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News in Brief

Pentagon Will Allow Padilla to See Lawyer

A man designated as an enemy combatant by President George W. Bush will be allowed to meet with his attorneys, the Department of Defense announced Wednesday. Mr. Padilla has been held in a military brig in South Carolina since 2002, with the Bush administration claiming the president has unfettered discretion to detain a U.S. citizen in the war against terror without access to counsel or other due process guarantees. The announcement came ahead of a U.S. Supreme Court decision expected next Friday on whether to grant certiorari on the government's appeal from the Second Circuit, which ruled Mr. Padilla must be released from custody. The Pentagon also made it clear the decision is not a change of position in that it had always asserted the power to grant access to counsel as long as it would not compromise national security or interfere with intelligence collection.

Jonathan Freiman of Wiggin and Dana, who filed an amicus at the Second Circuit on behalf of Mr. Padilla for Human Rights First, said: "By allowing access to counsel, they are trying to take the process issues out of the case and moot the force of Padilla's arguments. It's a transparent maneuver and one they've done before." — *Mark Hamblett*

State Bar Forms Commission on Indigent Defense Services

With the assigned counsel crisis averted for now by an increase in rates, the New York State Bar Association is joining the chief judge in taking a more comprehensive view of the indigent defense system. In her State of the Judiciary address Monday, Chief Judge Judith S. Kaye formed a new Commission on the Future of Indigent Defense Services. Almost simultaneously, State Bar President A. Thomas Levin created a Special Committee to Assure Quality Mandated Representation. Committee chair Vincent E. Doyle III of Buffalo said they will "recommend proposed statewide standards to help counties control costs, provide quality legal representation to children and the poor, and utilize the expertise and commitment of the private bar." — *John Caher*

Judge Refuses Stay for NFL in Clarett Case

A federal judge refused to suspend her ruling that Maurice Clarett is eligible to play in the National Football League, and his lawyer said Wednesday the Ohio State running back will enter the draft. Southern District Judge Shira Scheindlin ruled the NFL would not suffer irreparable harm if Mr. Clarett and other underclassmen are allowed to participate in April's draft. She rejected NFL arguments that she must

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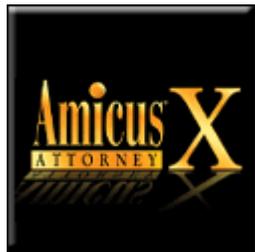
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suspend the effect of last week's ruling in which she concluded that an NFL rule barring eligibility to Mr. Clarett and other young athletes violates antitrust laws. NFL lawyer Gregg H. Levy said the league would now ask the U.S. Court of Appeals for the Second Circuit to stay the ruling while it appeals the case. He said the appeals process would begin soon. — *Associated Press*

Hofstra Law Dean Will Not Seek Reappointment

Hofstra University School of Law Dean David Yellen announced Wednesday he will not seek reappointment when his term ends in May. Mr. Yellen, who will continue as a distinguished professor of law at Hofstra, said he had "mixed feelings" about stepping down. He added that the decision will allow him to spend more time with his wife and children, who live near Philadelphia. He resides part time on Long Island. University President Stuart Rabinowitz also announced the formation of a search committee for a new dean. Mr. Yellen was appointed dean in 2001, replacing Mr. Rabinowitz, who became president. — *Leigh Jones*

Nassau Republican Leader Sues for Defamation

Nassau County Republican Committee Chair Joseph Mondello has filed a \$20 million lawsuit against Cablevision, several Nassau County judges and other defendants in the Democratic Party, alleging he was defamed by a commercial that aired on cable TV before last year's election. The commercial, according to the complaint filed in Nassau County Supreme Court, stated that Mr. Mondello engaged in the "sale of judgeships" by demanding \$50,000 from individuals as a prerequisite for their candidacy. He further alleged he was not provided an opportunity by the defendants to dispel the statements in the commercial. A lawyer for the Nassau County Democratic Committee had no comment. — *Leigh Jones*

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