

THE MARSH LAW FIRM PLLC

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LAURA A. DEMPSEY
Admitted in NY

December 17, 2007

sent via fax and mail

Masha E. Allen
342 Linden Avenue
Johnstown, Pennsylvania 15902-2531

Dear Masha,

As you know, last year I was instrumental in getting Masha's Law passed on your behalf. Along with Senators Kerry and Isaakson, I was quite hopeful that a potent federal civil cause of action would provide you and other victims of child pornography a measure of justice for the extraordinary exploitation you continue to suffer every day. Unfortunately intervening "opposition and obstruction" has prevented you from recovering anything under this pioneering statute or the wrongful adoption causes of action we initially identified.

In August 2005, your adoptive mother (a/k/a "Faith Elizabeth Allen," "Lynn Marie Ginn" and "Kimberly Murphy") retained me and my law firm to provide "legal services concerning the abuse and exploitation of . . . Masha Allen, the wrongful adoption of Masha Allen, and all legal causes of action arising from these incidents."

As I explained to you and your mother on numerous occasions, she did not and does not have any cognizable causes of action in any of the legal issues we identified. You are the sole individual beneficiary and party in interest in the lawsuits under Masha's Law and in any potential lawsuits against the numerous individuals and entities involved in placing you with Matthew Mancuso.

Other than representing her in the life rights negotiations, we never performed any significant legal work for your mother, although we did perform a sizable amount of "social work" assisting her daily with routine parenting tasks, financial crises, and emergency situations.

We did perform momentous legal work for you by drafting, lobbying for and passing Masha's Law; coordinating with the Justice Department on the development of your Victim Impact Statement (which was quoted extensively by former Attorney General and ABA Lawyer of the Year Alberto Gonzalez during his Congressional testimony last year); and pressing for two Congressional hearings on your exploitation and adoption which occurred on May 3, 2006 and September 27, 2006.

Faith never challenged our representation of you and in fact repeatedly told the international press, the national television media and the United States Congress on May 3, 2006 that I represented you. As recently as March 2007, she told my colleague Maureen Flatley that she never believed that I did not represent you.

During the spring and summer of 2006, I grew increasingly concerned for your health and safety. You confirmed my fears during our detailed conversations on September 20-21, 2006. The information you disclosed immediately placed you and your mother in an irresolvable conflict of interest which continues to this day.

Several weeks prior to your revelations—on September 11, 2006—I sent a lengthy email to your mother. The email stated, in part:

As you know, as Masha's parent you will be confronting a great deal of scrutiny and questions. There will be defense attorneys in each one of these cases who may demand answers to some very difficult questions. We will have to prove damages. Masha's health care, mental health treatment, school records and even dental records will all be subject to review and questions. Her current physical and mental health status make questions of this sort difficult to answer. . . .

We will also need complete cooperation in terms of treatment - ongoing treatment - which may involve 10 to 12 hours per week. You will need to be deeply involved in Masha's treatment and will need to answer many many questions about Masha, her well-being and your decisions about her treatment, or lack thereof. . . .

A guardian ad litem will have to be appointed eventually because once the judge makes an award, or a case is settled, the judge has to conduct an independent evaluation to see whether the settlement is in the child's best interest (even our fees are evaluated by the judge). Once the judge has reached this decision, the judge places the money with a guardian of the estate. At no time does any money go directly to Masha or you. It must be held and managed by the guardian in Masha's best interest. . . .

Masha deserves and needs the money to which she is entitled. As her attorney we have an ethical and legal responsibility to do everything possible to see that she recovers as much as possible.

Faith prevented all further contact between us within two weeks after this email was sent.

Immediately after we spoke on September 21, 2006, my partner Laura Dempsey and I consulted with the State Bar of Georgia, our insurance carrier's ethics hotline, and privately retained ethics counsel. All urged us to contact the authorities if we believed your health or safety was in danger. We have been actively pursuing this directive for almost 15 months.

It appears that the Philadelphia Bar Association would agree with our course of action. In Opinion 96-3, it found that:

A lawyer should act with commitment and dedication to the interests of the client and with zeal in advocacy upon the client's behalf. The comment also notes that this obligation exists despite *opposition, obstruction or personal inconvenience to the lawyer*.

Further, we note the special obligation under Rule 1.14 regarding Clients Under a Disability, including minority. Subsection (b) of Rule 1.14 permits the appointment of a guardian ad litem after you reasonably believe that the client's interests are not being adequately protected by the mother.

