

Kenneth S. Marks

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January 24, 2022

Blake A. Hawthorne  
Clerk of the Court  
Supreme Court of Texas  
P.O. Box 12248  
Austin, Texas 78711

Re: No. 20-0558, Exxon Mobil Corp. v. City of San Francisco, et al.

Dear Mr. Hawthorne,

By this letter I wholeheartedly join the Brief of Amicus Curiae submitted in this case on this date by Murry B. Cohen. For the reasons set forth in Mr. Cohen’s brief, the Court should publicly and forcefully reject the “some final thoughts” uttered by the Second Court of Appeals in its opinion in this case.

I practiced law with Susman Godfrey LLP from 1982 until 2016, as an associate for the first four years and thereafter as a partner for thirty years. My practice included commercial disputes of all types. I served

on the District 4E Grievance Committee for a period of several years. During my thirty-four years of practice, I encountered ethical issues of several types, including motions to recuse judges. That experience tells me that the justices of the Second Court of Appeals are near-certain to encounter recusal motions based on the wholly inappropriate and highly prejudicial statements made in “some final thoughts.”

I have not been paid a fee in this matter and am acting only for myself.

I have contacted Murry Cohen, who consents to my filing this joinder.

Sincerely,

Kenneth S. Marks

cc: Murry Cohen