### IN BRIEF

#### **NY Director Denied Video From Theranos Depositions**

A Delaware Court of Chancery judge on Monday denied Academy Award-winning director Alex Gibney access to discovery materials from two investor lawsuits filed against Theranos Inc. and its directors, as he prepares a feature-length documentary about the embattled blood-

testing company. Gibney, who won an Oscar for the film "Taxi to the Dark Side," had asked Vice Chancellor J. Travis Laster in March for access to all video from depositions conducted in the cases. including recordings corresponding to about 200 pages of redacted testimony that Laster made public last year.

The records, Gibney said, remained of "vital public interest" and would be "invaluable" to his ability to tell Theranos'

"If ever the presumption of openness should govern, it is here," Gibney wrote in a fourpage letter. "The records we are seeking are central to understanding the legal dispute—who did what and why; how systems and safeguards failed.

Both cases, filed by Theranos investors Partner Investments, were settled in 2017, before any video was submitted to the court, and Laster refused to turn over video from the excerpts that had already been released.

The transcript version of the testimony and the video version of the testimony are conceptually distinct," Laster said in a nine-page memorandum opinion

"Gibney seeks access to discovery materials that were never filed with the court. Under settled precedent, Gibney cannot access these materials."

Gibney's production company, Jigsaw Productions Inc., did not respond Monday to questions regarding Laster's decision and the forthcoming project. In his letter to the court, Gibney said he was preparing a feature-length documentary for HBO Films.

A representative from Chelsea Pictures, which represents Gibney, said it only discusses the filmmaker's commercial work and declined to comment beyond the scope of that arrangement.

Gibney said in court docu-

ments that he feared refusal to release the depositions in their entirety would allow Theranos to present a "one-sided" story that omits crucial details and

Theranos has been the subject of intense scrutiny in recent years over its failure to successfully bring to market technology that it said would revolutionize blood testing by allowing a full battery of tests to be conducted off of just a few drops of blood taken from a patient's finger. It was later learned that the company lacked the infrastructure to deliver on the promises, which garnered more than \$400 million in funding by 2014.

Elizabeth Holmes, chief executive officer of Theranos Inc. Photo Credit: Krista Kennell/Shutterstock.com

Theranos and its CEO Elizabeth Holmes have agreed to settle the fraud charges filed by the U.S. Securities and Exchange Commission. Holmes has agreed to pay a \$500,000 penalty, be barred from serving as an officer or director of a public company for 10 years, return the remaining 18.9 million shares she obtained during the fraud, and relinquish her voting control of Theranos.

Gibney was not represented by an attorney in making his request. His other work includes the Oscar-nominated documentary "Enron: The Smartest Guys in the Room" and "Going Clear: Scientology and the Prison of Belief," a 2015

film produced by HBO. His film "Taxi to the Dark Side," which centered on torture at a U.S. military base in Afghanistan, won the Academy Award for Best Documentary Feature in 2008.

—Tom McParland

#### **Amid Mueller Probe, Craig Retires From Skadden**

Gregory Craig has left his role as of counsel in the litigation group at Skadden, Arps, Slate, Meagher & Flom in Washington, D.C., as the firm's ties to Ukraine's former government continue to poten-

**Splintered Supreme Court Shields Foreign Corporations From** Alien Tort Statute »2

## Battle Continues as Heirs Seek To Auction Nazi-Looted Paintings

#### **BY JASON GRANT**

AN AUSTRIAN Jewish entertainer's heirs, who recently won the rights to two Egon Schiele paintings looted by the Nazis in the 1930s, are asking a New York judge to transfer the paintings to Christie's auction house so that they can sell them in conjunction with the 100th anniversary of Schiele's death.

But Richard Nagy and Richard Nagy Ltd., the replevin and conveyance case defendants—who



"Woman in Black Pinafore" by Egon Schiele

still have possession of the paintings—are opposing the motion.

Moreover, Thaddeus Stauber, the defendants' attorney, maintains that "in the normal course" of litigation, his clients' forthcoming appeal of the conveyance ruling should stay any order pertaining to a transfer of the paintings.

