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PERSONAL AND CONFIDENTIAL

BY FAX: 212-416-8139  
AND CERTIFIED MAIL, RRR: P-714-200-960

March 11, 1994

Hon. G. Oliver Koppell  
Attorney General of the State of New York  
120 Broadway  
New York, New York 10271

RE: Sassower v. Mangano, et al.

Dear Mr. Koppell:

This letter reiterates the contents of my March 4th letter to you, particularly wherein, referring to Shelley Mayer, Counsel to the Executive Committee, I stated:

"...my experience with your office convinces me that you are not being well served by those upon whom you necessarily depend for information and guidance. This is yet another reason why a meeting is imperative."  
(emphasis in the original)

Yesterday Ms. Mayer even more vividly proved the point that she is unworthy of your trust and confidence.

As you know, I was a leader of the women's rights movement before it was recognized as a movement. My enclosed Martindale-Hubbell's listing reflects the fact that I devoted years of my professional life to advancing the view that women should be in positions of power and leadership, particularly in the legal profession. It, therefore, particularly pains me to have to detail Ms. Mayer's conduct as part of a formal complaint against her.

Following my March 4th letter to you, I did not expect to have any further contact with Ms. Mayer. However, I was pleased when she called on that date to tell me that you had read that faxed letter and were requesting that I provide you with a copy of the files underlying the Article 78 proceeding so that you could review them personally.

Supp. Exh. "9"

Attorney General Koppell  
March 11, 1994  
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Because I was confident that the result of your review would radically alter my submission to the Court of Appeals, I dropped everything--as did Elena--to ensure that the files were made ready for your review, which Ms. Mayer told me could not commence before Tuesday of this week, since you would be in Albany on Monday.

To aid you in reviewing the files, the entire weekend was spent in duplicating, organizing, and indexing the files--complete with inventories of the contents and relevant summaries and cross-references. The files were then hand-delivered on Tuesday--ready for your attention, as scheduled.

On Wednesday I learned that, unfortunately (for me), you were not in the office on Tuesday, nor that day, but would be in on Thursday. I, therefore, left a message regarding the need for a stipulation to extend the time for my submission to the Court of Appeals since I had a Friday deadline and there had been no review as to the files by you.

Yesterday morning I again called and learned from Ms. Mayer that you were not expected in, due to the President's visit. I reiterated to Ms. Mayer the need for a stipulation since the content of my submission would be radically altered by your review and anticipated retraction of Assistant Attorney General Sullivan's false and deceitful February 11, 1994 letter-opposition to my Jurisdictional Statement. I discussed with her a stipulation putting the matter over to the April session so that you could properly complete your review and evaluate the serious action to be taken.

Ms. Mayer then spoke directly to my attorney, Evan Schwartz, Esq., and, following that conversation, told me to "draft a stipulation" and send it to her. My attorney and I then worked together to prepare a proposed stipulation and transmittal letter, which were then faxed to Ms. Mayer.

Shortly thereafter, Ms. Mayer called and informed me that not only would the proposed stipulation not be signed, but no stipulation of any kind. This was total bad faith on her part since, as noted, she had specifically told me to send a stipulation. Ms. Mayer refused to give any reason for her position, but finally stated that she had discussed it with Mr. Sullivan, who she said would not agree to a stipulation.

Elena then spoke with Ms. Mayer, pleading with her for some nominal extension of at least a few days in light of the substantial time lost by us in writing our February 3rd, February 6th, February 22nd, and March 4th letters to you--trying to get

Attorney General Koppell  
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your office to do the review of the underlying files under A.D. #90-00315, which it should have done before it put in fraudulent and perjurious misrepresentations about the file contents to the Appellate Division, Second Department.

She implored Ms. Mayer to take cognizance of the enormous amount of time expended by us in preparing the files for transmittal to you on March 8th, in compliance with your request and in the belief that your office was going to act responsibly and in good faith in its dealings with us in the matter. She explained to her that we had not finalized our submission to the Court of Appeals, placing it "on hold" following last Friday's phone call advising us of your desire to review the files personally.

