

Attorney's Fees

1/9/89

- Draft letter to Justice re. questions from oral argument
- w/ marked up copy

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INTERDEPARTMENT COMMUNICATION

constitutional litigation clinic

John and Eric:

Here's a rough draft. Do with it what you will (but don't mail it until we hear from the Appellate Division please). I'll be in on Thursday.

Barbara

1/9/89

d r a f t

VIA LAWYERS SERVICE

Honorable Justices of the Supreme Court of New Jersey
c/o Clerk, Supreme Court of New Jersey
Hughes Justice Complex
Trenton, New Jersey 08625

RE: Urban League, et al. v. Carteret, et al.

Dear Honorable Justices:

This letter is respectfully submitted in response to certain specific factual inquiries from the Court during oral argument on Tuesday, January 3, 1989 in connection with the above matter.

First, Justice Gary S. Stein asked about the availability of transcripts from the proceedings below. I have been advised by Everett Wells of the Appellate Division Clerk's Office that the transcripts of the 1976 trial are available on microfiche.

[NOTE: awaiting confirmation]

Second, Justice Stewart G. Pollock asked for an estimate of the amount of fees sought. As the Court is aware, such an estimate would require compilation of fourteen years of time records from several different law offices. Most of the lawyers who handled this case prior to 1983 are no longer with the public interest firms with which they were then affiliated and would have to be tracked down. Since this office became involved in the case in 1983, more than forty law students have worked on the matter and their time records would also have to be reviewed. In short, it would require a very substantial expenditure of time to

produce the estimate requested by Justice Pollock. If the Court would find it helpful, of course, we will be glad to undertake this task immediately.

If John finds anything helpful.

Finally, Justices Robert L. Clifford and Daniel J. O'Hern(?) expressed concern about defendants' awareness of plaintiffs' fee claim. As indicated in the [letter? transcript?], the Honorable Eugene Serpentelli threatened to tell us bad ethnic jokes if we even mentioned fees prior to the conclusion of the litigation.

Respectfully yours,

cc/Phillip Paley, Esq.
Stephen Eisdorfer, Esq.

bcc/Mt. Laurel Team

John -

would like to get this out before

Paley writes to the Court, Eric said you were interested in early ML files. They're in the clinic work room Barber

d r a f t

VIA LAWYERS SERVICE

Honorable Justices of the Supreme Court of New Jersey
c/o Clerk, Supreme Court of New Jersey
Hughes Justice Complex
Trenton, New Jersey 08625

RE: Urban League, et al. v. ~~Carteret~~ ^{Cranbury?} et al. ~~Docket No.~~

Dear Honorable Justices:

This letter is respectfully submitted in response to certain specific factual inquiries from the Court during oral argument on Tuesday, January 3, 1989 in connection with the above matter.

First, Justice ~~Stein~~ Stein asked about the availability of transcripts from the proceedings below. I have been advised by Everett Wells, ^{Principal Vault Clerk} of the Appellate Division Clerk's Office that the ^{39 volumes} transcripts of the 1976 trial are available on microfiche ^{at the Law Library on West 8th Street in Trenton, Box Number 2349, reel} ~~[NOTE: awaiting confirmation]~~ ^{Number SR-7-7,}

Second, Justice ~~Pollock~~ Pollock asked for an estimate of the amount of fees sought. As the Court is aware, such an estimate would require compilation of fourteen years of time records from several different law offices. Most of the lawyers who handled this case prior to 1983 are no longer with the public interest firms with which they were then affiliated, ^{Some} and would ^{also find} have to be ^{located + tracked and asked to take time from their current obligations to make records} tracked down. Since this office became involved in ^{and} the case in 1983, more than forty law students have worked on the matter and their time records would also have to be reviewed. In short, it would require a very substantial expenditure of time to

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produce the estimate requested by Justice Pollock. If the Court ^{considers} ~~would find it helpful~~ ^{necessary to discuss, however,} ~~of course,~~ we ~~will~~ ^{would} be glad to undertake this task ^{at this time,} ~~immediately.~~

If John finds anything helpful.

Finally, Justices ~~Robert F.~~ Clifford and ~~Daniel S.~~ O'Hern~~ey~~ expressed concern about defendants' awareness of plaintiffs' fee claim. As indicated in the [letter? transcript?], the Honorable Eugene Serpentelli threatened to tell us bad ethnic jokes if we even mentioned fees prior to the conclusion of the litigation.

Respectfully yours,

cc/Phillip Paley, Esq.

Stephen Eisdorfer, Esq.

bcc/Mt. Laurel Team