On April 5, Manhattan Supreme Court Justice Charles Ramos issued the first ruling on the merits in a two-and-a-half-year dispute over the paintings that some say could have implications for the wider fight by Jewish heirs to reclaim artwork looted en masse from their ancestors by the Third

The paintings' provenance had long been debated. But Ramos ruled that "a signature at gunpoint cannot lead to a valid conveyance,' and he directed that the paintings. "Woman in Black Pinafore" (1911) and "Woman Hiding Her Face' (1912), be transferred to the lawsuit's plaintiffs.

He further ruled that Fritz Grünbaum, an Austrian Jewish entertainer, owned the pieces before World War II. Then in 1938 the Nazis stormed his home and sent him to the Dachau concentration camp, where he was forced,

## **Suspended Rochester City** Judge Should Be Removed

#### **BY ANDREW DENNEY**

NEW YORK'S judicial ethics watchdog has recommended the removal of an embattled Rochester City Court judge who has faced a barrage of legal woes during her three years on the bench, including her most recent arrest for allegedly attempting to make an illegal firearms purchase.

Citing a 2016 conviction for driving while intoxicated, subsequent violations of her conditional sentence, her apparent lack of remorse and her conduct on the bench, the Commission on Judicial Conduct announced on Tuesday that Rochester City Judge Leticia Astacio should be taken off the bench.

Astacio, who was elected to a 10-year term in 2014, was convicted of DWI in August 2016; in the arrest for the DWI, a trooper encountered her in a badly damaged automobile on the side of the road, and the judge reacted to the trooper in a "profane and angry" manner, according to a news release from the commission.

After the conviction, Astacio twice violated the terms of her conditional sentence, the commission said. In November 2016. she pleaded guilty to attempting to start her car after testing positive



**Judge Leticia Astacio** 

for alcohol in her system on her ignition interlock device.

In May 2017, she failed to submit a court-ordered alcohol test and failed to appear in court because she had left the country for a long trip to Thailand.

The commission also said that Astacio engaged in misconduct on the bench for failing to recuse herself from the arraignment of a former client and making "discourteous, insensitive and undignified" comments in court, including telling a sheriff's deputy to use physical force to contain an unruly defendant and laughing during a sexual abuse case when a defense attorney said the victim in the case had "buyer's remorse."

"Faith in the courts

## Attorney Found Guilty in Gun **Licensing Bribe Conspiracy**

#### BY B. COLBY HAMILTON

A FORMER Brooklyn prosecutor was found guilty in Manhattan federal court Tuesday for his role in a police gun licensing scandal that stretched all the way to the office of Mayor Bill de Blasio.

John Chambers, who at one point served in the Kings County District Attorney's Office, was convicted of bribery, honest services fraud and conspiracy to commit honest services fraud after a weeklong trial before U.S. District Judge William Pauley III of the Southern District of New York. Chambers marketed himself to

clients as a top firearms licensing attorney in the city. From 2010 to 2015, Chambers bribed NYPD Sgt. David Villanueva, the former supervisor of the department's gun license division, in exchange for help with his clients, prosecutors alleged

"John Chambers, a former prosecutor, called himself a gun license 'expediter.' What a unanimous jury concluded today was that his expediting amounted to little



John Chambers leaves Manhattan federal court on Thursday

the NYPD's License Division," U.S. Attorney Geoffrey Berman of the Southern District of New York said in a statement. "The willingness of John Chambers to corrupt the gun License Division for his own benefit exposed the people of New York to unnecessary danger."

Chambers paid Villanueva off with tickets to sporting and entertainment events, free

## **Public Finance Leader Departs** Dentons for Cozen O'Connor

#### BY CHRISTINE SIMMONS

JONATHAN Ballan, who was head of Dentons' New York public finance group, has left for Cozen O'Connor. Ballan, who is joining Cozen O'Connor with another former Dentons attorney, Robert Owen Senzer, will co-chair Cozen O'Connor's public and project finance practice group.

In recent years, Ballan has overseen financings for Yankee Stadium in the Bronx, the Barclays Center in Brooklyn, and the LaGuardia Airport Terminal B reconstruction project in Oueens.

Ballan also served as special counsel to the Empire State Development Corp., leading a legal team that created the New York Liberty Development Corp., which issued New York Liberty Bonds for commercial projects to help New York City following the Sept. 11 terrorist attacks. He has previously served as bond counsel or underwriter's counsel



Jonathan

in the city of Buffalo and Nassau County.

