

a dispute with a billing vendor, had waived any objection to the firm's adverse representation of HHC by an express written consent before retaining the firm and by waiting more than a year to file the disqualification motion. The decision in *St. Barnabas Hospital v. NYC Health and Hospitals Corp.*, 1378N, will be published Thursday.

— Cerisse Anderson

Sassower Faces Charges of Disrupting Congress

Elena Sassower, who has made a career of challenging alleged corruption in New York courts, goes on trial in Washington today for a single count of disrupting Congress. Ms. Sassower spoke out during last year's Senate confirmation hearing of Judge Richard C. Wesley, a former Court of Appeals judge who now serves on the U.S. Court of Appeals for the Second Circuit. Ms. Sassower was arrested for attempting to speak during the confirmation hearing without being invited to do so. She contends she simply wanted to speak her mind against a judicial candidate at a public hearing and did nothing illegal. If found guilty, Ms. Sassower could serve six months in prison and pay a \$500 fine. — *American Lawyer Media*

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DECISIONS

Of Interest

FIRST DEPARTMENT

■ **LEGAL PROFESSION:** Collectibility of legal malpractice judgment is not necessary to establish plaintiff's claim. *Lindenman v. Kreitzer*, App. Div., (p. 18, col. 1).

■ **CIVIL PRACTICE:** Complaint against tennis player is denied dismissal under *forum non conveniens*. *Palmieri v. Gambill*, Supreme Court, New York, (p. 18, col. 1).

■ **CRIMINAL PRACTICE:** Evidence concerning arrest supported conviction for obstructing governmental administration. *People v. Angel Feliciano*, Criminal Court, New York, (p. 18, col. 3).

SECOND DEPARTMENT

■ **JUVENILE LAW:** Identification testimony suppressed after finding that identification procedures were suggestive. *Matter of Royan D.*, Family Court, Kings, (p. 18, col. 3).

■ **JUVENILE LAW:** Motion to dismiss refiled delinquency petition denied due to stipulation of date as 'day 45'. *Matter of Moneysha W.*, Family Court, Queens, (p. 19, col. 3).

■ **FAMILY LAW:** Judge's failure to query child support prevents law's use to bar petition for educational expenses. *Matter of Ilene P.V. v. Felix V.*, Family Court, Orange, (p. 20, col. 1).

■ **FAMILY LAW:** Petition verification bearing incomplete jurat did not rise to level of a jurisdictional defect. *Matter of Salengo v. Holness*, Family Court, Orange, (p. 20, col. 1).

UNITED STATES COURTS

■ **CRIMINAL PRACTICE:** Court dismisses claims brought against individuals in their individual capacity. *Sheff v. The City of New York*, SDNY, (p. 20, col. 3).

■ **CIVIL PRACTICE:** Wrongful acts claim regarding attempted rescue by the Coast Guard arises in admiralty. *Dominguez v. United States*, SDNY, (p. 21, col. 1).

■ **BANKRUPTCY:** Bankruptcy Court properly construes agreements as integrated rather than separate transactions. *The Connecticut Resources Recovery Authority v. Enron Corp.*, SDNY, (p. 21, col. 3).

■ **BUSINESS LAW:** 'False' statements are identical to nonactionable expressions of corporate optimism. *In re Bristol-Myers Squibb Securities Litigation*, SDNY, (p. 22, col. 1).

■ **SOCIAL SERVICES LAW:** Administrative Law Judge fails to acknowledge treating physicians in denying disability benefits. *Caserto v. Barnhart*, EDNY, (p. 23, col. 3).

FROM EXPENSES

BY LEIGH JONES

MINEOLA — In what is apparently a case of first impression, the Nassau County Surrogate has allowed a guardian of a disabled man to place all of his disability benefits into a trust account, relieving him of the obligation to make monthly payments for his medical care.

Surrogate Judge John B. Riordan determined that the total amount of disability benefits received by a man with Down Syndrome could be placed in a trust, instead of a portion of those benefits going to his day care provider, as long as the trust passed to the state upon his death. The state's Medicaid program is paying for much of the man's care.

The parties in *Matter of Kennedy*, 24205, still must determine specifically how the trust may be used for Mr. Kennedy's expenses. But the ruling means that disabled individuals can put the full amount of their disability payments in trusts, which can be used to pay such things as household expenses and other living costs.

John G. Dalton Jr., the attorney for Mr. Kennedy's guardian, said the decision was a "big advancement for disability cases." Dorothy Oehler Nese, an attorney with the state

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A similar ruling July on grounds of brought new charges that by nature are the prosecution must give assistance to is not charged with from her contacts w

Ms. Stewart was material support fo on her actions both sheikh is serving a cy against the Unite statements to the n

Appeal Citation

BY TONY MAURO
American Lawyer Media

WASHINGTON — are usually a reticent the four corners of and their rulings.

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Why Law Firms Tend to Fear Hostile Juries

BY ANTHONY LIN

WHATEVER advice they may give their clients about litigation, major law firms tend to follow the same strategy whenever they themselves are dragged into court: They settle.

Within the past six weeks, two major firms have coughed up tens of millions of dollars to put significant lawsuits to rest.

On March 5, Dallas-based *Jenkins & Gilchrist* announced it would pay \$75 million to settle a class action suit arising from tax shelter opinion letters written by the firm.

Two weeks later, New York's *Simpson Thacher & Bartlett* agreed to contribute \$19.5 million to a \$325 million settlement of class action claims arising from accounting irregularities at *Global Crossing Ltd.* The firm agreed to pay even though it had not been named a defendant in the case.

In fact, virtually all major law firms that have been sued in the past two decades have settled their cases. And

Notable Settlements

Year	Firm
2004	Jenkins & Gilchrist, Dallas
2004	Simpson Thacher & Bartlett, New York
2002	Lane Powell Spears Lubersky, O'Melveny & Myers, Weiss Jensen Ellis & Howard, Stoel Rives, McCarter & English, Philadelphia
1998	Morgan, Lewis & Bockius, Philadelphia
1998	Brown & Wood (Now Sidley Austin Brown & Wood), New York
	Stroock & Stroock & Lavan, New York
	Weiss, Rifkind, Wharton, New York

See chart

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VERDICTS & SETTLEMENTS

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