
No. 20-5143

**IN THE UNITED STATES COURT OF APPEALS
FOR DISTRICT OF COLUMBIA CIRCUIT**

In re: **MICHAEL T. FLYNN,**
Petitioner

**MOTION OF THE NEW YORK CITY BAR ASSOCIATION FOR
LEAVE TO FILE BRIEF AS *AMICUS CURIAE* IN OPPOSITION TO
THE PETITION FOR A WRIT OF MANDMUS**

Gregory S. Smith
D.C. Bar No. 472802
Law Offices of Gregory S. Smith
913 East Capitol Street, SE
Washington, DC 20003
Phone: (202) 460-3381
Fax: (202) 330-5229
Email: gregsmithlaw@verizon.net

OF COUNSEL:

Stephen L. Kass, NYS Bar No. 1627215	Chair, NYC Bar Association Task Force on the Rule of Law
Michael Shapiro, NYS Bar No. 1481241	Secretary, NYC Bar Association Task Force on the Rule of Law
Marcy L. Kahn, NYS Bar No. 1191121	Member, NYC Bar Association Task Force on the Rule of Law
Steven A. Cash, D.C. Bar No. 502439	Member, NYC Bar Association Task Force on the Rule of Law
Melissa J. Erwin, NYS Bar No. 4588133	Member, NYC Bar Association

Counsel for Proposed Amicus Curiae The New York City Bar Association

CERTIFICATE OF PARTIES

Except for the New York City Bar Association filing here as *amicus curiae* and other *amici* who have filed in this court, all parties and *amici* appearing before the district court and this Court are listed in the petition for a writ of mandamus.

DISCLOSURE STATEMENT

The New York City Bar Association is a New York not-for-profit corporation. It has no shareholders, parent corporations or subsidiaries. It is not owned or controlled by any other entity. Nor does it own or control any other entity. Its purpose is to advocate reform of the law in the public interest, increase access to justice, and support the rule of law in the United States.

MOTION TO FILE AMICUS CURIAE BRIEF

The New York City Bar Association (“the Association”) respectfully moves for leave to file the attached brief as *amicus curiae* in opposition to the petition of Michael T. Flynn for a writ of mandamus (“the Petition”).

1. The Association’s interest is in educating the public on important legal matters and to advocate and educate on behalf of and about the rule of law.
2. The brief is desirable because it asserts a concise, principled position contrary to the Petition on the question of the availability of mandamus as a remedy and on the propriety of the appointment of an *amicus curiae* by the district court.
3. The brief is relevant because it directly addresses two of the issues raised by the Petition.

For the foregoing reasons, the Association respectfully moves for leave to file the attached brief in opposition to the Petition.

Dated: June 1, 2020

Respectfully submitted,

By: /s/ Gregory S. Smith
Gregory S. Smith
D.C. Bar No. 472802
Law Offices of Gregory S. Smith
913 East Capitol Street, SE
Washington, DC 20003
Phone: (202) 460-3381
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Melissa J. Erwin, NYS Bar No. 4588133	Member, NYC Bar Association

Counsel for Proposed Amicus Curiae The New York City Bar Association

CERTIFICATE OF COMPLIANCE

1. This motion for leave to file a brief as *amicus curiae* complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A) because the motion contains 263 words.

2. This motion complies with the typeface and type style requirements of Fed.R.App.P. 27(d)(1)(E) because this brief has been prepared in a proportionally spaced typeface using Microsoft Word in 14-point font, Times New Roman.

Dated: June 1, 2020

/s/ Gregory S. Smith

Gregory S. Smith

Counsel for Proposed Amicus Curiae

The New York City Bar Association

CERTIFICATE OF SERVICE

I certify that on June 1, 2020, I filed a copy of the foregoing document via the CM/ECF system of the United States Court of Appeals for the District of Columbia Circuit, which will send notice of this filing to all counsel of record.

/s/ Gregory S. Smith