Cozen O'Connor said Ballan will play a major role" in helping the firm expand its public finance practice, which negotiates financings and refinancings on behalf of government, nonprofit and private sector clients to fund infrastructure, education, housing, senior living, health care, energy, and economic development projects. Ballan will work with Philadelphiabased co-chair Suzanne Mayes, the firm said.

Ballan said he joined Cozen O'Connor after eyeing the firm "for many years," while Cozen O'Connor has "been watching me

## **DECISIONS** OF INTEREST

## **First Department**

LANDLORD TENANT LAW: Tenant established she was constructively evicted, did not owe landlord two months' rent. 765 Riverside LLC v. Goris, Civil Court, New York

LANDLORD TENANT LAW: Court reverses itself, vacates prior decision upon reargument; tenant granted dismissal. Ashkenzai Dev. & Mat. LLC v. Cruz, Civil Court, Bronx

## **Second Department**

CRIMINAL LAW: Court properly vacated conviction, ordered new trial in murder case due to new evidence. People v. Hargrove, App. Div

LANDLORD TENANT LAW: Landlord's failure to fulfill statutory notice requirements dismisses holdover proceeding. Alvic Mgmt. v. Orefice, CIvil Court, Kings.

PERSONAL INJURIES: Claims against out-of-possession landlord dismissed. but mall's limitations defense fails. Zhang v. ABC Corp., Supreme Court,

LANDLORD TENANT LAW: Court vacates stipulation; rent-stabilized

tenancy forfeited without help of interpreter. Harbor Gardens Assocs. v. Alam, Civil Court, Richmond.

LANDLORD TENANT LAW: Tenant's constructive eviction claim rejected; landlord awarded judgment for all rent due. Gramatan Realty v. Morrell, City Court, Westchester.

## **U.S. Courts**

COPYRIGHTS: Infringement suit dismissed; childrens' books not similar, look and feel different. Kimberley v. Penguin Random House, SDNY

CIVIL RIGHTS: Inmate's rights claims dismissed, but EMTALA claim stated over discharge from hospital. Jones v. Beth Israel Hospital, SDNY.

CIVIL PROCEDURE: Court partly accepts R&R; city must pay expenses incurred by discovery failures. Martinez v. City of New York, EDNY.

CIVIL PROCEDURE: TILA action, foreclosure proceeding are 'parallel'; 'Colorado River' abstention warranted. Potente v. Capital One N.A., EDNY.

**DECISION SUMMARIES,** Page 21 **FULL-TEXT DECISIONS,** nylj.com

### more than bribing his contacts in for state fiscal oversight boards for many years." Ballan NYPD Illegally Sharing Data From Sealed Cases, Class Complaint Says

## BY ANDREW DENNEY

THE NEW YORK City Police Department's practice of using information from dismissed and sealed cases for everyday law enforcement operations, as well as sharing the information with fellow law enforcement agencies, violates state law, according to a suit filed on Tuesday.

The Bronx Defenders and attorneys from Cleary Gottlieb Steen & Hamilton filed the proposed class action in Manhattan Supreme Court, alleging that the NYPD is violating a New York law passed in

1976 that was intended to prevent stigmatization of defendants who were charged with felonies and misdemeanors, but not convicted.

The use of sealed information disproportionately affects black and Hispanic defendants, the suit alleged, and the scope of the issue is potentially expansive: from 2014 to 2016, the suit stated, the department made 820,000

arrests in which it collected sensitive personal information like addresses, Social Security numbers and photographs and that more than 400,000 of those arrests should be sealed.

In the same time frame, the suit stated, there were more than 330,000 arrests of black and Hispanic defendants that should be sealed, compared with about 50,000 arrests of white defen-

> dants. The information the NYPD collects is stored in several

different databases, the suit alleged, and is used for criminal investigations and for various everyday police decisions, such as whether or not to arrest someone who would otherwise receive a civil summons

and whether an arrestee should

be labelled as a recidivist.

