



To Navigate 'Clubby' Boroughs Courts, Manhattan Lawyers Hire Locals

BY ANNA SCHNEIDER-MAYERSON

In 2003, a Manhattan matrimonial lawyer, a partner at a top boutique firm, was assigned to a case somewhere she'd never been before.

The locale seemed foreign and "incredibly clubby." So she did what most lawyers do when they have a case on unknown turf: She teamed up with local counsel.

"Everybody told me you needed local counsel, so I did that," said the lawyer, an early 40-year veteran who told her story on the condition that she not be named. "I didn't know my way around there."

The destination in question? Staten Island.

The practice is common enough for New York lawyers appearing before the Texas bar, or West Virginia, or Florida.

But she could have easily have been referring any of the outer boroughs—in particular Queens and Brooklyn, where the practice of hiring local, *local* counsel is an everyday affair, say some. The same goes for Westchester, Suffolk and Nassau counties.

In these not-so-far-flung places, Manhattan lawyers hire local colleagues to appear with them in court, file papers with the clerks and feed them choice tidbits about which judges not to interrupt (answer: none?) and which judges like to be addressed standing so that they, as Joe Pesci once choice-ly observed, "blend." All within a 20-mile radius of Rockefeller Center.

"They're going to hire somebody like me, and I'm going to teach them how to address the court. Should it be in a schmoozing manner, a colloquial manner, in a politically correct manner, in Jewish or with wifiteism," said one of the best-known of the borough-courthouse Sherpas, Saul Edelstein.

"I'm called the 'Dean of Divorce Lawyers—in Brooklyn,'" Mr. Edelstein added.

"I consider myself practicing international law because I go on the ferry," said Manhattan divorce lawyer Bill Herman.

The subjects a touchy one, smelling family of the corruption and cronyism that has pockmarked the Brooklyn courts. The borough's matrimonial bar, in particular, has experienced quite the public thrashing in the past two years, with the trial of former State Supreme Court Justice Gerald Garson—who was indicted for accepting bribes—coming this year. The man who entrapped him while wearing a wire, former divorce lawyer Paul Siminovsky, pleaded guilty to giving the judge unlawful gratuities in December, and another player in the saga, Nissim Elmann, a so-called "fixer," admitted in February that he had bribed Mr. Siminovsky in order get certain cases before Justice Garson. No Manhattan lawyers have been sucked into the fray—at least not yet.

The wholly ethical practice of hiring local counsel is not confined to the matrimonial bar. Bruce Behrins, a Staten Island lawyer of 39 years, said he's been engaged for commercial litigation as well, as has another Brooklyn Sherpa, Andy Fisher, who also does trusts and estates as well as white-collar criminal-defense work.

"Local counsel" is you're retained locally, and you *know* the purpose of it ... They all hope you can put in a fix with the locals—that's the underlying theory. The surface theory is that the guys from Manhattan, they get the shakes and they get the wilkes when they come to Staten Island," said Mr. Behrins.

"It's kind of a private thing, and it's meant to be kept private," said a prominent Manhattan criminal-defense attorney who has occasionally retained local counsel in the Bronx and Queens. More often, though, he just has a friend with connections there meet him at the courthouse and introduce him around, and then treats the colleague to lunch or sends him or her a bottle of wine.

"The judge and the D.A. want to say, 'I don't care who comes into my office—they're all treated the same,'" he said.

So it's no wonder that nobody wants the picture of the outer-borough lawyer smoothing things over with the local judge to emerge.

"In the larger picture, it's offensive to judges, it's offensive to lawyers," said Raoul Felder, the theatrical divorce lawyer, playing to the bench like nobody's fool. "I think it's upsetting. You're basically saying you're not going to get the same quality of judges in Suffolk County as you get in New York County."

"If I were to come in as co-counsel, to me it looks more like influence peddling, and I wouldn't do it," said Mike Dikman, a well-respected matrimonial lawyer and chairman of the Queens Bar Association's family law committee. He said he's turned down a few offers to pair up with Manhattan lawyers, but doesn't mind taking referrals.