Elena observed that despite all the time and effort expended by us, Ms. Mayer had not sent us even a single written response to our letters and suggested that if she had, she might begin to appreciate the time it takes to do so.

Ms. Mayer was absolutely intransigent and totally unsympathetic to the untenable situation in which we had been placed as a result of the foregoing circumstances.

Ms. Mayer was indifferent to the ethical consideration, reflected by the Code of Professional Responsibility, which I quoted to her in haec verba:

"A lawyer should be courteous to opposing counsel and should accede to reasonable requests regarding court proceedings...which do not prejudice the rights of his client..."  
EC 7-38

Acceding to such reasonable requests is specifically excluded from DR7-101, giving additional support to such encouraged mutual accommodation, designed to avoid unconscionable advantage-taking by adverse counsel.

When we emphasized to Ms. Mayer that there was no prejudice to her clients inasmuch as I am already suspended, but that there would be substantial prejudice to me by refusing to consent to even a few days' extension, she was unmoved. When pressed, her only response was that she was relying on Mr. Sullivan's advice.

Ms. Mayer failed to see the inappropriateness of relying on a lawyer whose conduct was the subject of my formal complaints to your office, reflected by all my past letters--several of which he had received directly from us.

Attorney General Koppell  
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We then inquired of Ms. Mayer as to whether she had seen our March 4th letter, complaining about her own conduct--which we had not sent to her. She admitted she had.

Shortly after we hung up the phone, as we attempted to comprehend this amazing conversation with counsel to your Executive Committee, who preferred to ally herself with Mr. Sullivan, the subject of formal complaint by me, rather than independently evaluate his conduct and the validity of the positions he had taken in his court submissions, I received a fax from Ms. Mayer. As you can see from the enclosed copy, she confirmed that her refusal to sign the stipulation was based on Mr. Sullivan's advice.

It was then that my daughter reminded me that my attorney, Mr. Schwartz, had had a telephone conversation with Mr. Sullivan in which Mr. Sullivan had agreed to a stipulation of "a few days".

Thereupon, Elena called Ms. Mayer back and left an urgent message reporting to her that Mr. Sullivan had been agreeable to a brief extension--a fact Ms. Mayer, purportedly relying on Mr. Sullivan, had not identified. Elena requested, urgently, that Ms. Mayer call back before she left the office for the day.

Elena also called Mr. Sullivan, an indicated recipient on Ms. Mayer's fax, but she was informed he was not in. She then left an urgent message for Abigail Petersen, also an indicated recipient.

Ms. Mayer never called back. However, Ms. Petersen did. After Elena gave her a full recitation of this matter, Ms. Peterson acknowledged that she was aware of my complaint letters concerning Mr. Sullivan and knew of my transmittal of the underlying files, which she said she had not seen but which were "upstairs". She readily admitted that she knew that Mr. Sullivan had been agreeable to a few days' extension. She further agreed to leave a message for Ms. Mayer to that effect and to follow it up this morning.

I draw your attention to Ms. Mayer's fax to me yesterday, which does not indicate you as a recipient, notwithstanding it refers to your direction for a review of the files. It is also noteworthy that Ms. Mayer underscores the fact that the files are "disciplinary", without identifying their relationship to the above-entitled Article 78 proceeding, of which they are the subject. Presumably, Ms. Mayer's purpose is to denigrate me and suggest that my "request" for review of the underlying files is for a favor, rather than an obligation by the Attorney-General because of the dereliction of Mr. Sullivan to review them in the

Attorney General Koppell  
March 11, 1994  
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first instance before making misrepresentations about their content.

I respectfully submit that before Ms. Mayer peremptorily denied any stipulation whatever--in that respect going beyond even Mr. Sullivan's position--she exceeded her authority by not first discussing it with you, since she knew that you had already personally interceded in the matter.

