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Rama and Manjula, LLC  
(A Corporation)

Petitioner

against

Christine Fye and John Doe  
26 Bushwick Avenue Apt. 2Frt  
Brooklyn, NY 11211

Respondents

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**Motion for Recognition of John Doe's Competence to  
Represent Respondents as a *pro se* Attorney in this Case**

1. Now comes John Doe, named respondent in this Case, proceeding *pro se* on behalf of Respondents, and humbly prays that this Honorable Housing Court grant this Motion to Recognize John Doe's Competence to Represent Respondents, as a *pro se* Attorney, in this Case, and that he be treated with the customary respect that is granted to an attorney appearing before this Honorable Housing Court in his forthcoming Motion to Vacate the Stipulation of Settlement as Fatally Defective.
2. John Doe respectfully submits that the recognition of his competence to proceed as an attorney - including his special expertise in, and understanding of, the use of information and communication technology - is essential in order to ensure that this Honorable Housing Court gives due weight and consideration as to matters of law, of evidence and of proposed remedies that John Doe will bring to the attention of this Honorable Housing Court - including remedies that, if approved by this Honorable Housing Court, could form the basis for far-reaching and unprecedented changes that can profoundly transform and enhance the timely and equitable administration of justice by this Honorable Housing Court.
  - a. Among the proposed remedies to this case that will be presented to this Honorable Housing Court by John Doe are some that address what he humbly submits are fundamental shortcomings and limitations of prevailing practices in the administration of justice by this Honorable Housing Court - shortcoming that pose an undue and unequal burden on tenants in their effective participation in cases before this Honorable Housing Court and that prevent tenants and this Honorable Housing Court from having timely and affordable access to evidence and facts that require consideration in the administration of justice within this Honorable Housing Court;
  - b. John Doe humbly submits that these shortcomings and limitations are self-evident, resulting as they do in the widespread persistence of illegal actions and inaction by landlords - such as John Doe humbly submits will be proven to be true of Petitioner in this case - and in the very limited impact that this Honorable Housing Court has on the persistence of inadequate and poorly-maintained rental housing in large parts of Kings County.

- c. John Doe humbly submits that these shortcoming and limitations can only be overcome through the use of the power, economics, speed and the provision of inexpensive, timely access to information that is now readily available through the use of modern information and communication technology, most notably the Internet, include:
- i. The establishment of an comprehensive electronic information system - accessible on the World Wide Web - for this Honorable Housing Court in order to allow the Honorable Housing Court - and parties to cases before it - timely and affordable access to relevant information as to details of ownership records of housing units in Kings County and in the other boroughs of New York City, including records of all complaints and citations against the landlord - for any and all housing units in New York City that are owned by the landlord - by competent authorities, as well as cases brought before this Honorable Housing Court.
  - ii. The provision - initially in the context of a demonstration project - of procedures and protocols to permit the service and receipt of Motions and other documents by electronic mail by parties to cases before this Honorable Housing Court.
  - iii. In proposing such remedies - and in demonstrating the economy and technical feasibility thereof - John Doe humbly prays that this Honorable Housing Court be mindful as to how the practice and administration of law has been transformed by technological advances in the art of printing and reproduction of documents in the more than four hundred years since Gutenberg's invention of the printing press, and to consider the likelihood that an even greater transformation is likely to be one of the consequences of inventions in information and communication technology.
  - iv. Furthermore, John Doe humbly submits to this Honorable Housing Court that the profound and rapid impact of the Internet and modern information and communication technology in revolutionizing the practice and administration of business in virtually all areas of human activity that rely on the use of the written word and on timely, affordable access to information is self-evident, and that there would appear to be no basis for holding that the practice and administration of the law is an exception to this phenomenon.
- d. John Doe further respectfully submits evidence below of his general competence in, and understanding of, international agreements that relate, inter alia, to sustainable and ecologically sound housing and to rights to adequate housing, and that may also be of significant value to this Honorable Housing Court, and to the parties appearing before it.
- i. John Doe respectfully submits that these international agreements, and the body of knowledge that they are based on, can provide invaluable guidance to this Honorable Housing Court in the development of effective remedies for two of the elements of Respondents' Counterclaim against Petitioners, namely those based on Petitioner's failure to provide an adequate supply of hot water and heat and Petitioner's maintenance of hot water and heating systems that are grossly wasteful of finite freshwater and energy resources.

