

STATE OF NEW YORK
COMMITTEE ON PROFESSIONAL STANDARDS

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CONFIDENTIAL

May 24, 1989

Charles E. Collins
108 Brunswick Road
Troy, New York 12180

Dear Mr. Collins:

This office received on April 5, 1989 two separate folders. One under date of April 5, 1989 addressed to me and another dated April 3 directed to Mr. Legnard our Grievance Examiner. I have no way of determining whether you wish to have both of them considered as a complaint against the attorney. You do acknowledge your present correspondence and enclosures are the result of a two hour conference afforded to you by Mr. Legnard in attempting to explain to you that we could not possibly process under the rules of the Court governing the conduct of attorneys the 400 pages of material first presented to us.

While I appreciate the sincerity of your effort to reduce your inquiry to approximately 30 pages it still is overly broad and generalized. For example the first page of your letter simply says the attorney "Deliberately misstated, misrepresented and lied in his brief before the Appellate Court." The second allegation is "Deliberately misstated, misrepresented and lied in his Findings of Fact submitted to Hearing Examiner John J. Warner Jr." and the third "Possibly committed perjury while on the stand before Judge Ferradino."

The other eleven allegations are equally bereft of supporting details. If the attorney misstated, misrepresented, and lied in an appellate brief what are the instances in the brief where he did such. On what page? On what line? If he did the same thing in submitting findings of fact to the hearing examiner where are the lies, misstatements and misrepresentations located?

The remainder of your three page inquiry is completely taken up with verbatim quotes from the Code of Professional Responsibility for which the staff has absolutely no need since we work with it every day of our working lives.

Charles E. Collins
May 24, 1989
Page Two

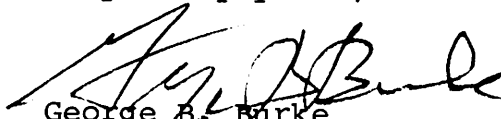
Reviewing your enclosures I have no way of tieing them in with your allegations. You start your inquiry to me with a reference to an April 1985 proceeding before Judge Ferradino saying the attorney made an accusation he knew to be false in getting an order to show cause. Then he demanded other relief in excess of the current court order. Again, these are generalities.

The Committee on Professional Standards is not a Court of Appellate review as to the rules of the court or the direct or cross examination of counsel. Indeed, you have already had appellate review of some sort and have been represented by your own counsel at various stages. In fact, the enclosures you furnished indicate your proceeding was remanded to Family Court by the Appellate Division this year.

As a matter of general policy the Committee on Professional Standards does not intercede in matters which are or may be the subject also of pending civil or criminal litigation. This is because the pending or contemplated proceeding can involve disclosure through examinations before trial or other discovery, judicial hearings and exchanges of pleadings which could overlap with or unnecessarily duplicate any investigation commenced by the Committee. More importantly the litigation can be dispositive of all or a substantial portion of the subject matter which forms the basis for the filing of the inquiry in the first instance.

Accordingly, I have placed our file on six months diary and ask you to advise me at the end of that time the status of the action you commenced against the attorney.

Very truly yours,


George B. Burke
Chief Attorney
GBB/lja