

**CLERK'S MINUTES**

PAULA CORBIN JONES  
Repr: Campbell/Fisher

JUDGE: Susan W. Wright  
REPORTER: Lois Lambert  
CLERK: Kris Baker for Sandy Carpenter  
DATE: December 18, 1997

VS. CASE No. LR-C-94-290

WILLIAM JEFFERSON CLINTON, ET AL  
Repr: Robert Bennett  
Kathlyn Graves  
Katie Sexton/Amy Sabrin  
Bill Bristow for Danny Ferguson

**UNDER SEAL**

**FILED**  
U.S. DISTRICT COURT  
EASTERN DISTRICT ARKANSAS

DEC 19 1997

JAMES W. McCORMACK, CLERK  
By: *V. Turner*  
DEP CLERK

**ACTION: IN-CAMERA HEARING**

5:33 p.m. Conference call (above counsel present) to take up Order entered by the Court under seal today in regard to the depositions of Jane Does I, II, and III and to take up the matter of a solicitation letter mailed by the Rutherford Institute.

Court inquires as to whether all parties received a faxed copy of an Order entered by the Court under seal today in regard to the depositions of Jane Does I, II, and III. All counsel indicate that they have received a faxed copy of that Order. No comments.

Court proceeds and takes up the matter of the solicitation letter mailed by the Rutherford Institute. The Court is concerned about infringing the First Amendment Rights of the Rutherford Institute as well as Ms. Jones. However, the Court is also very concerned with ensuring a fair trial.

Bennett states his concern that this letter has been mailed to certain individuals in the Eastern District of Arkansas who might be in the jury pool for this case. The letter might taint the jury pool. The letter purports to be on Ms. Jones' stationary and purports to be signed by her. The letter discusses the facts and merits of this case and requests a monetary donation on behalf of the Rutherford Institute.

Campbell speaking on behalf of Ms. Jones only, not the Rutherford Institute, responds. Claims that letter was produced to the defendants' attorneys before being mailed out. He does not know who received the letters. Proposes handling the letter issue through voir dire of the jury pool.

Bennett responds to Campbell's statements and suggestions. Requests a list of people who received the letter in Arkansas in order to deal adequately with the issue during voir dire.

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Bristow responds. States that defendant Ferguson has not solicited or raised funds. Argues that the Rutherford Institute letter goes beyond fund-raising. Claims that letter contains facts which Ms. Jones admitted in her deposition were inaccurate. Requests a list of people who received the letter in Arkansas. Will request appropriate relief prior to trial if the jury pool has been tainted as a result of this letter.

Bennett claims that the way the attorneys' names appear on the letter, looks as if the Rutherford Institute represents Ms. Jones.

Campbell replies and states that two staff attorneys of the Rutherford Institute are of counsel but the Rutherford Institute itself does not represent Ms. Jones. Challenges opposing counsel to find factual statement in the letter which was not in the complaint or already in the public domain. Requests that, like the names of donors to the Paula Jones Legal Defense Fund, the names of donors to the Rutherford Institute be kept confidential, too.

Court states that there is no formal motion regarding the Rutherford Institute's letter pending before the Court. However, if there were a pending motion before the Court, the Court would be inclined to rule as follows. The Court would be inclined to require the plaintiff to reveal the mailing list for the solicitation letter to the defendants, but the Court would not be inclined to require the plaintiff to reveal information regarding actual donations made to the Rutherford Institute. Although the Court acknowledges that the Rutherford Institute may be allowed to solicit money around the country and in Arkansas, the Court is inclined to rule that it is not permissible for Ms. Jones to contact potential jurors in the Eastern District of Arkansas through such a letter to discuss the merits of her case and to solicit funds. The Court is inclined not to allow the letter to look like it is on Ms. Jones' stationary or to be signed by Ms. Jones. The Court's overriding concern is a fair jury. The Court will be inclined to allow the attorneys to question potential jurors who received the letter and ask if they formed opinions based upon the letter. The Court also anticipates that it will be difficult to allow a person to sit on the jury who has contributed money in response to the letter. If a fair jury is unavailable, the Court might be required to postpone the trial, despite Ms. Jones' desire to proceed to trial while the President is in office, or to change venue in the case. The Court encourages the parties to work together and to resolve this matter. If they are unable to resolve it, they may file formal motions.

Bennett questions Campbell's involvement with the Rutherford Institute.

Campbell responds that he and Whitehead have been on the board at the Rutherford Institute in the past. Campbell is currently on the board. However, Campbell has abstained from participating in all matters involving Ms. Jones.

Bennett expresses concern over Campbell's involvement.

Campbell questions the Court as to whether a solicitation letter from the Rutherford Institute, on Institute stationery, signed by the Institute would be permissible.

Court still sees potential problem of soliciting funds from potential jurors in the Eastern District of Arkansas.

Campbell questions whether the names would be subject to the protective Order entered in this case regarding discovery.

Court responds that the names would be subject to the protective Order. Court clarifies by explaining that the Court would be inclined to order only that the names of those individuals in the Eastern District of Arkansas who received the solicitation letter be turned over, not the method by which those names were generated. The jury pool will be drawn from the Eastern District of Arkansas.

There will be no conference call next week.

The next conference call will be held on Tuesday, December 30 at 4:30 p.m.

5:56 p.m. Conference concludes.