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PRICE



PHOTOGRAPH BY FAYE ELLMAN
Justice Leslie Crocker Snyder

Forfeiture Option in State Federal Statute Available With Only Limited Rights

BY CERISSE ANDERSON

NEW YORK STATE prosecutors may elect to seek forfeiture of alleged criminals' property under federal law if they obtain a court order to set aside funds for counsel fees out of the assets seized in New York, a state judge has ruled.

The decision is on page 25, column 4.

If the defendant has no assets in New York, the prosecutor cannot be required set aside any funds for counsel fees, Acting Justice Leslie Crocker Snyder ruled Friday in *People v. Angel Martinez*, Supreme Court, New York County, Criminal Term Part 72.

Mr. Martinez's attorneys, Meyer & Greenfield, had sought an order from Justice Snyder to prohibit Special Narcotics Prosecutor Sterling Johnson from using the federal laws to forfeit their client's assets — some \$250,000 in

Puerto Rican bank accounts Bronx bank in an account name.

The attorneys wanted the case to proceed under New York's Law and Rules Article 13-A) attorneys' fees from forfeiture. Martinez had sought to withhold the lawyers' retainer had been proceedings.

Federal forfeiture laws do not retain counsel.

When he was arrested April defendants, U.S. Drug Enforcement officials described Mr. Martinez that sold drugs from two pools.

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Lawyers Win 18% Raise In Legal Services Pact

Ads for Replacement Workers Seen Spurring Talks

BY DANIEL WISE

NEGOTIATORS reached agreement on a pact to end the 16-week legal services strike at 1:30 a.m. Friday.

The pact, which provides the program's 100 lawyers with increases averaging 18 percent in the first year, is subject to ratification at a union-membership meeting set for today.

The settlement will provide the program's nonlegal staff with increases averaging 12 percent in the first year.

Both sides hailed the accord Friday. Dwight Loines, president of the National Association of Legal Services Workers, called the contract "a model" for legal services programs throughout the country that "surpassed even our expectations."

From the management side, Dale Johnson, executive director of Legal Services for New York City, called the settlement a "triumph for our clients"

because it allows for raises high enough to "attract and retain quality workers" without compromising the program's ability to provide services.

With a budget of \$21 million, the program provides assistance to about 35,000 families a year in civil legal matters, involving housing, family, welfare and other problems.

The settlement will raise attorneys' salaries to \$29,000 for lawyers immediately out of law school to \$60,000 for attorneys with 20 years or more of experience. Under the contract that expired Dec. 31, starting lawyers were paid \$27,750, and at the top of the scale lawyers were paid \$56,148 after 25 years.

The new salaries still lag behind those paid attorneys working for The Legal Aid Society, many of whom handle criminal cases for the poor. First-year Legal Aid attorneys are paid \$31,500 and the top salary of \$60,000

Highlights of Legal Services

	First-year Salary	Top Salary	Avg. In First Of Contract
Lawyers	\$29,000	\$60,000 (after 20 years)	18
Secretaries	low \$20,000s	mid \$30,000s	12
Comparable Salary for Legal Aid Lawyer	\$31,500	\$60,000	

SOURCE: Management

is attained by a 13th year with

Under the secretaries \$20,000s for mid-\$30,000s

The denou weeks of negotiations an effort to jump intervention

Continued

Strike Settled

Continued from page 1, column 5

The talks first intensified last Monday, the same day that management advertised in the *Law Journal* seeking temporary replacement workers.

Starting with a 12-hour session from noon to midnight last Monday, the parties negotiated at a breakneck pace throughout the week and concluded an agreement early Friday morning at the end of a 14-hour session.

Gordon Deane, a spokesperson for the New York local on strike, the Legal Services Staff Association, credited management's misjudgment in placing the advertisement for replacement workers as spurring the settlement. He said "a swift and angry response" from state and local politicians had goaded management into making critical concessions.

Management's lawyer, L. Robert Batterman, had a different view of the effect of the advertisement. It played a "constructive" role, he said, noting "we had to change the status quo because the status quo was getting us nowhere. [The ad] gave us something to talk about and begin negotiating from a slightly different perspective."

Both sides agreed that the two biggest stumbling blocks in the negotiations were the union's demands for a double-digit increase in the first year of the contract for nonlegal workers and for a "step system" which would assure annual increases for workers.

Going into last week's negotiations, management had offered nonlegal workers a two-year contract with a raise of 8 percent in the first year and 7 percent in the second. Similarly the lawyers were offered 15 percent in the first year and 7.5 percent in the second year.

To get the the nonlegal workers into double digits to meet the union demand of "comparable" increases to those given the lawyers, an agreement was crafted to stretch out the contract for six more months, to June 30, 1993. By creating, in effect, an 18-month first year by deferring the second round of increases until June, 1992, management obtained enough flexibility to push the first-year increases to an acceptable level.

Lawyers will receive average increases of 6.5 percent in the final year of the contract and nonlawyers, increases averaging 5 percent.

The difficulty in resolving the "step increase" issue is emblematic of the problems that plagued the negotiations. Both sides agree that some weeks ago the union had made a key concession to "suspend" the payment of step increases during any interim between contracts.

In a step system, employees are bumped up to a new salary level in the month of the anniversary of their starting date.

Management representatives said they understood the union proposal to have automatically revived the old steps in the new contract, thus making them immune to alteration through bargaining.

Union representatives accused management of "reneging" on commitments it had made for the acceptance of a step system, and denied having proposed anything like what management suggested. "We wanted to create a moral commitment to a step system, but it was clear that it would always be subject to bargaining," Mr. Deane said.

Whatever their earlier differences, last week the parties created a "step system," that at least in the union's view, had already been on the table for some weeks.

The new step-scale will provide for annual increases of \$1,500 for attorneys in their first few years with the program tapering off to increases of \$1,000 a year for the most senior attorneys in the program. Secretaries will receive increase of \$750 in their early years with the program with the amount of increases decreasing to \$400 per year for the most senior secretaries.