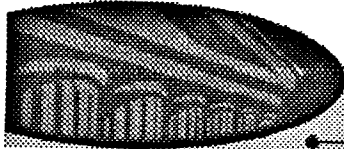


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Breakfast with Eliot Spitzer

Hosted by the New York Law Journal and the Association of the Bar of the City of New York

January 27, 1999

MR. COOPER: Good morning. My name is Mike Cooper. I'm the president of the Association of the Bar, and it's my great pleasure to welcome you to meet and hear the Attorney General, the chief legal officer of the State of New York, Eliot Spitzer.

Eliot was here a little over four months ago with three other candidates in the Democratic primary, and took that occasion to tell you something about his vision for the office of Attorney General and the changes that he would make in its operation. And I guess that message got through, because he bested three other candidates in the primary and then defeated the incumbent.

We are very pleased this morning at the Association to co-host this event with the New York Law Journal, who were our co-hosts back at the candidates debates in early September. And without further ado, I would like to present the president and chief executive officer of the American Lawyer Media, Bill Pollak.

MR. POLLAK: Thank you, Michael. And thank you all for coming to the second of what we hope will be a continuing series of programs in which the Law Journal and the City Bar join to shed light on issues in this state and city's legal and judicial arenas.

The Attorney General is the state's chief legal officer. It's a position that the bar has a unique interest in and concern about. Administrator of a vast legal bureaucracy of about 500 attorneys and more than 1,800 employees, the Attorney General is the lawyer chiefly

Now, what is -- as I said, this office is and public advocacy, generally, can be an answer to the disillusionment in the public. The law can help restore the integrity of institutions, the law can elevate individuals, point the way towards progress in society, and the law and a certain type of lawyering can do much more than that. What, of course, I'm talking about is public interest law. I'm talking about aggressive advocacy. Not Republican advocacy. Not Democratic advocacy. But, a team of made up of lawyers for the public. And that is at what we will do.

For years we have heard the right words spoken from all sides of the political spectrum. Everyone wants to clean up the environment, stop predatory conduct on the part of companies and antitrust violations, change the political order, impose campaign finance, but little of it has happened.

What I have made clear to the lawyers in the Attorney General's office is that our job is to turn the desire to accomplish those objectives into reality. And the way we will do this is through specific plans that we have begun to articulate.



First and foremost as of today I am creating a public integrity unit. We live in one of the largest and most progressive states in the union. We also live in a state that falls short when it comes to insuring the integrity of our public institutions.

Today I'm announcing the creation of a public integrity unit within the AG's office that will investigate and root out corruption throughout the state.

I want to send the signal to you as my fellow members of the bar that if you know of corruption in contracting, in procurement, in false billings of state agencies, we want to hear about it.

I want to further send the signal that if local prosecutors are unable or lack the resources to prosecute these cases, we will do so and we'll do it aggressively.

And I want to say something about the dedicated public servants, in and out of uniform, who are aware of impropriety in their midst. You have a place to go. We will listen to your complaints. We will take them seriously, and we will pursue them, every single one.



I have asked the very best lawyers in the office to create this unit and the mandate is to shine light into the dark corners of the state and to make sure that those who thrive on secrecy and obfuscation, no longer do so.

A goal of the public interest law firm operating in the people's good also means that we have to address a litany of other issues that are often given lip service, that are also ignored. This means not just handling individual cases that resolve problems between litigants, but taking on those systemic cases that can have an impact throughout an industry or throughout a piece of society.

Let me just run through a few the industries where I think we can do that. The telecom industry. Clearly this is an industry in flux, an industry in turmoil, an industry where, by design, the federal government has passed a statute which is designed to bring the forces of competition to bear, to shake things up, so that we can generate competition, not only in our local phone services, but in cable, in Internet service, so that we can see the convergence technologies and resources and capital that will benefit consumers and continue to generate the excitement in our economy that we need.

