

Index No. 95-208

May 4 12 53 PM '99

Charles Lake  
PO Box 1237  
Cairo, NY 12413  
E-mail: bebear@mhonline.net  
(518) 622-2097

January 31, 2000

Dear Judge Conner,

Enclosed is a letter to the Committee of Professional Standards. I am very frustrated with Mr. Lewis.

I believe he has spent more time trying to remove himself from this case than he has spent actually litigating it. I also believe that his actions are harming my family and myself by putting extra stress upon us. We have already endured 8 years of this situation without any forward movement. We still do not know what I was exposed to, which was the original question. Nor have I been compensated in any way for having my planned career interrupted by someone else's negligence. I have health issues that we all (myself and my family) have to deal with daily. I need legal advice to have this case heard. I need to have effective communication with my lawyer so this issue can have a resolution. I am not unreasonable. I realize Mr. Lewis has other clients and cases, yet scheduled conferences and an exchange of information would have, I believe moved this case a lot further than it is now.

In light of this, I am respectfully requesting, that at the resolution of this case, if there is any monetary gains, that he be entitled to less than the customary 33%. I don't believe I should have to pay for the time Mr. Lewis has spent litigating against me. I am also requesting that he not be relieved from this case and be ordered to do the job he has contracted to do.

Enclosed you'll also find a copy of the letter I sent to Mr. Stanzone. I don't want to be difficult but I am not being given any other options.

Respectfully,

Charles Lake

RECEIVED  
FEB - 1 2000  
CHIEF CLERK'S OFFICE  
SUPREME & COUNTY COURTS  
ALBANY, NY

Charles Lake  
PO Box 1237  
Cairo, NY 12413  
E-mail: [bebear@mhonline.net](mailto:bebear@mhonline.net)  
(518) 622-2097

January 30, 2000

Committee of Professional Standards  
AES State Office Bldg., 22<sup>nd</sup> Floor  
PO Box 7013, Cap. Sta. Annex  
Albany, NY 12225-0013

Chief Counsel Mike Ochs

**Subject: Review of Counsels Ethics**

The reason for this letter is because I am very frustrated with my lawyer's actions. I would appreciate it if someone from the law profession would review my Counsel's ethics.

A conference was scheduled to be held at the Greene County Court house on January 21, 2000, 1:30 p.m. (See appendix A) My wife and I expected to meet with Judge Conner and Mr. Lewis about an Order to Show Cause that was served on my wife and I by Mr. Lewis (by mail), January 5, 2000. For the third time (a previous order, an appeal and now this), in two years Mr. Lewis is looking to abandon this case.

On January 21<sup>st</sup> when the conference was held, my wife and I were quite surprised to find that W.R. Grace's and MPC's lawyers were also attending. At 1:30 p.m. when the conference was slated to start, a gentleman, (whom we later found out was the court reporter), asked us to wait while the lawyers, (Mr. Lewis, W.R. Grace's and MPC's), met first. After a while my wife and I were invited in. We found out that this person with whom the meeting was being held with was a court reporter whom the judge had appointed to meet with all of us because he was away for two weeks and there were three motions pending. The court reporter informed all of us that because the judge was away, that neither the Order to Show Cause or the Summary Judgements brought by W.R. Grace and MPC would be heard until some time after he came back. We were told that until the Order to Show Cause was heard that Mr. Lewis was still our counsel. He proceeded to tell us (my wife and I), that usually we would not be invited to such a conference but he and the judge understood that we were having communication problems with our lawyer. After we were given this information we were told we could leave. Because of needing some information from Mr. Lewis and after asking since August 1999, (by letter and phone), to communicate with Mr. Lewis and with the understanding that Mr. Lewis was still my lawyer, I ask him, in a respectful manner, if when he was finished with this conference, could we meet and speak briefly. He strongly stated, No, he was not interested in speaking to me, he just wanted out of this case. My wife and I were shocked at the blatant disrespect, (reflected in his words, tone, and manner) he showed us. We (my wife and I) also believe that Mr. Lewis may have broken client/lawyer privilege by making this statement in front of W.R. Grace's and MPC's lawyers. I am very dissatisfied with the way Mr. Lewis is treating my family and I throughout this whole case.

I met and agreed to accept counsel from Mr. Lewis in 1995. I followed his advice. I have tried to help him by collecting information that might be pertinent to this case. I have not been the one blocking communication, yet I am frustrated by the lack of communication Mr. Lewis and I have had. I am not a lawyer and trusted that in hiring a lawyer I would have someone to navigate the unfamiliar legal waters. I thought hiring a lawyer meant that I would be able to communicate with someone who respected my side of the case and would make sure that my rights were protected.

I'm upset because I can't figure out whether Mr. Lewis is incompetent or negligent. If he is knowingly stalling this case for whatever reason and he is capable to litigate it then I accuse him of negligence and

request that the Committee reprimand Mr. Lewis and order him to take proper responsibility for this case. If he is incompetent then he should have stated his lack of knowledge in this area of the law from the very beginning, just as other lawyers we had seen confessed, and not have wasted our time. If he is deemed to be incompetent in this area, we (my wife and I), request that Mr. Lewis take some time and do some research to become competent.

Although I am dissatisfied and accuse Mr. Lewis of not upholding my clients rights as stated in the Official Compilation of Codes, Rules and Regulation of the State of New York, in particular points 1,4,5, 6, 7, 8, 9. (See appendix B), I am asking that Mr. Lewis **not** be relieved from this case. I have spoken with many lawyers and because of the way Mr. Lewis has handled this case, the advanced age and the lack of movement, they have said it would not be feasible for them to handle it. If Mr. Lewis were relieved it would leave me without counsel and with no recourse for justice.

I find it interesting that Mr. Lewis made the statement that he was not interested in talking to me yet he obviously discussed something further with the other lawyers after I left. I received a letter from Mr. Lewis stating that he had an offer from MPC for \$1,000.00 and that W.R. Grace was still offering me \$2,500.00, making a total settlement for losing my livelihood \$3,500.00. (See appendix C) I am appalled. If Mr. Lewis had any idea at all about this case and how it has effected my family, he would know that this amount is nothing more than an insult.

I am also upset that my family and I have had to endure the stress of filing paper work and answering motions that my own counsel has sent against me. I believe between the first motion, the appeal, and now this motion, he has spent more time trying to remove himself, than he has spent litigating this case in the five years he has agreed to be counsel.

I would like Mr. Lewis' ethics reviewed. I would also like him to get beyond any petty differences he seems to have with me and do the job that he was contracted to do.

Respectfully,

Charles Lake

CC: Honorable Judge John G. Conner  
Attorney Joseph Stanzione  
NYSBA Committee on Professional Ethics