

BRAUN & BRAUN LLP

May 8, 2018

John Bailey, President
Academy of Motion Picture Arts and Sciences

Re: The Expulsion of Roman Polanski

Dear Mr. Bailey:

Enclosed please find a copy of your Academy's May 3, 2018 letter to my client Roman Polanski. This unsigned letter was the only notice that Mr. Polanski was given that he was expelled from the Academy.

Mr. Polanski and I heard rumors that there might be some consideration of expulsion by the Academy based on his conduct four decades ago. We anticipated that the Academy would follow its own rules and regulations and the California Corporations Code in giving Mr. Polanski the mandatory notice of the proposed action and an opportunity to present his side of the controversy as required by law.

California Corporations Code, Section 7341, the Bylaws of the Academy of Motion Picture Arts and Sciences, and the Standards of Conduct adopted by the Academy in May 2018, require the legal recognition that the Academy has violated the basic standards of due process and deprived Mr. Polanski of a fair hearing.

Section 5b of your 2018 Standards of Conduct and Process for handling claims of misconduct specifically require that the Academy give the subject of the claim notice and an opportunity to respond in writing within ten (10) business days. This basic requirement was violated by your organization.

California Corporations Code, Section 7341, provides that the expulsion of any member must be done in good faith and in a fair manner. Section 7341(c)(2) requires fifteen (15) days prior notice of an expulsion, as well as notice of the reasons for the proposed expulsion. Subsection (c)(3) requires that the member be given an opportunity to be heard, either orally or in writing, not less than five (5) days before the effective date of the expulsion.

Article X, Section 3, of your Bylaws states that an expulsion requires the affirmative vote of not less than two-thirds of the Governors. A reasonable interpretation of the right of a member to present a defense is that it must be submitted to each voting member of the Board of Governors. Because of the litigations in California, Switzerland and Poland, there is an organized summary of materials which must be read by each voting member of the Board of Governors. Also, the victim of Mr. Polanski's 1977 misconduct wants to orally present her side to the Board of Governors in addition to submitting her position in writing.

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Roman Polanski has never contested his responsibility for the misconduct in 1977, nor has he fled the California judicial system *without proper cause*. A reading of Judge Mazur's well-reasoned decision issued by the Krakow Regional Court would provide a basic outline of Mr. Polanski's position. Even the deputy district attorney who prosecuted Mr. Polanski, acknowledged that Mr. Polanski was denied the sentence promised by the trial judge. The current prosecutor's office acknowledges that Mr. Polanski has completed more time in custody than he was promised by the Los Angeles Superior Court.

Mr. Polanski has acknowledged his legal and moral responsibility for his misconduct in 1977. He has apologized to Samantha Geimer who has accepted his apology and appeared in court to support Mr. Polanski. We are not here contesting the merits of the expulsion decision, but rather your organization's blatant disregard of its own Standards of Conduct in, as well as its violations of the standards required by California Corporations Code, Section 7341.

I am writing this letter to you to avoid unnecessary litigation. Mr. Polanski has a right to go to court and require your organization to follow its *own* procedures, as well as California law. The only proper solution would be for your organization to rescind its illegal expulsion of Mr. Polanski and follow its own Standards of Conduct by giving Mr. Polanski reasonable notice of the charges against him and a fair hearing to present his position with respect to any proposed expulsion.

I hope that the Academy understands Mr. Polanski only asks for a fair hearing to present his side of all the issues which will also provide members who support expulsion a forum argue their position.

Yours very truly,



HARLAND W. BRAUN

HWB:js
Encl.
cc: John Quinn, Esq.
Roman Polanski



May 3, 2018

Dear Mr. Polanski,

The Academy Board of Governors voted on Tuesday, May 1, to end your membership in the organization effective immediately, in accordance with the organization's Standards of Conduct.

The Board continues to encourage ethical standards that require members to uphold the Academy's values of respect for human dignity, and is categorically opposed to any form of abuse or harassment. The Board believes that these standards are essential to the Academy's mission.

The Board of Governors
Academy of Motion Picture Arts and Sciences