From the foregoing, it is obvious that Ms. Mayer does not comport herself in a professionally responsible manner--even where she knows that questions have already been raised concerning her conduct. Her spiteful willingness to engage in ethically proscribed "offensive tactics" and "sharp-practice" reflects either a "win-at-all costs" policy and practice of the Attorney General's office or her personal abuse of authority and power in this case against me as an individual who is "whistle-blowing" to you, as "the new boss", about the misfeasance and nonfeasance of his legal staff--or both.

When, as Chairman of the Assembly Judiciary Committee, you held hearings on the subject of opening disciplinary proceedings against attorneys, you were quoted as saying that it was "shocking" to you that grievance committees would not pursue allegations of misconduct by attorneys that were difficult to prove. There is nothing difficult to prove about the unethical conduct that I have complained about on the part of Mr. Sullivan and Ms. Mayer and it would be "shocking" if you, as head of the State's Law Department do nothing about it.

To remind you of the context in which you made your public statements, I am enclosing a copy of the front-page article that appeared in The New York Law Journal on September 24, 1993. I applaud your excellent comment that "a secret process is inherently destructive". Your review of the disciplinary files underlying the Article 78 proceeding will provide you with the demonstrative evidence of that conclusion. It will additionally enable you to realize the fallacy of the belief expressed by those who testified before the Assembly Judiciary Committee--and undoubtedly of the Committee members themselves--that disciplinary proceedings are based on "probable cause" findings. Although that is what the law requires, the disciplinary files in your possession are the graphic proof that such is not the case in practice<sup>1</sup>.

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<sup>1</sup> Detailed analysis of the lack of any "probable cause" finding for any of the disciplinary proceedings brought against me, appears, inter alia, in my November 19, 1993

Attorney General Koppell  
March 11, 1994  
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According to the Law Journal article, "counsel in the Second Department oppose more open proceedings". This is understandable since opening disciplinary proceedings in the Second Department would expose the pernicious and purposeful pattern and practice of such counsel in commencing disciplinary proceedings without the required "probable cause" basis--in flagrant violation of law and the constitutional rights of accused attorneys.

Thus, your personal review of my disciplinary files will accomplish a dual purpose--which will serve not to benefit me alone in this Article 78 proceeding, but the larger community. As "the People's lawyer", you will be expected to play an active role in connection with proposed legislation in Albany on the subject of opening disciplinary proceedings.

I reiterate my request to meet with you personally to answer the questions that you will doubtless have when you review the underlying disciplinary files and see the monstrous injustice that has been perpetrated against me and the public "under color of law".

Very truly yours,



DORIS L. SASSOWER, Director  
Center for Judicial Accountability

DLS/er  
Enclosures:

- (a) Martindale-Hubbell listing
- (b) DLS 3/10/94 coverltr and stipulation
- (c) Mayer's 3/10/94 faxed response
- (d) "Opening of Discipline System Stirs Debate", NYLJ, 9/24/93

cc: Evan Schwartz, Esq.  
Shelley Mayer, Counsel to the Executive Committee  
Assistant Attorney General Abigail Petersen  
Assistant Attorney General John Sullivan

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dismissal/summary judgment motion (see, pp. 4-11), showing also that no such finding--even had one been made--could be sustainable given the facts of each proceeding (pp. 11-38).

Martindale-Hubbell  
Law Directory

NEW YORK

One Hundred and Twentieth Annual Edition

**DORIS L. SASSOWER, P.C.**

White Plains Office: 283 Soundview Avenue. Telephone:  
914-997-1677.

*Matrimonial, Real Estate, Commercial, Corporate, Trusts and  
Estates, Civil Rights.*