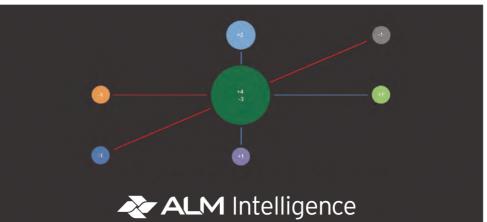
Information from sealed cases is also shared with prosecutors and sometimes the media, the suit alleged. Information from sealed cases might be used to shape plea agreements for defendants, the plaintiffs alleged, but that defense attorneys are often left in the dark as to whether or not sealed information about their clients is being relied upon until the eve of trial.

In a news release, Jenn Rolnick Borchetta, deputy director of The Bronx Defenders' impact litigation practice, said the NYPD's database "marks people for life," even if they haven't been convicted of a crime.

"The NYPD's use » Page 8

## IN WHAT PRACTICES ARE YOUR **COMPETITORS GROWING?**

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## **INSIDE** LAW JOURNAL

Calendar of Events8
Classifieds14
Court Calendars11
Court Notes11
Disciplinary Proceedings9
Expert Analysis3
Judicial Ethics Opinions6
Legal Experts & Services 15
Legal Notices 14
Outside Counsel4
Perspective6
Real Estate Trends5

See page 2 for complete Inside lineup

#### Calendar

#### **WEDNESDAY, APRIL 25**

#### **New York Law School**

**Book Event: Hate: Why We Should** Resist It With Free Speech, Not Censorship by Nadine Strossen, Professor of Law and Former ACLU President 6:30 p.m. to 8:30 p.m. New York Law School Rooftop Terrace and Lounge 185 West Broadway (between Worth and Leonard Streets) Contact: Liz Thomas / Brian Kaszuba, New York Law School communications@nyls.edu

#### **New York City Bar (CLE)**

212-431-2872

New Jersey Bridge-The-Gap: Satisfy the Mandatory 15 Credits and More (Day 2) 9 a.m.-5 p.m. 8 CLE Credits 42 West 44th Street Contact: Rosan Dacres 212-382-6630 rdacres@nycbar.org

#### **New York City Bar** (Non CLE)

Freelance Isn't Free 6 p.m. - 8 p.m. 42 West 44th Street Register: www.nycbar.org Together United: Expanding the **Scope of Restorative Justice** 6:30 p.m. - 9 p.m. 42 West 44th Street Register: www.nycbar.org

#### **NYCLA (CLE)**

Why Did We Agree to This? How to Avoid 9 Common Pitfalls When Negotiating a Commercial Lease [LIVE OR WEBINAR] 2 CLE credits 6 p.m.-8 p.m. 14 Vesey St 2nd Floor Auditorium **Practising Law Institute** 

#### Psychological Issues in the Workplace

12:30 p.m.-5 p.m. 1177 Avenue of the Americas www.pli.edu/PsychologicalW18

#### **Nassau Community College** The Best Fields for Law Jobs

On WHPC 90.3 FM radio (repeated 7 a.m. on Sunday) Voicestream: ncc.edu/whpc For podcasts search WHPC on iTunes

#### **WEDNESDAY, APRIL 25** THURSDAY, APRIL 26

#### **Practising Law Institute Bankruptcy & Reorganizations**

9 a.m.-5 p.m. (Day 1) 9 a.m.-4:45 p.m. (Day 2) 1177 Avenue of the Americas www.pli.edu/BankR18

## **THURSDAY, APRIL 26**

#### Jewish Lawvers Guild and the Gender Fairness Committee of Supreme Court, New **York County**

**Holocaust Remembrance Pro**gram

4:45 p.m.-6 p.m.. The Rotunda at the Supreme Court, New York County 60 Centre Street Keynote Speaker Menachem

Z. Rosensaft, General Counsel, World Jewish Congress For more Information: Justice Martin Shulman at 646-386-5687 or MShulman@nycourts. gov or Priva Simon at 646-386-4696 or PSimon@nycourts.gov

#### **Nassau County Judicial Com**mittee on Women in the Courts

Seminar: "Taking Charge of Your

Financial Wellness" 12:30 p.m.-2 p.m. Nassau Supreme Court 100 Supreme Court Drive, Mine-Topics Include: Planning for Retirement, New Tax Law, When to Take Social Security Benefits and more. Discussions will be led by Gary Schwartz and Rochelle Odesser of the Madi-

#### **AmTrust Title Insurance** Company

son Planning Group.