3. John Doe respectfully stipulates as fact the following information as to education, training and experience he has received and as to some relevant accomplishments, in support of his general competence in, and understanding of, principles, practices and administration of law - in areas that include criminal law, the environment, development and housing rights as well as rights of access to information, of participation in legal and consultative proceedings, of access to justice and the law and of rights to due process - in significant part through the use of information science and modern information and communication technology. John Doe respectfully submits that he is prepared to provide evidence, if required, to substantiate this stipulation.
  - a. General education: John Doe received an education, initially in his native country - the United Kingdom - that included:
    - i. Whitgift School - Croydon, Surrey, England - from 1956 to 1962, having been awarded a Croydon County Council Scholarship to attend Whitgift School.
    - ii. Cambridge University - in Cambridge, England - from 1963 to 1966, having been awarded an Open Exhibition in Mathematics at Corpus Christi College, and where he was granted the degree of Bachelor of Arts, with Honours in Mathematics and Economics in 1966.
    - iii. The Johns Hopkins University - in Baltimore, Maryland - from 1955 to 1972, having been awarded a Graduate Fellowship in Social Relations, and where he was granted the degree of Master of Arts in 1972, with a Master's thesis titled "An Experiment Concerning the Transmission of Social Values", having fulfilled all of the requirements for a Doctor of Philosophy except for the submission of his doctoral thesis, and having specialized in the following areas:
      - (1) Research design & methodology
      - (2) Data analysis and management
      - (3) Mathematical models of behaviour
      - (4) Social psychology, interpersonal behaviour and group dynamics
  - b. Baltimore City Jail: For thirteen years - from 1972 to 1985 - John Doe was employed by the Baltimore City Jail (BCJ) - the pre-trial detention center for the City of Baltimore and an agency of the City of Baltimore.
    - i. For the first eight and a half years of his employment at BCJ, John Doe had the responsibility of managing the Library for residents at BCJ - initially as Library Aide, and subsequently as Librarian.
      - (1) For a substantial portion of the time that John Doe was employed in this capacity, BCJ housed a substantial number of individuals who had been sentenced to the Department of Corrections (DOC) of the State of Maryland, who were not able to be transferred to DOC due to overcrowded conditions there.

- (2) Throughout most, if not all, of the time John Doe was employed at BCJ, the institution was subject to the conditions of a Consent Decree under the Jurisdiction of a Federal Court.
- ii. One of the primary responsibilities of John Doe was the establishment, management and supervision of a Law Library for residents of BCJ.
- iii. In the course of carrying out his assigned responsibilities for the Law Library, John Doe had the opportunity to participate in professional training workshops and conferences on matters of legal research and of laws relating to the rights of BCJ residents. John Doe received training, inter alia, at the following institutions:
  - (1) Rutgers University, New Brunswick, New Jersey.
  - (2) The Department of Corrections of the State of Texas, Huntsville, Texas.
  - (3) The Department of Corrections in the State of Maryland - Baltimore, Maryland and Jessup, Maryland.
- iv. In carrying out his responsibility for the Law Library at BCJ, John Doe developed and established an innovative and effective system that enabled BCJ residents to have access to:
  - (1) Applicable State and Federal statutory and case law pertaining, inter alia, to:
    - (a) Their defence against criminal charges they faced, including their right to adequate representation by an attorney
    - (b) Their pursuit of remedies to verdicts and/or sentences they had received - in the case of residents who were awaiting transfer to DOC, and
    - (c) The terms and implementation of the Federal Consent Decree under which BCJ was administered.
- v. During the final five years of his employment at BCJ, from 1980 to 1985, John Doe held positions of Administrative Technician and Administrative Analyst, where his duties, responsibilities and accomplishments included:
  - (1) Introduction of micro-computers to BCJ, initially through the voluntary use of his own portable micro-computer.
  - (2) Creation of the first Policy and Procedures Manual for BCJ, in response to newly-established legal requirements of the State of Maryland, a task that involved, inter alia:
    - (a) Serving as an in-house consultant to middle-level management in the identification and development of policies and procedures.
    - (b) Assistance in drafting policies and procedures.

- (c) Establishment of consistent formats and numbering of policies and procedures.
    - (d) Organizing and formatting the manual.
  - (3) Development of comprehensive recommendations for the use of micro-computer networks designed to enhance the effectiveness and timeliness of information systems, and to enhance the general administration of BCJ.
- c. Nuclear Regulatory Commission (NRC): In his capacity as Co-Coordinator of the Chesapeake Energy Alliance (CEA), an organization in Baltimore that advocated environmentally sound use of energy, John Doe intervened, on a *pro se* basis, on behalf of CEA in the formal NRC proceedings on the Restart of Three Mile Island, Unit 1 (TMI-1), in the wake of the major accident and release of radioactivity at Three Mile Island, Unit 2.
  - i. In his motions before the NRC concerning the Restart of TMI-1, John Doe raised issues pertaining to the rights of citizens to participate in the proceedings, to procedural matters, and to the absence of any system for identification of documents filed before the NRC.
  - ii. When the burden of proceeding on a *pro se* basis eventually became too great for John Doe to continue participate in a meaningful matter in the NRC proceedings, he determined that it was not in the best interests of CEA to continue as an active participant in the proceedings.
  - iii. Although CEA did not continue to participate actively, John Doe subsequently was informed by an Administrative Judge of NRC, who he had the occasion to meet in a different context, that in response to his motion concerning identification of documents, NRC subsequently did adopt a system for identification of documents filed in NRC proceedings.
- d. Law School Admission Test (LSAT): In the course of his participation in the NRC TMI-1 proceedings, John Doe actively considered attending law school, and to this end took the LSAT.
  - i. John Doe decided that he would submit an application to attend law school if he received a score of 750 or more in the LSAT.
  - ii. John Doe subsequently was notified that he had received a score of 745, so he did not attend law school - even though this score placed him in the top 1% of scores received by candidates for the LSAT.
- e. International Law: Since 1989, John Doe has worked on a full-time basis, as a representative of several NGOs, in a historic series of United Nations proceedings - including Conferences, Conventions and Commissions, identified briefly below - and addressing, inter alia, issues of local, national and international law and practices relating to the environment, sustainable development, and rights to housing.
  - i. Throughout this period, much of John Doe's work has focussed on the systematic application of information and communication technology in support of broad-based participation and access to information for NGOs and members

of the public, and in the development and establishment of policies and practices that have upheld rights of participation and of access to information.

