

## Lawyers, Courts Grapple With Work During Storm

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Law firms and the courts scrambled this morning to keep employees safe and to maintain some semblance of normal operations as waters began to lap over Manhattan sea walls as fears grew of much worse to come.

Courts and some firms closed, but many lawyers came to work and others worked remotely. But howling winds were a reminder that it was uncertain how long power would be available.

Fried, Frank, Harris, Shriver & Jacobson downtown at One New York Plaza, close to the Staten Island Ferry, is in Zone A, the area under orders to be evacuated. Janice Mac Avoy, a partner and co-head of the firm's real estate litigation group said the firm's office in Washington, D.C.—also in the path of the storm—is closed as well.

"There is likely to be some damage to the building [in New York] given the fact that we are on the water and the storm surge is supposed to be as high as 8-10 feet, but no one seems to be worried about lasting damage," she said in an e-mail.

Meanwhile, the firm set up remote secretarial coverage for those who needed it "including enlisting our London office. Given the easy availability of remote access, it shouldn't be a huge issue for us, although if the power goes out in the suburbs, it will make things more interesting," she added.

Mac Avoy said she herself was working remotely, and it wasn't all that different from a normal work day yet. "If the power goes out, that will change, and I'll do what some clients did last year with Irene—drive around to find the nearest open Starbucks to plug in and WiFi in!" she wrote.

Charles Platt, partner-in-charge of Wilmer Cutler Pickering Hale and Dorr's New York offices at 7WTC, 250 Greenwich St., said the firm's downtown office is right on the edge of Zone A. The office decided yesterday to close. "It's too potentially dangerous with the threat of power damages and the threat of flooding for our employees" to come to work, Platt said.

Platt had to cancel a trip to Ohio on a client matter while other attorneys are rescheduling events, but Platt said that "the nice thing about enhanced technology is that we can now work remotely."

Platt said he had lined up several conference calls today. "Most folks are assuming we'll get our essential work done," he said.

If the power does go out, Platt said it would create only momentary problems.

"All firms have extensive back up and recovery systems that are designed to prevent any problems in the event of a storm," he said.

Carter Ledyard & Milburn's Wall Street office also closed.

"The safety of our staff was our paramount concern. There was no way to get safely to and from work today and once they shut down all public transportation, no way to get to lower Manhattan in any event," said managing partner Judith Lockhart in an e-mail.

"I worked downtown during the Nor'easter in December 1992," she recalled. "The subways flooded and shut down. I waded through knee high water to get home and it was not fun. So I personally think this will be more than a blip. How big will depend upon the extent of the power outages and ultimate impact on mass transit."

Lockhart said that she expected the office to be closed on Tuesday as well.

"As long as there is power the legal staff has the ability to work from home. Obviously if we lose power on Wall Street it will become more difficult," she said.

Meanwhile, "Yesterday I cancelled meetings that I had scheduled for today. Everyone is either in the same boat or has been very understanding. I expect that I will still have a few conference calls today."

Ronald Shechtman, managing partner of Pryor Cashman, said his firm's office at Times Square also is closed.

"I'm following the developments with the storm, which seem to promise worse to come. I think this will be quite unique and may involve days of closure for not only law firms, but most of the city. If public transportation doesn't run, the city can't function," Shechtman said in an e-mail.

"Remote access allows us to communicate like this and most of my firm to deal with pressing matters. Being a regional firm, however, means that most of our clients are in the same boat; their offices closed and most activities suspended. So it's crisis control and management for our clients, until we see where this natural disaster will take us," he added.

Work continued at Orrick, Herrington & Sutcliffe's New York headquarters, even though the office was officially closed. Attorneys and paralegals came to the office at 51 West 53rd Street by car, and in at least one case, by bicycle, said Peter Bicks, partner in charge of Orrick's New York office.

Bicks couldn't estimate how many people were on the job, at about 12:30 p.m., but Bicks said "those of us who could get in here are here" and communicating with staffers working from home.

Bicks said that the firm was getting mixed messages from clients. "We've gotten both well wishers and those looking to us to get the job done," he said.

For his part, Bicks has a filing due in France today, and other clients not based in the East Coast are also depending on them to get filings made in jurisdictions not affected by the hurricane.

Said Bicks: "Where there's a will there's a way."