DORIS L. SASSOWER, born New York, N.Y., September 25, 1932; admitted to bar, 1955, New York; 1961, U.S. Supreme Court, U.S. Claims Court, U.S. Court of Military Appeals and U.S. Court of International Trade. Education: Brooklyn College (B.A., summa cum laude, 1954); New York University (J.D., cum laude, 1955). Phi Beta Kappa. Florence Allen Scholar. Law Assistant: U.S. Attorney's Office, Southern District of New York, 1954-1955; Chief Justice Arthur T. Vanderbilt, Supreme Court of New Jersey, 1956-1957. President, Phi Beta Kappa Alumnae in New York, 1970-71. President, New York Women's Bar Association, 1968-69. President, Lawyers' Group of Brooklyn College Alumni Association, 1963-65. Recipient: Distinguished Woman Award, Northwood Institute, Midland, Michigan, 1976. Special Award "for outstanding achievements on behalf of women and children," National Organization for Women—NYS, 1981; New York Women's Sports Association Award "as champion of equal rights," 1981. Distinguished Alumna Award, Brooklyn College, 1973. Named Outstanding Young Woman of America, State of New York, 1969. Nominated as candidate for New York Court of Appeals, 1972. Columnist: ("Feminism and the Law") and Member, Editorial Board, Woman's Life Magazine, 1981. Author: Book Review, *Separation Agreements and Marital Contracts*, Trial Magazine, October, 1987; *Support Handbook*, ABA Journal, October, 1986; Anatomy of a Settlement Agreement Divorce Law Education Institute 1982 "Climax of a Custody Case," *Litigation*, Summer, 1982; "Finding a Divorce Lawyer you can Trust," *Scarsdale Inquirer*, May 20, 1982. "Is This Any Way To Run An Election?" *American Bar Association Journal*, August, 1980; "The Disposable Parent: The Case for Joint Custody," *Trial Magazine*, April, 1980. "Marriages in Turmoil: The Lawyer as Doctor," *Journal of Psychiatry and Law*, Fall, 1979. "Custody's Last Stand," *Trial Magazine*, September, 1979; "Sex Discrimination—How to Know It When You See It," *American Bar Association Section of Individual Rights and Responsibilities Newsletter*, Summer, 1976; "Sex Discrimination and The Law," *NY Women's Week*, November 8, 1976; "Women, Power and the Law," *American Bar Association Journal*, May, 1976; "The Chief Justice Wore a Red Dress," *Woman In the Year 2000*, Arbor House, 1974; "Women and the Judiciary: Undoing the Law of the Creator," *Judicature*, February, 1974; "Prostitution Review," *Juris Doctor*, February, 1974; "No-Fault Divorce and Women's Property Rights," *New York State Bar Journal*, November, 1973; "Marital Bliss: Till Divorce Do Us Part," *Juris Doctor*, April, 1973; "Women's Rights in Higher Education," *Current*, November, 1972; "Women and the Law: The Unfinished Revolution," *Human Rights*, Fall, 1972; "Matrimonial Law Reform: Equal Property Rights for Women," *New York State Bar Journal*, October, 1972; "Judicial Selection Panels: An Exercise in Futility," *New York Law Journal*, October 22, 1971; "Women in the Law: The Second Hundred Years," *American Bar Association Journal*, April, 1971; "The Role of Lawyers in Women's Liberation," *New York Law Journal*, December 30, 1970; "The Legal Rights of Professional Women," *Contemporary Education*, February, 1972; "Women and the Legal Profession," *Student Lawyer Journal*, November, 1970; "Women in the Professions," *Women's Role in Contemporary Society*, 1972; "The Legal Profession and Women's Rights," *Rutgers Law Review*, Fall, 1970; "What's Wrong With Women Lawyers?" *Trial Magazine*, October-November, 1968. Address to: The National Conference of Bar Presidents, Congressional Record, Vol. 115, No. 24 E 815-6, February 5, 1969; The New York Womens Bar Association, Congressional Record, Vol. 114, No. E5267-8, June 11, 1968. Director: New York University Law Alumni Association, 1974; International Institute of Women Studies, 1971; Institute on Women's Wrongs, 1973; Executive Woman, 1973. Co-organizer, National Conference of Professional and Academic Women, 1970. Founder and Special Consultant, Professional Women's Caucus, 1970. Trustee, Supreme Court Library, White Plains, New York, by appointment of Governor Carey, 1977-1986 (Chair, 1982-1986). Elected Delegate, White House Conference on Small Business, 1986. Member, Panel of Arbitrators, American Arbitration Association. Member: The Association of Trial Lawyers of America; The Association of the Bar of the City of New York; Westchester County, New York State (Member: Judicial Selection Committee; Legislative Committee, Family Law Section), Federal and American (ABA Chair; National Conference of Lawyers and Social Workers, 1973-1974; Member, Sections on: Family Law; Individual Rights and Responsibilities Committee on Rights of Women, 1982; Litigation) Bar Associations; New York State Trial Lawyers Association; American Judicature Society; National Association of Women Lawyers (Official Observer to the U.N., 1969-1970); Consular Law Society; Roscoe Pound-American Trial Lawyers' Foundation; American Association for the International Commission of Jurists; Association of Feminist Consultants; Westchester Association of Women Business Owners; American Womens' Economic Development Corp.; Womens' Forum. Fellow: American Academy of Matrimonial Lawyers; New York Bar Foundation.

