

AFFIDAVIT

STATE OF NEW YORK)

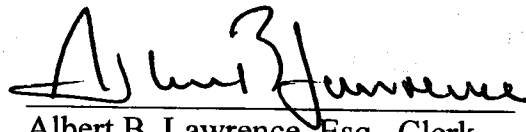
:SS

COUNTY OF ALBANY)

ALBERT B. LAWRENCE, ESQ., having been duly sworn, deposes and says:

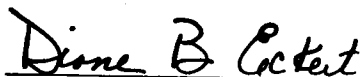
1. I am the Clerk of the State Commission on Judicial Conduct and have been since April 1, 1983.
2. As such, I am responsible for recording the confidential minutes of the meetings of the Commission and am the custodian of those minutes.
3. I was present and witnessed the election of Henry T. Berger, Esq., by the members as Chair of the Commission in 1990, 1992, 1994, 1996 and 1998.
4. I have also reviewed the minutes of the Commission and have verified that Mr. Berger was duly elected Chair on March 22, 1990, for a two-year term ending March 31, 1992; on March 30, 1992, for a two-year term ending March 31, 1994; on June 9, 1994, for a two-year term ending March 31, 1996; on March 14, 1996, for a two-year term ending March 31, 1998; and, on March 12, 1998, for a two-year term ending March 31, 2000.

Dated: May 17, 1999



Albert B. Lawrence, Esq., Clerk
New York State
Commission on Judicial Conduct

Sworn to before me this
17th day of May 1999



Notary Public

DIANE B. ECKERT
NOTARY PUBLIC, State of New York
No. 01EC4663704
Qualified in Rensselaer
Commission Expires March 30, 2000