Rosetta Matasaran, a secretary at Proskauer Rose who has worked there for about 12 years, said the firm had a limited staff in the office. Most attorneys and staff are working at home, she said. Those who volunteered to work got put up in a hotel last night to make sure they'd be able to come in, and a few took cars in this morning. She said the phones have been ringing pretty steadily with people calling, including clients calling in to ask if meetings are happening tomorrow (answer: probably not). There's also a limited staff in the cafeteria who came in to make breakfast and lunch for everyone. Matasaran, who lives in the city, said she also worked during Irene and decided to do it this year because "Why not?"

Mel Immergut, chairman of Milbank, Tweed, Hadley & McCloy, said this afternoon that the firm's downtown headquarters was closed at 1 Chase Manhattan Plaza, but the building was still open.

"I understand that only 50 people have shown up at the whole 60-story building, which is close to ghost town status," he said in an e-mail.

"Our concern of course is flooding; we won't know about opening until a little later," he added.

"Our operations have not been affected so far. We are all working from home and I don't think clients will be inconvenienced. I just came back home from a midtown lunch with a client actually - great bonding experience!" he said.

"Our main concern of course is that all our employees are safe. And after that that the city bounces back quickly. I think both of those things will happen."

Anticipating inclement weather, Steven Schlesinger of Jaspan Schlesinger in Long Island asked staffers needed for a closing to come in at 7 a.m., but the building was closed, and the proceeding was moved to the bank's conference room.

Speaking from his home near Long Island Sound, where he was trying to work, Schlesinger said his Internet connection was on and off and a tree "leaning over pretty far" threatened to block his driveway.

#### Arraignment Parts Closed

Although state courts in the city were generally closed all day on Monday, arraignment courts were open in the morning before administrators made the rare decision to close those parts in Manhattan, the Bronx, Brooklyn and Queens from 1 p.m. today until 5 p.m. Tuesday, when authorities hope to resume arraignments in those boroughs. On Staten Island, the arraignment courts are closed from 1 p.m. today until 9 a.m. Wednesday morning.

Acting Supreme Court Justice Barry Kamins ([See Profile](#)), the administrator of the city's Criminal Court, said that the decision to close arraignment parts was motivated by noting the importance of getting staff and judges home safely—along with the fact that arrest volumes currently were "very low."

State courts in New York City, Nassau, Suffolk, Dutchess, Orange, Putnam, Rockland and Westchester counties will remain closed Tuesday. In addition, courts in Tioga, Ulster and Sullivan counties will close for the first time.

Southern District Judge Colleen McMahon ([See Profile](#)) and Magistrate Judge Henry Pittman were on duty at the closed Manhattan federal courthouse to handle applications. Officials announced that the district's courthouses would remain closed Tuesday as would those of the Eastern District.

Labe Richman, a criminal defense attorney, said that many of his clients are facing imminent deportation, and "some are waiting for Criminal Court decisions or for the court to set hearing dates, so that we can inform ICE of this information and seek stays of deportation. The storm will delay decisions from the court and families are concerned that loved ones will be deported in the interim while they are awaiting court action. I am hopeful that the storm will also delay action by ICE the same way that it is delaying actions by Criminal Term."

The downtown office of Fragomen, Del Rey, Bernsen and Loewy was closed today and likely will be tomorrow, said Michael Patrick, a New York partner who serves on the immigration firm's executive committee.

Patrick said that the firm's practice is full of deadlines and travel. Just this week, the firm had scheduled a large immigration conference for clients and attorneys, who would be flying in from around the world. This event, which Fragomen had been planning for six months, is now cancelled, he said.

Patrick said it was too early to gauge the long-term impact of the storm. "If there isn't a flood and we don't lose power and we weather the storm, there's every reason to believe people should be back in business by Wednesday," he said.

But if flooding closes downtown, he said, "we have a real disaster on our hands."

Attorney General Eric Schneiderman issued an open letter to vendors, warning against price gouging. He said General Business Law prohibits increases in the costs of essential items like food, water, gas, generators, batteries and flashlights. Schneiderman said the law also applies to taxi operators.

Emily Constant, Suffolk County chief assistant district attorney, said that the agency remained open in the morning, many staffers had opted to take a day off or telecommute "while there is power. Other than that we are hunkering down and hoping for the best."

The Nassau County District Attorney's Office likewise was open, but spokesman John Byrne said "employees are free to stay home if they believe coming to work would be unsafe."

*Contributing to this story were Christine Simmons, Andrew Keshner, John Caher, Brendan Pierson, Mark Hamblett and Sara Randazzo. It was written by Jeff Storey.*