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Box 69, Gedney Station • White Plains, New York 10605-0069  
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BY FAX: 212-416-8942

March 10, 1994

Hon. G. Oliver Koppell  
Attorney General of the State of New York  
120 Broadway  
New York, New York 10271

ATT: Shelley Mayer, Esq.  
Counsel to the Executive Committee

RE: Sassower v. Mangano, et al.

Dear Ms. Mayer:

Per our telephone conversation a short while ago, my attorney has prepared the within proposed stipulation and, due to other pressing commitments, has authorized me to transmit it to you, together with this covering letter.

As you know, more than a month ago I requested that the Attorney General review the files under A.D. #90-00315. It was not until last Thursday, that you revealed that no review of the files had been undertaken and that you were not planning to requisition the files from your clients.

Plainly, had the files been obtained from your clients at the time of my initial and subsequent requests, the review could have been completed long before now.

The enclosed stipulation reflects my willingness to afford the Attorney General adequate time to review the files which, last Friday, you notified me is what Mr. Koppell personally wishes to do. There is no prejudice to the public since, as you know, I am already suspended under the "interim" Order of the Appellate Division, Second Department, dated June 14, 1991.

I specifically direct your attention to provisions of the Penal Law, inter alia, §210.05, §210.10, §210.35, and §210.40 relating to the penalties for perjury and for filing false statements with a Court, as well as Judiciary Law §487(1), relating to deceit upon the court and collusion. The Attorney General's review of the files under A.D. #90-00315 will confirm the criminal aspects of what Assistant Attorney General Sullivan submitted to the Appellate Division, Second Department and embodied by reference in his submission to the Court of Appeals.



Shelley Mayer, Esq.

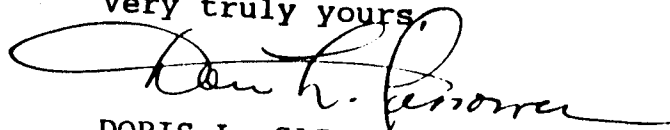
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March 10, 1994

Retraction of Assistant Attorney General Sullivan's false submission to the Court of Appeals would not only serve the interests of justice but also to mitigate the penal consequences (cf. §210.25).

Your cooperation will permit the Attorney General to take the remedial steps appropriate to this most serious matter.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Doris L. Sassower".

DORIS L. SASSOWER, Director  
Center for Judicial Accountability

cc: Evan Schwartz, Esq.

COURT OF APPEALS  
STATE OF NEW YORK

-----  
DORIS L. SASSOWER,

Petitioner-Appellant,

-against-

HON. GUY MANGANO, as Presiding Justice  
of the Appellate Division, Second Dept.,  
HON. MAX GALFUNT, as Special Referee,  
and EDWARD SUMBER and GARY CASELLA as  
Chairman and Chief Counsel respec-  
tively of the Grievance Committee for  
the Ninth Judicial District,

Respondents-Respondents.  
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STIPULATION

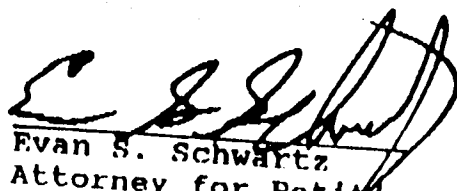
AD # 93-02925

WHEREAS, the Attorney General is investigating and reviewing the files in the underlying disciplinary proceedings under AD 90-00315, which are the subject of the above-captioned Article 78 proceeding herein being appealed;

IT IS HEREBY STIPULATED AND AGREED, by and between the attorneys for the parties hereto, that the parties request the Court of Appeals to put over any determination on the Court's sua sponte inquiry into its jurisdiction over such appeal until the April Session so as to allow sufficient time for the Attorney General to complete his aforesaid investigation and review.