Women's Summit Featuring Two Panels: "The Outlook and Forecast for Commercial Real Estate," and "Breaking the Mold: Building Tomorrow's Leaders."

8:30 a.m. -1 p.m. The Graduate Center of CUNY 365 Fifth Avenue The first panel, Proceeds will go to WIN, a non-profit dedicated to helping homeless women and their children.

For information and tickets: AmTrustTitleEvents@amtrustgroup.com or 212-499-0100.

## NY Law School (CLE)

1 CLE credit

IP Master Class: Fashion and Fair 12:45 p.m.-1:45 p.m. (Free, lunch provided)

RSVP: joseph.forgione@nyls.edu

Nassau County Bar (CLE)

The Best Advice I Ever Got: Practicing in District Court 5:30 p.m.-7:30 p.m., 1.5 CLE credits 15th & West Streets Mineola Contact: Valerie M. Zurblis 516-747-4070 x204 vzurblis@nassaubar.org

#### **Federal Bar Council Trial Advocacy Training for Pro**

**Bono Lawyers** 9:15 a.m.-4:30 p.m. 6.5 CLE credits Daniel Patrick Moynihan U.S. Courthouse, 500 Pearl Street, Room 850 www.federalbarcouncil.org/ FBC/Events/Event\_Display. aspx?EventKey=CL426

## **New York City Bar (CLE)**

Cooperatives, Condominiums & Other Residential Real Estate Contracts & Leases: Using, **Drafting & Negotiating Riders** 6 p.m.-8:15 p.m., 2.5 CLE Credits 42 West 44th Street Contact: Rosan Dacres 212-382-6630 rdacres@nycbar.org

#### Secrets of the Masters: The Five **Habits of Successful Business** Development 8:30 a.m.-10:15 a.m.

No CLE credit offered 42 West 44th Street Contact: Rosan Dacres 212-382-6630 rdacres@nycbar.org

#### **New York City Bar (Non CLE) Regulatory Future of Marihuana**

Laws in New York State 6 p.m. – 8 p.m. 42 West 44th Street Register: www.nycbar.org Agricultural Pesticides: Who,

What, When, Where, Why & What to Do About It 6:30 p.m. - 8:30 p.m. 42 West 44th Street Register: www.nycbar.org

#### FRIDAY, APRIL 27

#### **Volunteer Lawyers for the** Arts (CLE)

Seminar: "Risky Business: Financing and Distributing Your Independent Film" An all-day seminar with entertainment attorney Mark Litwak on the legal and financial intri-

cacies of successfully producing an independent film. 9:30 a.m.-5 p.m. 7 CLE credits Lunch will be provided. Contact: Anastasia Kambanis, 212-319-2787 Ext. 12 Email: akambanis@vlany.org

#### **New York City Bar (CLE)** Current Issues in Insurance Regu-

lation 2018

8:30 a.m. Registration and Breakfast Program 9 a.m.-1 p.m. 4 CLE Credits 42 West 44th Street Contact: Rosan Dacres 212-382-6630 rdacres@nycbar.org

## **Practising Law Institute**

30th Annual Elder Law Institute 9 a.m.-5 p.m. 1177 Avenue of the Americas www.pli.edu/ElderInst18

#### FRIDAY, APRIL 27-**SATURDAY, APRIL 28**

## **NYCLA (CLE)**

41st Annual Civil Trial Practice Institute: A Bridge the Gap for Litigators\* 16 CLE credits, 9 a.m.-5 p.m.

14 Vesey St 2nd Floor Auditorium

## **MONDAY, APRIL 30**

#### **Jewish Lawyers' Association** of Nassau County

Lecture: Nazi's, Nuremberg and the Rule of Law: Some Enduring Lessons for Lawyers Today

6 p.m. Nassau County Bar Association Contact Lawrence Schaffer 516-993-9669 or Leslie Tayne at Itayne@taynelaw.com

#### **New York City Bar (CLE) Hot Topics in NY Antitrust: Class** Certification and Fraud-Based

**Antitrust Investigations** 6 p.m.-9 p.m., 3 CLE Credits 42 West 44th Street Contact: Rosan Dacres 212-382-6630 rdacres@nycbar.org

#### **New York City Bar (Non CLE)** Applying the Fourth Amendment

to New Technology 6 p.m. - 8 p.m. 42 West 44th Street

Register: www.nycbar.org **Advancing Environmental Equity** in New York City 6:30 p.m. - 8:30 p.m.

