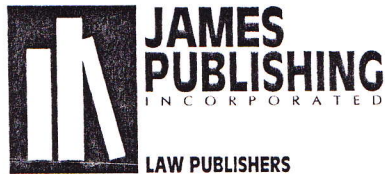


NEW YORK
JUDGE REVIEWS

AND COURT DIRECTORY

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By
Benedene Cannata, Esq.



Ex "K"

For the most part, the judge lets lawyers try their own cases. "He doesn't take over questioning." "He'll cut off attorneys who he feels are wasting time. He gets involved in the questioning."

Opinions varied as to his rulings. "Rules by the seat of his pants." "Rules consistently." While some attorneys stated they felt he is weak on the rules of evidence, others said that his was a "pretty strict application of the rules of evidence." "Good grasp on evidentiary rules. He applies them fairly."

Most (but not everyone) found Judge Cohen to be accommodating with witness schedules. "He's difficult with adjournments; the same for witness schedules."

SETTLEMENTS

Comments regarding this judge's settlement abilities were mixed. "Aggressive. He pushed the parties throughout the trial." "Tried to settle, but at a low price." "He attempted. He wanted settlement. He negotiated."

ADJOURNMENT/CONTINUANCES

Not all of the legal practitioners interviewed gave negative comments about continuances. "You can get it." "Flexible." "Difficult."

PROCLIVITIES

Attorneys polled opined that Judge Cohen, who is assigned to a city part, is inclined toward the city. "He went out of his way to help the city. Plaintiffs' attorneys are uncomfortable." "Pro-city." "He is there to protect the city at all costs." In non-city cases, however, they say he is even. "He's objective."

SUGGESTIONS

"Avoid him if you can. Don't take it from him." "Be prepared. Have issues briefed, memos ready, and witnesses prepared." "Don't expect too many smiles."



COLABELLA, NICHOLAS

Justice, Ninth Judicial District Supreme Court, Westchester County

Appointment/Election: Elected in January 1988; current term expires in December 2000.

Previous Experience: Judge, Westchester County Court, 1982-1987; Eastchester Town

Justice Court, 1981-1982; Private practice, 1964-1982.

Admission: Admitted to New York State Bar in 1962; also admitted to practice before Eastern District of New York, 1970; Southern District of New York, 1970.

Education: J.D., Albany Law School, Albany, NY (1962).

Biographical Data: Born May 1936, in Bronxville, NY. Catholic.

Appellate Record: As of 10/28/96, 1 Reported Case; 1 Affirmed; 0 Reversed; 0 Modified.

Recent Decisions: *Tornese v. Tornese*, 11/95 (Common Law Remarriage); *Robustelli v. Worby P.C.*, 4/26 (Sub-section 3104(d) Motion timely if made within five (5) days of receipt of written order); *Lloyd v. Cohen*, 8/95 (Interpreting Carvahlo); *Thorn v. Stephens*, (Right of owners of future interest in land); *Vetere v. Ponce*, 4/96 (Elected officials failure to timely file oath of office); *Mandroukakis v. County of Westchester*, 5/96 (Physician-patient privilege).

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ATTORNEYS' COMMENTS

TEMPERAMENT/DEMEANOR

Only a few attorneys described Judge Colabella as "easygoing." The rest did not have anything positive to say, and some had extremely strong feelings. "Very high strung. He has an awful temper." "Hot tempered." "Usually he will pick one attorney out of the group and start yelling. He's a yeller. I don't like being in his part." "He's a screamer. Very explosive. A very tough judge." "He's brutal. He loves launching thunderbolts at attorneys." "He's known for being very difficult. He can be unreasonable." "Difficult judge to deal with." "He seems to be on a power trip. He lets you know who's boss. He constantly reminds you he's the boss." The consolation? "He's not as difficult as Owen."

Most attorneys are not happy with the treatment they receive at Judge Colabella's hand. "He treats attorneys harshly. He's tough." "Like [excrement]." "He's condescending and nasty and not well liked by attorneys." "He likes to humiliate lawyers in order to get results and get discovery done." "He's a very exacting man and he expects a lot."

Judge Colabella may be "the last judge you would send a young attorney to." "This is probably the worst judge for a young attorney." "He'll eat him for lunch."

ON THE BENCH

While this judge is said to be "excellent at moving cases," queries as to whether he is hardworking and efficient received oddly lukewarm responses. All found him prepared, but that was where the consensus ended.

There was likewise no consensus on his approach to a case. "Both law and facts." "More of a facts judge." "More oriented toward case law and statutes." Attorneys said that Judge Colabella's legal acumen is anywhere from average to very good. "He's still getting familiar with the [civil] law. Not really experienced with negligence." "He's very strict during discovery."

Opinions as to whether his decisions are well reasoned were "not especially," "sometimes," "usually" and "always."

Whether his mind can be changed was mostly answered in the negative. "No. It's his way or no way." "No. He listens to attorneys before making a ruling, but after that, that's it."

ON TRIAL

Comments on this judge's speed and efficiency varied, but it seems that the proceedings move apace. "Very quick." "Very efficient. He does work hard." "He really moves his calendar." "Quick. He makes attorneys work." "Trial went on longer than it should have." "Not as quick as it could have been. We spent a lot of time waiting around."

Although some said the courtroom environment was "not too difficult" and "professional," others said that it could have been friendlier. "Frightening." "Oppressive." "Very hostile, almost humiliating." "Hell."

On any given day, Judge Colabella may or may not interject himself into a case. "He

gets involved and interrupts but not quite to the point of taking over." "Takes over questioning and, arguably, the whole trial." "He does get involved. He is always trying to keep the pace up." "He'll ask questions and get involved. He doesn't quite take over the trial, though." "He doesn't take over at all, minimal involvement." "Won't take over the trial."

This judge's evidentiary rulings were said to be "down the middle." "He's liberal if anything, but he's still fair."

Opinions varied regarding whether Judge Colabella would be accommodating to witness and other scheduling problems. "He's very difficult." "I would never describe him as accommodating." Others disagreed, however. "He's pretty accommodating." "He'll help attorneys out."

SETTLEMENTS

There was mostly praise received for the judge's tenacity in the area of settling. "He's a strong settler. Aggressive. He pushes throughout the trial." "Aggressive. He won't give up." "Wasn't very aggressive. He conferred the case but that was it." "His personality makes him an effective settler."

ADJOURNMENT/CONTINUANCES

Legal practitioners expressed skepticism at best regarding this judge's willingness to grant requests for continuance. "Not easy." "Impossible." "Not very receptive." "Never."

PROCLIVITIES

Opinions on Judge Colabella's proclivities were unanimous: He is even.

SUGGESTIONS

"Don't push him. If he wants it a certain way, that's the way it's going to be." "Remember that it's only one trial and, luckily, not all our judges are so unreasonable."

COLLAZO, SALVADOR

*Acting Justice, First Judicial District
Supreme Court, New York County*

Appointment/Election: Appointed in January 1991; current term expires in December 2000.

Previous Experience: Judge, Civil Court, City of New York; also served as Special