

Kings Inn Panel to Discuss 'Good' and 'Bad' News in Lien Conflicts

Query: Why is the next CLE-accredited session of the Kings County American Inn of Court titled "Lien on Us: The Good News and the Bad News?"

Good question. Every attorney who has settled, or won a verdict in, a case wherein health providers claim they are deserving of a certain portion of the proceeds knows the pitfalls inherent when resolving knotty liens, which can present surprising and unpleasant complications.

Even the most experienced trial lawyer knows that shudder of discomfort that takes control when he or she receives a "lien letter" long after the case has been "paid out."

So, when group leaders Justice Barry Kamins and Paul Weitz lead their panel in an in-depth discussion of the "Good News" and "Bad News" of developments in various lien regulations and statutes on Tuesday, April 29, they will enjoy the rapt attention of Inn members, especially those who have experienced firsthand the special challenges that arise when the "Bad News" arrives.

The session takes place at 6 p.m. at BBA Headquarters, 123 Remsen St.

The leaders and their team will review a number of rules and precedent-setting cases that have helped to clarify the lien enigma, especially cases in which federal law is invoked to protect those who are faced with substantial medical bills.

One such case, which arose in New York State before being elevated to the United States District Court, is *Wurtz v. The Rawlings Company*. Rawlings was the subrogee of Oxford Health, the provider for two plaintiffs in separate personal injury cases. Both were sued in state court to recover monies advanced to defendants Meghan Wurtz and Mindy Burnovski.

These defendants moved in federal court to dismiss Rawlings' claims, arguing, in part, that these claims "are completely preempted pursuant to Section 502 of ERISA." The outcome of this and another major case, *Arkansas Dept. of Health and Human Services v. Heidi Ahlborn*, will be reviewed by the distinguished Inn panel on Tuesday.

Who are the "good guys" in this situation? Did the "good guys" win? Inn members will learn the answers to these questions and more on April 29 and we'll report back in "Pro Bono" soon thereafter.

Meanwhile, Inn Administrator Lucy DiSalvo advises that a complimentary buffet will be available, starting at 5:30 p.m., arranged by Inn Executive Director Jeff Feldman.

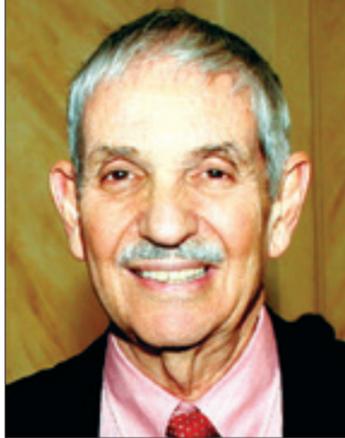
Justice Ellen Spodek serves as Inn president. Other Inn officers are President-elect Dave Chidekel, Counselor Justice Arthur Schack, Treasurer Justice Miriam Cyrulnik and Secretary Jon Besunder. The Inn was founded 13 years ago by Justice Marsha Steinhardt, retired Justices Gerard Rosenberg and Abraham Gerges, and former Justice



Inn President Justice Ellen Spodek



OCA Administrative Justice Barry Kamins
Eagle file photos



Inn Co-Founder Hon. Gerard Rosenberg, Ret.

Edward Rappaport, the Inn's president emeritus.

★ ★ ★ "Uneasy Lies the Head That Holds the (BBA) Crown"

The challenge of leading the Brooklyn Bar Association is unrelenting, but it is nowhere near as dreadful as the fate of the kings whose heads are considered optional in so many Shakespearean dramas.

Brooklyn Bar Association presidents clearly enjoy the role accorded them when they are elected to this prestigious post. But all know that the burdens of office go with the title, as they carry out their responsibilities while making decisions that may not be popular with all members.

So, it's probably essential that a good BBA president have a good sense of humor, which is probably one reason that President Andy Fallek has had such a banner year, aided by fellow officers and under the steady guidance of BBA Executive Director Avery Okin.

President Fallek is solid proof that a true leader must see beyond an immediate crisis and act decisively, often with wry, yet humane, perspective. He is gifted with true stage presence and thespian prowess, which he often also



BBA President Andrew Fallek



Brooklyn Bar Association President-elect Rebecca Woodland

employs as a member of the above-mentioned Kings County Inn of Court.

In keeping with ancient English Inn of Court tradition, veteran barristers regularly illustrate points of law through informative and, often, dramatic, courtroom re-enactments. All of President Fallek's performances have been very well received.

Change may be coming to the BBA, but, fortunately, heads will not roll. We predict that a new slate of officers will be civily elected with ballots cast from 3:30 to 5:30 p.m. on the afternoon of May 14 at BBA Headquarters. Installation is set for 6 p.m. that day and it is widely believed that the following candidates will be elected: Rebecca Woodland, president; Arthur Aidala, president-elect; Hon. Frank Seddio, first vice president; Aimee L. Richter, second vice president; David M. Chidekel, secretary; and Hon. Frank V. Carone, treasurer.