42 West 44th Street Register: www.nycbar.org **Taking a Knee: Legal Implications** of Athlete Political and Social Activism

6:30 p.m. - 8:30 p.m. 42 West 44th Street Register: www.nycbar.org

## NY Law School (CLE)

Examining the Intersection of Bioethics and the Law in 2018 6:0 p.m.- 8 p.m. (Free) RSVP: www.nyls.edu/pegalislecture 2 CLE credits

#### **Queens County Bar (CLE)** CLE: NYC, DSS: Lien Recovery

6 p.m.-8 p.m. 2 CLE credits 90-35 148th St., Jamaica Contact: 718-291-4500 x 232 or cle@qcba.org

#### Practising Law Institute Financial Services Technology: **Avoidance of Risk**

9 a.m.-5 p.m. 1177 Avenue of the Americas www.pli.edu/FinServT18 **Investment Management Insti-**

tute 8:30 a.m.-5:30 p.m. 1177 Avenue of the Americas www.pli.edu/InvestMG18

#### **TUESDAY, MAY 1**

#### NY Law School (CLE)

France and the U.S.:Tax Law Perspectives on Choice of Entity in Light of U.S. Tax Reform 12:30 p.m. -2 p.m. RSVP: www.nyls.edu/taxlawrsvp

#### **Practising Law Institute**

1.5 CLE credits

Fashion and Retail Law 2018 9 a.m.-5 p.m. 1177 Avenue of the Americas www.pli.edu/FashionRL18

#### **WEDNESDAY, MAY 2**

#### **NYCLA**

**54th Charles Evans Hughes Memorial Lecture** 6 p.m.-8 p.m. 14 Vesey St 2nd Floor Auditorium

### **Practising Law Institute**

Leveraged Financing 2018 9 a.m.-5 p.m. 1177 Avenue of the Americas www.pli.edu/LevFin18

#### Anderson Kill. P.C.

Employment Law Seminar: "#YouToo?:What to do? How Employers can Handle #MeToo claims 2:30 P.M.-5 P.M. The University Club, One West 54thStreet Room 2, 9th Floor, Fee: \$25 Register: www.andersonkill. com/Event-Details/Eventld/1202

#### Nassau County Bar (CLE) Meredith v. Fair: A Re-Enactment

of the Landmark Decision Presentation 6 p.m.-7:30 p.m.. Reception 7:30 p.m.- 8:30 p.m.. Program is free to attend. Optional 2 CLE credits in professional practice available for purchase of \$50. Contact: 516-747-4070 info@ nassaubar.org

#### Nassau Community College Ageism and The Law

On WHPC 90.3 FM radio (repeated 7 a.m. on Sunday) Voicestream: ncc.edu/whpc For podcasts search WHPC on iTunes

## **THURSDAY, MAY 3**

## **NYCLA (CLE)**

Cryptocurrency and the Law [Rescheduled from March 21] 2 CLE credits, 6 p.m.-8 p.m. 14 Vesey St 2nd Floor Auditorium

## NY Law School

The 15th Annual Tax Lawyering Workshop: Truth and Transparency in Tax Practice 8:30 a.m. -3 p.m.

(Free, breakfast and lunch provided) RSVP: www.nyls.edu/taxRSVP 5.5 CLE credits

#### The Future of Housing Court 5:30 p.m. to 7:30 p.m.

(\$15 general admission, tuition assistance available) RSVP: www.nyls.edu/Impact-Thursdays 1.5 CLE credits

#### **Practising Law Institute** Pretrial Practice 2018

9 a.m.-5 p.m. 1177 Avenue of the Americas www.pli.edu/PretrialPr18

#### **Queens County Bar** Annual Dinner, Installation of

Officers and Managers 5:30-9 p.m. Terrace on the Park, Queens 718-291-4500 / cle@qcba.org