Having concluded, as you do, that the minor is your client, the ethical considerations above suggest that it is inappropriate to take any instruction from the custodial parent under these circumstances. In fact, the above considerations suggest that it would be inappropriate to follow the instructions of any parent where such instructions are in conflict with your client's best interest.

The above opinion strongly indicates that it is inappropriate to take any instruction from a custodial parent under these circumstances. In keeping with this principle, we refused to take any instructions from your mother concerning your best interests since September 21, 2006.

On June 4, 2007, the State Bar of Georgia advised us that they believed the “best course of action would be to have a guardian appointed” for you and our “firm was investigating that procedure prior to learning that [Faith] and you have moved to an undisclosed location.” In addition, they repeatedly instructed us not to surrender your files to your mother.

Pennsylvania Rule of Professional Conduct 1.14(b), which is very similar to the Georgia rule, provides that *a lawyer may seek the appointment of a guardian or **take other protective action** (emphasis added) with respect to a client, only when the lawyer reasonably believes that the client cannot adequately act in the client’s own interest.*

Pennsylvania Rule 1.6(a), allows us to make “disclosures that are impliedly authorized in order to carry out the representation. . .” We can and have made disclosures necessary to effectuate Faith’s removal as your guardian.

Throughout the entire course of our representation of you, we have experienced repeated and extreme “opposition, obstruction and personal inconvenience.” Masha, you have been denied “effective representation” in both Georgia and Pennsylvania by innumerable institutions and individuals charged with your protection. The recent series of events should therefore come as no surprise as they comprise a seemingly endless sequence of human rights violations which you have experienced almost from the day of your birth.

Sometime in September 2007, I learned that you were living in Cambria County, Pennsylvania and that Timothy J. Sloan, Esq. was your guardian ad litem. Since that time I have telephoned Mr. Sloan twice and left messages, sent two faxes, sent one letter regular and certified mail, and sent another letter via first class mail.

To date, Mr. Sloan has utterly and negligently failed to respond in clear violation of Pennsylvania law which requires your *guardian ad litem* to “conduct such further investigation necessary to ascertain the facts” and “interview potential witnesses . . . and present witnesses and evidence necessary to protect the best interests of the child.”

In addition, he has apparently neglected your civil legal rights by failing to secure appropriate representation for you in the numerous lawsuits under Masha’s Law, *et. al.* In District of Columbia Ethics Opinion 252, which I helped implement, the DC Ethics Board found that a child’s guardian ad litem “is obligated to notify the child or those responsible for the child’s care of . . . potential claims [and] when necessary to preserve these claims, the lawyer also is obligated to take reasonable steps to file notices that are required by statute.”

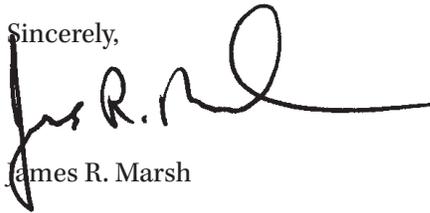
In the coming weeks an attorney named Timothy M. Ayres will be meeting with the Cambria County Orphans’ Court judge in an effort to secure an appropriate *guardian ad litem* for you. Your civil cases need an intense and sustained effort so you can obtain the funds which will support you in the years to come. Any failure to immediately initiate these cases places your civil remedies in danger. The adoption agency which facilitated your placement with Matthew Mancuso recently reorganized into a new entity. Some of the potential defendants in the Masha’s Law litigation have died or disappeared. Matthew Mancuso has spent some or all of his significant wealth defending himself in criminal actions in Pennsylvania and Florida.

As time passes, your chances of recovering anything from any of the numerous individuals and entities which have damaged you decreases. Witnesses die or disappear. Companies go bankrupt and reorganize. Funds get dissipated. People forget.

You must do everything in your power to ensure that competent legal counsel is retained to represent you now and in the years to come. You must also do what you can to take care of yourself by attending therapy and receiving regular medical care, including frequent tuberculosis testing. Despite your five name changes, six schools, and ten addresses across two states and four counties, you are an incredibly resilient girl with a bright and hopeful future ahead of you.

There are many many people all over the world who care deeply about you and your well-being. I will continue doing everything in my power to help you.

Sincerely,

A handwritten signature in black ink, appearing to read "James R. Marsh". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

James R. Marsh

cc: Timothy J. Sloan, Esq.
Timothy M. Ayres, Esq.
The Honorable Norman Krumenacker
Betzi White, LSW