"I've indicated that if they want my services, I'll be happy to do the case," he said.

There are skeptics.

"To believe that you'd need local counsel for the purpose of traversing the five counties is absurd," said Bronx criminal lawyer Murray Richmond. "It makes no sense. The judges don't lean over backward for a Bronx guy if it's a Bronx guy."

But others say there are cases where a lawyer might have an ethical obligation to arrange for local counsel should they see that without it, their client is at a disadvantage. And besides, lawyers have always engaged colleagues with specialized expertise to consult in

Boroughs Sherpas!

complex cases.

Lawrence Pollack, a veteran divorce lawyer in Manhattan, said he used to use local counsel in Queens after having been burned with "a bad result and an unjustified result."

"I felt severely disadvantaged," he said.

"In many respects, I think it would be unethical for a lawyer not to hire local counsel if he felt that there was a need for it," said Mr. Fisher, who still serves as local counsel in Brooklyn even though his office has been in Manhattan since 1992.

He recalled winning a motion on a case he'd been hired to work on as local counsel by a "well-respected" Manhattan firm.

As they left the courthouse, one of the firm's lawyers learned over his shoulder and said, "Now I understand what the Latin phrase over the courthouse doors means."

"What does it mean?" Mr. Fisher asked.

"Anybody who doesn't use local counsel is a fool," the lawyer replied.

For one thing, these lawyers feel out of place, especially if their adversary is local. The matrimonial lawyer recalled being in Nassau County Family Court sometime last year.

"The lawyer on the other side—how can I put this? He invited me into the courtroom, he told me who I should speak to in the courtroom," she said. "He was showing off. This was his territory, not mine."

And everyone has stories like that: The opposing lawyer is addressed by the judge by his first name, or inquires after the judge's dog by name.

But with this apparent coziness comes credibility, many of the lawyers contend.

"Partially, it's a question of the judge knowing the lawyers not only on a personal or social basis, but if a judge sees a lawyer frequently in court, they are able to assess that lawyer's credibility," said Mr. Pollack.

"It's not that knowing the judge means you win the case," said Bob Dobish, who has used local counsel in Suffolk and Nassau counties. "Knowing the judge means you get listened to a little better; you're able to utilize the time better, so that you get your case called earlier; you can accomplish adjustments over the phone. They can accommodate your schedule and your needs, because they know they won't take advantage of it."

There's also the suspicion that the judges are going to have a chip on their shoulders about these slick, blue-nosed, puffed-up Manhattan lawyers. "I'm telling you, sometimes we're treated in the outer boroughs as if we were from a foreign country," said Altor Abramowitz, a partner at the top-notch divorce boutique Sheresky, Aronson and Mayefsky, who has used local counsel for the few cases he's had on Staten Island.

But one Sherpa there, who asked to remain nameless, claimed to be baffled by the steady trickle of requests for local counsel by Manhattan lawyers.

"I think that they feel that it's essential to have local counsel, and truly I don't understand why," she said. "They are treated the same way we are. I think everybody views it as another world or another entity."

"Here's the problem: A lot of lawyer every time they lose a case, blame it on judges in the tank ... so you can never tell," said Norman Sheresky, an associate at Sheresky, Aronson and Mayefsky.

"I think you need local counsel in some counties with some judges, and I do think it's at all true in New York County. I doubt that any real trial lawyer would say they're not keenly aware of that fact."

"Some of the problems in the 80's, at in some cases in the early to mid-90 were legitimate," said David Bookstaver spokesman for the New York State Unified Court System. "The Unified Court System was less than unified. B tremendous inroads have been made standardize practices and procedure from county to county, so that a lawyer who practices in the Bronx would not feel like an alien if the practices in Brooklyn."

"To say that there are still nuances from county to county—sure. But overall, I think you're referring to a bygone era."

Mr. Edelstein, whose office is across the street from the State Supreme Court's courthouse, said his role is usually to "handicap the judge."

"They are more comfortable having a book on the judge, knowing the history," he said. "I say, 'Hey, watch out—I was before this judge the other day, and she was in a bad mood!'"