#### Nassau County Bar (CLE) Dean's Hour: Drafting, Funding and Properly Maintaining an **ILIT & SNT**

Sign-in and Networking: 12:30 Program: 1 p.m.-2 p.m. 1 CLE credit 15th and West Streets, Mineola 516-747-4070 academy@nassaubar.org

## Off the Front

## City Judge

« Continued from page 1 requires all judges to respect and comply with the law, to preside fairly and without even the appearance of bias, and to obey court orders when they themselves are litigants," said Robert Tembeckjian, the conduct commission's administrator and counsel, in a news release. "Regrettably, Judge Astacio failed to uphold each of these principles. Her behavior has undermined trust in the administration of justice, which we hope in some measure to restore with this decision to remove her from

Astacio can appeal the commission's finding to the state Court of Appeals, which on April 11 suspended Astacio with pay.

Astacio's lawyer, Robert Julian of the Law Offices of Robert F. Julian, said that he and his client are reviewing the commission's

determination to decide their next steps, but declined to comment further.

"Our case is with the Court of Appeals, not the court of public opinion," Julian said.

In a statement issued on Thursday, state Supreme Court Justice Craig Doran, the administrative judge for the Seventh Judicial Circuit, which includes Rochester, said that, for the last two years, "one matter has overwhelmingly dominated the public's attention" – apparently referring to Astacio - while hundreds of judges in his jurisdiction have gone about "quietly and diligently upholding the law."

'This has been an unfortunate distraction from the critically important work done, on a regular basis, by the highly competent and caring judges and court staff serving the people of this community," Doran said.

Tembeckjian discussed the commission's findings in Astacio's case

order with Ramos requesting that

he direct the paintings be sent to

Christie's. The heirs' intent, accord-

ing to Raymond Dowd, their lawyer,

is to auction off the paintings in

November, shortly after the Oct.

31 anniversary of Schiele's death.

paintings are worth more than \$5

But Nagy, a London-based art

dealer, lodged his own proposed

order saying that as long as an

appeal of Ramos' conveyance rul-

ing was timely filed, the paintings

Together the early 20th century

in a news conference and also used the appearance to address public concern about the length of time that the judge has been allowed to stay in office and the limitations placed on his office to adjudicate and publicly discuss disciplinary Specifically, he said the com-

mission is hindered in its work by dealing with a rising tide of complaints against judges with an ever-dwindling staff: When the commission was launched in 1978, he said, it had more than 60 staff members dealing with about 700complaints each year. Now, Tembeckjian said, there

are fewer than 40 staffers handling more than 2,000 complaints each

"All New Yorkers should be concerned when their ethics entities are underfunded," Tembeckjian

Andrew Denney can be reached at adenney@alm.com. Twitter: @messagetime

## **Paintings**

perhaps at gunpoint, to sign a power of attorney over his possessions to his wife. Ramos also cited the Holocaust Expropriated Art Recovery Act, adopted by Congress in 2016, and allowed it to guide him when considering the plaintiffs' evidentiary arguments that Grünbaum had rightfully owned the paintings.

Still, in his decision, Ramos did not specify when or how the transfer of the paintings should happen, leaving it instead to the parties to "settle an order" transferring title. The plaintiffs and heirs, Timo-

thy Reif, David Fraenkel and Milos

Vavra, in turn filed a proposed

should remain with artwork transporter Dietl International, which is storing them. Ramos has yet to rule on the

million, Dowd has said.

proposed orders. In an interview Monday, Stauber, a Nixon Peabody partner, also pointed out that his clients will soon appeal the April 5 ruling to the Appellate Division, First Department, and that "a notice of appeal should, in the normal course, stay [Ramos'] underlying" ruling—and, accordingly, that should trump any ruling related to the proposed orders.

Dowd, a Dunnington, Bartholow & Miller partner in Manhattan, noted that his parties' proposed order also requests an inquest of damages pursuant to Ramos' finding that the paintings were wrongfully converted by Nagy. He said such damages, which include attorney fees, could run in the hundreds of thousands of dollars.