Dated: March 11, 1994

\_\_\_\_\_  
G. Oliver Koppel  
Attorney General of the  
State of New York  
Attorney for Respondents  
120 Broadway  
New York, NY 10271

  
\_\_\_\_\_  
Evan S. Schwartz  
Attorney for Petitioner  
One Huntington Quadrangle  
Suite 2C07  
Melville, NY 11747



STATE OF NEW YORK  
DEPARTMENT OF LAW  
120 BROADWAY  
NEW YORK, N.Y. 10271

G. OLIVER KOPPEL  
ATTORNEY GENERAL

March 10, 1994

Evan S. Schwartz, Esq.  
One Huntington Quadrangle  
Suite 2C07  
Melville, New York 11747

Re: Doris L. Sassower v. Hon. Guy Mangano, et al.

Dear Mr. Schwartz:

I received Mrs. Sassower's proposed stipulation. As Mr. Sullivan, the attorney who is handling this matter advised you, our office is not prepared to sign this stipulation.

While we will, at the Attorney General's direction, review Mrs. Sassower's disciplinary file at her request, I have made clear to Mrs. Sassower on several occasions that the matter before the Court of Appeals will go forward as scheduled.

Sincerely yours,

Shelley Mayer  
Counsel to the Executive Committee

cc: John Sullivan Esq.  
Abbey Petersen, Esq.  
Ms. Doris Sassower

# Opening of Discipline System Stirs Debate

BY EDWARD A. ADAMS

BAR LEADERS WERE SPLIT during a legislative hearing in Manhattan yesterday over the wisdom of New York State adopting a more public attorney discipline system. Archibald R. Murray, president of the New York State Bar Association, strongly opposed the idea, which he said would unnecessarily damage attorneys' reputations.

John D. Feerick, president of the Association of the Bar of the City of New York, countered that the change would bolster public confidence in the profession, noting that both the civil and criminal justice processes are entirely public.

The Assembly Judiciary Committee hearing, which follows a similar session in Syracuse earlier this month (NYLJ, Sept. 7), also included discussion of the proposed court rules for matrimonial attorneys.

The matrimonial rules, which will become effective Nov. 1, would:

- Require attorneys to give clients a bill of rights and responsibilities at the outset of a representation.
- Ban non-refundable retainer agreements.
- Prohibit liens against the marital residence to insure payment of legal fees.
- Prohibit sex between matrimonial attorneys and their clients.

G. Oliver Koppell, chair of the Judiciary Committee, said yesterday's hearing drew more requests to testify than any hearing he can recall in 20 years as a legislator. A total of 42 attorneys and citizens were scheduled to appear at the session, which concludes today.

Since the matrimonial rules are expected to take

Continued on page 2, column 4



Archibald R. Murray (right), president of the New York State Bar Association, speaks at the hearing with Assembly Judiciary Chairman G. Oliver Koppell, who is flanked by Assembly members Cecile Singer (left) and Helene Weinstein.

PHOTOGRAPH BY FAYE ELLMAN

lack of probate

# Debate on Discipline System

Continued from page 1, column 5

effect with little or no change, much of the testimony focused on opening the disciplinary process, a reform which must be approved by the Legislature.

Earlier this year, the Committee to Examine Lawyer Conduct in Matrimonial Actions urged the Legislature to open proceedings to the public once a disciplinary committee has found probable cause that a lawyer violated an ethical rule. Currently, disciplinary actions become public only if the Appellate Divisions levy a public sanction against the attorney — a rare occurrence.

Thirty-one states either open the process once a probable cause finding is made, or allow public access to complaints from the moment they are filed.

