York for sixteen years. She also served in the United States Attorney's Office for the Southern District of New York and as Chief Assistant to then-District Attorney of New York County, Robert M. Morgenthau. Judge Jones is now a partner at Bracewell LLP, where her practice is focused on corporate monitorships among other areas.
2. **Aaron Marcu, Esq.** Mr. Marcu is a Partner at Freshfields Bruckhaus Deringer LLP. Mr. Marcu has led the firm's U.S. litigation practice and the firm's Financial Institutions Litigation Group. He previously served in the United States Attorney's Office for the Southern District of New York. Mr. Marcu has served as an independent monitor in a number of matters involving the United States Department of Justice and Securities and Exchange Commission.
3. **Frances McLeod.** Frances McLeod is the Founding Partner of Forensic Risk Alliance ("FRA"), a firm whose practice includes leading and supporting compliance monitorships.¹ Ms. McLeod is currently serving as a compliance monitor in two United States Department of Justice matters. She has also supported a number of monitorships instituted as part of matters brought by the Department of Justice, the Securities and Exchange Commission, the New York Department of Financial Services, and the Public Company Accounting Oversight Board.

OAG believes each of these candidates can fairly, independently, and swiftly assume the role set forth in the November 3 Order.

Finally, OAG respectfully proposes that the precise terms of the monitorship be set forth in a detailed monitorship order. Such an order would be consistent with the practice in other matters, would avoid ambiguity concerning the role of the monitor and would address any concerns that the monitorship could disrupt the day-to-day operations of the Trump Organization.² OAG anticipates a monitorship order in this case would address a number of issues including: (i) Authority for the monitor, with the Court's approval, to retain appropriate professional services, such as accounting expertise; (ii) The terms of and process for compensation for the monitor and his or her agents; and (iii) The timing of any reports to the

¹ If Ms. McLeod is not selected as the monitor, FRA advises that the firm would still be able to provide accounting and related expertise for the monitor appointed by the Court.

² See, e.g., *S.E.C. v. Xia*, 21 Civ. 5350, ECF No. 2-1 (E.D.N.Y. Sept. 27, 2021), at 3 (beginning of proposed monitorship order); *S.E.C. v. GPB Capital Holdings*, 21 Civ. 00583, ECF No. 21-1 (E.D.N.Y. Feb. 11, 2021); *S.E.C. v. Brogdon*, 15 Civ. 8173, ECF No. 57 (D.N.J. Dec. 28, 2015).

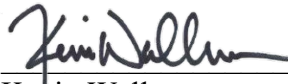
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Court and OAG on the results of the monitor's review. OAG is in the process of preparing such an order for the Court's consideration and can review the terms before submission with the monitor and the Trump Organization.

We thank the Court for its consideration of these candidates. We will submit additional information regarding their backgrounds for consideration in camera.

Respectfully submitted,



Kevin Wallace
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Division of Economic Justice