@ Jason Grant can be reached at jgrant@alm.com. Twitter: @JasonBarrGrant

## **Gun Licensing**

« Continued from page 1 meals, a \$8,500 wrist watch and

over \$2,000 in cash, among other

bribes, prosecutors said. In exchange, Villanueva used the power of his position to the benefit of Chambers' clients. When Chambers' clients were subject to investigations over domestic incidents, accidental firearm discharges, or other situations that could have resulted in the suspension or revocation of their license, the investigations would close quicker, with better outcomes—even if the appropriate result should have been the loss of the license,

prosecutors argued. Even when

suspensions occurred, Villanueva would make sure they were shorter. Renewals were expedited. Upgrades to full concealedcarry licenses would go through without the proper papers to justify the action. Gallet Dreyer & Berkey part-

ner Roger Stavis, Chambers' trial counsel, described the trial as being "very hard-fought" but with a verdict he and his client were 'obviously disappointed in." "We look forward to taking the

case up on appeal," he said.

Chambers' trial is part of a larger set of arrests connected to bribery at the NYPD gun permit licensing division that stretches from the Orthodox Jewish community in Brooklyn to de Blasio. Villanueva, another former member of the police department, an Orthodox volunteer safety patrol member and a gun store owner were arrested for their parts in the broader scheme in June 2016. Some of those defendants have pleaded guilty, including Villanueva, who testified for the government against

They're just a few of the people arrested in the sprawling corruption situation that includes other former police department officials, as well as a former fundraiser for the mayor, Jona Rechnitz, who's pleaded guilty to related charges and served as a cooperating witness for the government in other

B. Colby Hamilton can be reached at chamilton@alm.com. Twitter: @bcolbyhamilton

## Ballan

« Continued from page 1

said he anticipates his clients will join him at Cozen O'Connor. At Cozen O'Connor, "there is a

bigger and broader public finance practice," including full-time tax specialists and other experts who work with the practice, he said. Altogether, Cozen O'Connor's public finance practice has about 10 full-time attorneys, he said.

Ballan is the most recent public finance attorney to leave Dentons after a group of public finance attorneys in other offices left last year. Ballan said he and Senzer, who was counsel at Dentons and joins Cozen O'Connor as of counsel, were the only full-time public finance attorneys in Dentons' New York office.

Ballan is one of several legacy McKenna Long & Aldridge partners to leave Dentons this year, after

the McKenna-Dentons merger in 2015. As reported by ALM affiliate Daily Report, some exits this year follow the expiration of a "commitment agreement" that legacy McKenna equity partners signed before the merger with Dentons. Under the agreement, legacy McKenna partners would have forfeited their capital contribution if they left for another firm before 2018.

While that agreement "had an effect on my former colleagues," Ballan noted his departure is in late April and the arrangement "wasn't an impetus to my departure or the timing of it." He added, "you have to give a place a couple years to give it a fair evaluation."

Ballan said his move away from Dentons was not acrimonious. He said he thinks highly of the firm and he "looks forward to collaborating

with Dentons whenever possible.' A Dentons spokesman did not immediately respond to a request for comment on Ballan's exit. Ballan is currently director of

the State of New York Mortgage Agency. He previously served as a board member of the Metropolitan Transportation Authority of New York, chairman of the Municipal Assistance Corporation for the City of New York; and chairman of the New York State Public Asset Fund. He was also a member of the New York State Watershed Protection and Partnership Council, a board member of the New York City Environmental Control Board, and a board member of the New York City Health and Hospitals Corp.

Ballan said his significant experience serving on boards of agencies "allows me to understand the issues in government and in boards," which strengthens his public finance practice.

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## **Data Sharing**

« Continued from page 1

of sealed records violates a law that protects privacy and the presumption of innocence. We seek to enforce the law and end an NYPD practice that places people of color at risk of heightened surveillance and harsher punishment based merely on allegations."

A spokesman for the city's Law Department said in a brief statement that it would review the suit and respond in litigation.

New York's sealing statute, contained within Criminal Procedure Law \$160, was later expanded to include defendants convicted of noncriminal offenses.

The statute requires law enforcement agencies to seal records of arrests that did not result in convictions and destroy or return photographs and fingerprints taken in the commission of those arrests.

Law enforcement agencies are required to get a court order to retain the information from arrests that do no ultimately turn out a conviction, the suit alleged, but the NYPD has failed to do so. Over the last four years, the suit

stated, the department has made

1.1 million arrests, of which more

than 750,000 were for misdemean-

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