But, it hasn't happened. For better or for worse, it simply hasn't happened. And I have said to the lawyers in the telecom unit, who are absolutely stupendously skilled, what can we do structurally that will induce competition, what can we do to reduce the barriers to competition, even in the context of the Supreme Court opinion on Monday, that certainly reinforced the FCC's power to handle these issues.

We as advocates, forceful advocates before the PFC, will be in a very critical position to ensure that the local phone companies reduce the barriers to entry and do everything that is possible to create local competition in the local phone markets.


We're going to pursue that. This will have a tremendous impact upon consumers across the state. Will we also handle the smaller cases, telemarketing scams, telemarketing frauds that pray upon seniors? Of course we will. But, we will try to look at the systemic case to change an industry that needs to be changed.

Health care, one other industry that is, of course, in absolute turmoil. Where is it going? We simply don't know for sure. But one thing we do know is that this is an industry that needs to be reformed.

So, yes we will examine those cases and we have already moved to expand the range of cases that will be handled by the Civil Rights Bureau. Without looking backward, I think there is nothing to be gained any more by retrospective analysis of what happened in the past four years. I can merely say there will be a much more aggressive civil rights agenda over the next four years.

We have already begun a significant number of cases, which I am not at liberty to talk about. We have already begun looking at some very tough issues and we will move quickly on them.

MS. HOCHBERGER: Thank you. Go ahead.

 MS. SASSOWER: My name is Elena Sassower, I'm the coordinator of the Center for Judicial Accountability. I want to congratulate you and thank you for making as your first priority here the announcement of a public integrity unit. Indeed, that was the first question that I submitted by E-mail and by fax, what had become of that pre-election proposal. So, I am really delighted and overjoyed.

Let me just though skip to my third question that I had proposed today, and that is, that I would hope that a public integrity section would also examine the practices of the Attorney General's office in defending state judges and state agencies sued in litigation.

As you know, we ran a \$3,000 public interest ad about the fraudulent defense tactics of the Attorney General's office.

MS. HOCHBERGER: Is there a question?

MS. SASSOWER: Yeah.

MS. HOCHBERGER: Could we get to the question.

MS. SASSOWER: What steps are you going to take in view of those allegations that the Attorney General's office uses fraud to defend states judges and the State Commission on Judicial Conduct sued in litigation.

MR. SPITZER: Anything that is submitted to us we will look at it.

MS. SASSOWER: I have it. I have it right here.

MR. SPITZER: Okay. Why did I suspect that? Thank you.

MS. HOCHBERGER: This one also came in over E-mail.

What are your views on the unauthorized practice of law generally, and specifically with respect to the unauthorized practice of immigration law in New York? How will your office deal with it?

MR. SPITZER: It is an area where the Attorney General's office has enforcement authority, as I was reminded this morning by my very good friend Ed Meyer. We have co-authority to enforce those rules with the Board of Regents, and we will do so aggressively.

I think it does raise interesting issues in areas of the law where there is, frankly, not sufficient representation. And immigration law in particular is one such area. So I know there have been some grave proposals over the years to permit some non-licensed lawyers to give advice up to a certain threshold in those areas, but it's obviously an area where we will be aggressive in our enforcement where it's appropriate.

MS. HOCHBERGER: Yes.

A SPEAKER: Good morning. It sounds like we're ready for an E-ride for those of you that remember Disney.

What role do you see or foresee for the judicial system, meaning the courts, the bar, your office and other offices with respect to the YK issues that may or may not manifest themselves.

MR. SPITZER: Well, the first thing I have done is to try to see where the Attorney General's office is in terms of being prepared for this problem. And I don't yet have a clear answer in terms of where we are in terms of getting our computer systems ready for the -- for that moment. And obviously people are more worried about hospitals and getting paychecks and the banking system crashing. But, I think we will be prepared.

What role generally there is for lawyers, I really haven't thought about that in particular.