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TODAY'S NEWS

Update

The Supreme Court agreed yesterday to decide whether a Florida city may continue to ban the sacrificial killing of animals at religious rituals. The Justices said they will hear arguments in the case that the prohibition unlawfully interferes with religious freedom of an ancient African religion, *Church of the Lukumi Babalu Aye v. Hialeah*. The appeal is from a ruling by the Eleventh Circuit Court of Appeals affirming the ban that was enacted in 1987 by a Miami suburb. In a second case, the Court affirmed a \$400,000 award to Bette Midler against an advertising agency that used a "sound-alike" singer for a 1986 television commercial.

The Justice Ministry in South Africa announced yesterday that executions would resume after a two-year moratorium, with 17 convicted killers facing death by hanging. No date was given for the hangings. Opposition groups quickly appealed to the government to suspend the plans, warning the step could hinder talks on ending white minority rule. Before the moratorium, South Africa had one of the highest execution rates in the world.

Clarification

On March 6, the *Law Journal* reported on its front page a contempt/incarceration order affecting Doris L. Sassower, issued by Justice Nicholas Colabella on Feb. 11. In fact, that order had been vacated by Justice Colabella on Feb. 19. The court did not furnish a copy of its later order to the *Law Journal* or notify the *Law Journal*.



PHOTO
Harvey Myerson on his way to federal court yesterday he delivered the opening statement in his fraud trial.

Myerson Opens to J In His Most Crucial

BY DANIEL WISE

DELIVERING THE OPENING statement in the fight of Harvey D. Myerson yesterday displayed the trial skills that of the most sought after litigators in the profession.

In his 90-minute opening in Brooklyn federal court, Mr. Myerson displayed an expansive range of gestures, decibel levels and even stabs about every emotional register in a trial lawyer's repertoire: self-deprecating humor, sarcasm, appeals to reason, and escape.

But, even for a litigator as skilled as Mr. Myerson, this is a tough match. The government's chief prosecutor, Sean O'Shea, in a 50-minute opening that spelled out in simple, but starkly

Continued

Public Sector Salaries

BY DANIEL WISE

IN THE FACE of a prolonged downturn in the economy, many lawyers in public sector offices in New York have fared better than expected, and in some instances better than their counterparts in the private

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Tuesday, March 24, 1992

LETTERS

To the Editor

Lawyer Replies

Your March 6 issue published a decision/order concerning me by Judge Nicholas Colabella of the Westchester Supreme Court, along with his order directing my arrest and incarceration for an alleged contempt of court. That order had been vacated more than two weeks earlier and the *Law Journal* should have been so notified by the court.

Within 48 hours after Judge Colabella issued his Feb. 11 order directing my arrest and imprisonment, I brought an Article 78 proceeding against him in the Appellate Division and applied for a stay, which it granted. On Feb. 19, Judge Colabella vacated his Feb. 11 order.

The Feb. 19 order, described by the court as "on its own motion," was a direct result of my 78 proceeding in which Judge Colabella is represented by the Attorney General. Indeed, the purpose of the vacate order was to permit the Attorney General to argue before the Appellate Division that my petition is moot. Judge Colabella's vacate order is inadequate for mootness purposes. Moreover, it does not identify that my so-called "contempt" consisted solely of my having asserted the right to counsel — before being forced to comply with his direction, announced minutes earlier, that I sign releases under a coerced agreement, whose terms I believe to be unethical and illegal.

The petition underlying my proceeding before the Appellate Division is undenied. It documents a pattern of judicial conduct violating black-letter law as to jurisdiction, as well as fundamental constitutional rights. It also sets forth facts showing that the Code of Judicial Conduct required Judge Colabella to have disqualified himself. His refusal to do so is at the heart of my 78 proceeding.

Particularly in the bicentennial of our Bill of Rights, the transcending issues of a litigant's right to a fair trial before an impartial judge must be sacrosanct. For this reason, as a matter of principle and at enormous personal cost, I have not consented to the Attorney General's request that I withdraw my 78 proceeding which deserves a decision *on the merits*.

Doris L. Sassower
White Plains, N.Y.

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