ii. The principle proceedings in which John Doe has participated - in many instances, in a prominent role - include the United Nations Conference on Environment and Development (UNCED) - also known as the Earth Summit - held in Rio de Janeiro in 1992, the UN Commission on Sustainable Development (CSD) that was established as a key outcome of the Earth Summit, and the Second United Nations Conference on Human Settlements - also known as Habitat II - held in Istanbul in 1996.

(1) In subsequent Motions before this Honorable Housing Court, John Doe respectfully intends to demonstrate that provisions of these agreements are of direct legal and substantive relevance to aspects of the case that are also frequently at issue in this Honorable Housing Court in that they call, *inter alia*, on national governments to provide for a significant role of agencies of local government in the implementation of the agreements, and that the United States of America is a signatory to these agreements.

iii. Among the many specific experiences of John Doe that are relevant to this case, and to his competence in matters on the law and of proposed remedies in this case are the following:

(1) UNCED and CSD

(a) Establishment, management and moderation of electronic conferences and electronic mailing lists to enable dialogue, exchange of information, and access to information and documents for NGOs in preparation for participation in UNCED and in the CSD.

(b) Participation in National Roundtables convened by the United States government in preparation for UNCED, most significantly in respect of this case in the Roundtable on International Law, at which the keynote presenter was former U.S. Attorney-General Elliott Richardson, who led a session on processes by which "soft law" - principles of law embodied in non-binding international agreements - can and do become translated into international, national, and local laws and regulations.

(c) Compilation of documents in electronic form, and distribution - at a nominal charge - of diskettes containing official documents in preparation for UNCED and the full text of the final agreements in English, French and Spanish.

(d) Design and establishment, in 1994 - through a Special Service Agreement with the UN - an Internet gopher site (a precursor of the World Wide Web), a user guide to the gopher site, and a manual of procedures for the dissemination of documents in electronic form - thus enabling timely and

cost-effective global access to electronic copies of the documents of the CSD.

(e) Proposal and preliminary development of a voluntary protocol on standards for the exchange of and access to information and public participation to the 1998 Aarhus Convention on Access to Information, Public Participation in Decision-Making, and Access to Justice in Environmental Matters. The Aarhus Convention is the primary international legal instrument that has been developed, with the leadership of the European Union, to enable the implementation of the UNCED agreements.

(i) John Doe notes that while the United States of America is not a signatory to the Aarhus Convention, it is a member State of the UN Economic Commission for Europe, under whose auspices the Aarhus Convention was developed, and hence the provisions of the Convention may not be without legal relevance within the United States.

(2) Habitat II

(a) Establishment, management and moderation of electronic mailing lists to enable dialogue, exchange of information, and access to information and documents for NGOs in preparation for participation in and follow up to Habitat II.

(b) Design, establishment and maintenance of a World Wide Web site for Habitat II, in partnership with the United Nations Development Programme (UNDP) and the United Nations Centre for Human Settlements (UNCHS) for official and unofficial documents and information relating to Habitat II and its implementation.

(i) The compilation, organization and incorporation as part of the web site of United Nations documents and agreements relating to Housing as a Human Right.

(c) The design, development and supervision of a relational database for the accreditation of NGOs to Habitat II.

(d) The design and development of a Habitat Online Partnership Plan of Action as a partnership framework to enable the integrated monitoring and implementation of the Habitat Agenda adopted at Habitat II and the agreements from other related UN Conferences, including Agenda 21, the principal agreement reached at UNCED.

(3) Law of the Internet: In the course of his extensive use of the Internet in support of rights of access to information, public participation in decision-making, and access to the law - supplemented by an in-depth understanding of the Internet that is based, inter alia,

on his education and background in mathematics and economics - John Doe has acquired substantial understanding of fundamental issues of law relating to the Internet, including issues that are directly related to rights of secure tenure for registrants of Internet domains.

4. On the basis of information contained in the above stipulation, and of additional facts that can be provided as and if necessary, John Doe respectfully prays that the Honorable Housing Court grant this Motion to Recognize John Doe's Competence to Represent Respondents as a *pro se* Attorney in the course of addressing remaining remedies in this Case.

a. In granting this Motion, John Doe respectfully requests that this Honorable Housing Court, while recognizing his general competence in and understanding of law take into consideration his lack of prior experience in the actual advocacy of law and justice before this Honorable Housing Court, and to ensure that the case be tried on its clear merits and that Petitioner does not hide behind legal technicalities to evade the fundamental principles of justice in this case.

Respectfully submitted this 16th day of June in the year 2000.

John Doe