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February 14, 2008

The Honorable Eliot Spitzer
Governor of New York
State Capitol
Albany, New York 12224

*Re: Appointment of Special Prosecutor
People v. Felix Vinluan et al.
Suffolk County Indictment No. I-769A-K-07*

Dear Governor Spitzer:

I write to you on behalf of NELA/NY, the local affiliate of the National Employment Lawyers Association ("NELA"), which is an association of attorneys who advocate for the workplace rights of employees. NELA/NY urges you to appoint a special prosecutor to investigate why the Suffolk County district attorney has instituted the above-referenced criminal case currently pending in Suffolk County.

According to several news accounts, many nurses of Filipino origin are or have been working at hospitals operated by the Sentosa Recruitment Agency, pursuant to employment contracts. The press has reported that, the nurses were distressed by several aspects of their work conditions, which they evidently believed violated their contracts. The news stories further indicate that, as a result, a group of these the nurses resigned from their jobs, at the end of their shifts, in April 2006. Despite being cleared of charges related to patient abandonment by the New York State Departments of Health and Education, the nurses have been indicted by the Suffolk County District Attorney's office for allegedly endangering the welfare of the hospital patients when they simultaneously resigned from their jobs. Felix Vinluan, the attorney who advised them regarding their workplace rights, has also been named in the indictment.

NELA/NY does not represent the nurses or their attorney and does not here argue the precise merits of the case. However, NELA/NY is deeply concerned that a labor dispute has been transformed into a criminal prosecution. It is simply stunning, given the circumstances reported by the press, that an attorney is being prosecuted for apparently giving the non-controversial advice to employees that one party's material breach of a contract extinguishes the other party's duty to perform on the contract, or in this case, the nurse's legal duty to remain in their jobs.

We feel that this indictment has dangerous potential to discourage other employees from asserting their rights and intimidate lawyers who represent aggrieved workers from giving their clients appropriate legal advice. Under the circumstances, we join other bar associations in asking that you appoint a special prosecutor to investigate how and why this matter has evidently escalated out of control.

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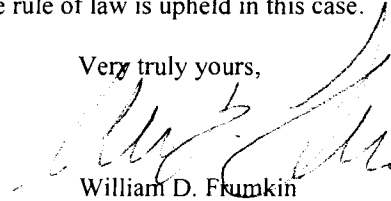
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The Honorable Eliot Spitzer
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When lawyers are instilled with fear that lawful advice given to their clients could lead to criminal prosecution, the credibility of our entire legal system is undermined. A special prosecutor is urgently needed to ensure that the rule of law is upheld in this case.

Very truly yours,

A handwritten signature in black ink, appearing to read 'William D. Frankin', written over a light blue horizontal line.

William D. Frankin
on behalf of the Executive Board
of NELA/NY