★ ★ ★ "Evangelist to Oppose Recchia in Democratic Congressional Primary?"

If you can believe what Will Bredderman wrote in recent "Will's Watch" column in the *Courier Life* — and I usually do — there is a scheme afoot that would have an Evangelical minister (who is also a former mayoral candidate) run in a Democratic primary against former Councilman Domenic Recchia, who is the leading Democrat in the race to unseat Republican-Conservative U.S. Rep. Michael Grimm in November.

Bredderman says that the apparent political architect of this scenario is Democratic Assemblyman Bill Colton, whose ongoing battles with the Recchia camp have compelled him to urge Staten Island-based minister Erick Salgado to oppose Recchia in the upcoming primary.

Most political observers give Salgado, who has satellite churches on 18th Avenue and West 7th Street, little chance in a Democratic primary against Recchia, even though Salgado claims he will get the backing of Russian "media mogul" Gregory Davidson — a force to be reckoned with in Brighton Beach and nearby precincts, an area frequently described as "Little Odessa."

Many believe that by seeking out Salgado in his vendetta against Recchia, Colton may be grasping at straws and hoping that former Councilman Recchia will not be newly-elected U.S. Rep. Recchia when the polls close in November.

★ ★ ★ "Would Salgado Primary Help Recchia Campaign?"

Most party primaries are dreaded throughout the essentially Democratic Brooklyn, where a primary win in September is tantamount to a victory in November. Conventional wisdom aside, a Salgado versus Recchia battle could work to Recchia's ultimate advantage.



Domenic Recchia



U.S. Rep. Michael Grimm

Recchia has an uphill battle against Grimm, the determined former Marine from Staten Island, and could actually gain some needed visibility in a Democratic primary in which his opponent, i.e. Salgado, is on the extreme right wing and whose champion is a veteran, embittered assemblyman.

Conventional wisdom again holds that a popular former city officeholder, with organization and money, like Domenic Recchia, would devastate an extreme right-winger like Salgado in this primary. Such a clear victory could well provide Recchia with much more momentum as he faces Grimm, who is as tough as they come. Conventional wisdom is probably right.

★ ★ ★ "Would John Wayne Carry A Gun Into a Church?"

Down in Georgia, the only thing that many citizens hate more than President Obama is gun control.

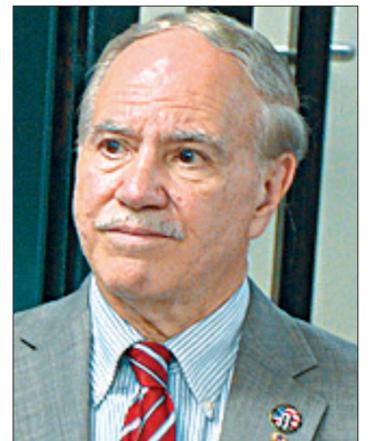
So, it's understandable that they would enact a statute — gleefully signed on Wednesday by their governor — that all but requires gun owners to carry their weapons into bars, churches and, of course, public schools.

Those who think the Civil War is over had better think again! Lured in by wealthy gun manufacturers, working through their well-financed puppet National Rifle Association, too many in the South and the West (where a racist Nevada cattle owner has taken up arms against the government for trying to tax his wanton illegal use of federal land) remain a vociferous minority who claim to be exercising their Second Amendment rights by flooding otherwise secure public arenas with guns of all kinds, including assault weapons.

Even President Jimmy Carter's grandson Jason, who is running for governor, had to pay obeisance to the gun-makers and support this law, written by their lobbyists, based on fear, hypocrisy and the fact that more guns sold means more money earned by these makers.

Fortunately, cattleman Cliven Bundy has been exposed as an extremist nut-job. His disgusting antebellum racial rant has even chased away most of his champions at Fox News, which means his "cause" has lost an essential "sponsor."

Lunatics like Bundy can't survive — and would flame out fast — without the backing of Fox News commentators. Their "fair and balanced" bloviating is life-giving oxygen to crazy crusades such as his, enabling fringers like Bundy — and Donald Trump, with his



Assemblyman Bill Colton

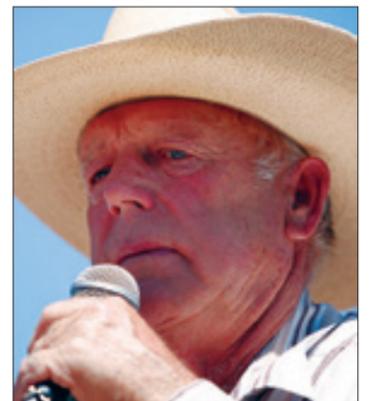
"birthers" — to achieve a spotlight that didn't exist before Fox began to present its own, illogically fashioned, version of the truth.

In all the "Westerns" I've seen, movie heroes like John Wayne checked their guns at the door, even when entering raucous saloons. Would that John Wayne carry a "six-shooter" into a church?!

"That'll be the day, pilgrim!"

★ ★ ★
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Cliven Bundy

AP Photo