## Letters to Nowhere

Chief Administrative Judge E. Leo Milonas, who chaired the matrimonial committee, said counsel for the disciplinary committees in the First, Third and Fourth Departments agreed with the matrimonial committee's recommendations. Counsel in the Second Department oppose more open proceedings, he said.

Judge Milonas said he personally favored a single statewide disciplinary committee, to insure more even application of the rules.

Clients who lodge complaints often feel they are "sending a letter to the Bermuda Triangle," he said. Clients should be entitled to a full written response explaining why their complaint is rejected, but only a change in the law would allow the committees to address the facts of the complaint, on which dismissals generally hinge, he said.

Halliburton Fales, chair of the First Department Disciplinary Committee, said all but a few hundred of the 3,000 complaints his panel receives each year are dismissed. His committee has 18 lawyers and several investigators.

Mr. Fales drew laughs from the audience of 70 when he said that the committee sometimes refuses to act on a complaint, not because the attorney acted properly, but because it would be difficult to prove an ethical breach. Mr. Koppell called that admission "shocking."

Hal R. Lieberman, chief counsel of the First Department committee, said clients whose complaints are rejected are entitled to a second review, but are not informed of that right because "we'd get 2,000 reviews, and we don't have the staff."

Mr. Koppell suggested that a "secret process is inherently destructive," but Mr. Murray said that in small towns, where there may be only half a dozen lawyers, disclosing complaints after a probable cause finding would be "destructive" to the attorney's reputation.

Raymond R. Trombadore, chair of the American Bar Association's Commission on Evaluation of Disciplinary Enforcement, noted that Oregon has

had a public disciplinary process for more than 17 years. During hearings in Oregon several years ago, the ABA found no evidence that attorney reputations have been damaged, despite the small-town demographics of the state, he said.

## Fee Issues

The New York County Lawyers' Association voiced the strongest criticism of the matrimonial rules. Ellen C. Kozminsky, co-chair of the group's Matrimonial Law Section, said she has already begun to turn down clients who may have trouble paying, because the rules will make it harder to collect fees from the client's assets.

She also challenged the court system's authority to require county bar associations to administer fee arbitration programs. Her organization will maintain such a program because it wants to, rather than because it is being required to, she said.

Because the arbitration process can be invoked only by the client, it violates the lawyer's constitutional rights, she claimed. Other speakers said the same procedure has been found legal in other states.

"The very class of clients the rules are meant to protect are likely to be their victims," said Ms. Kozminsky.

But the City Bar's Mr. Feerick defended the arbitration measure, maintaining that "the ease with which a lawyer can use the courts to collect fees contrasts starkly with the burden it places on the client."

Most of the matrimonial rules should be extended to practitioners in other areas, he said. Chief Judge Judith S. Kaye has appointed a commission to study application of the rules to the entire bar.

## \$3 Million Settlement For Injury from Pipe

A \$3 MILLION settlement was reached Tuesday in the case of a man struck in the head by a drainage pipe which was leaning unsupported against a wall near a public hallway at 54 West 21st Street.

The plaintiff, Kurrie V. Rosen, 40, a former truck driver, sustained a head injury resulting in severe brain damage on March 7, 1988. As a consequence, he experienced acute short-term memory loss, some long-term memory loss, a 20-25 percent loss in I.Q., speech difficulties, personality changes and other psychological alterations, according to his attorneys, Kenneth S. Ampel, of Ampel and Ampel, and Michael B. Parson.

Barry Rothman of Lester Schwab Katz & Dwyer represented the building's owners, Rosen Group Properties Inc. and 5421 Equities Company Inc., and the building's managing agent, Williams Real Estate Co. Inc.

Justice Frank Vaccaro presided over two days of trial in Kings County Supreme Court until the parties settled.

P 714 200 960

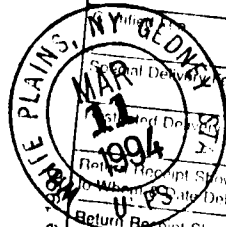


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PS Form 3800, June 1984