



## IVIEWIT HOLDINGS, INC.

Eliot I. Bernstein  
Founder  
Direct Dial: 561.364.4240

VIA – FACSIMILE

Wednesday, May 26, 2004

Thomas J. Cahill  
Chief Counsel  
First Judicial Department Departmental Disciplinary Committee  
61 Broadway, 2nd Floor  
New York, New York 10006

**Re:** Response to Stephen Krane Letter Dated May 21, 2004  
PENDING CASE AGAINST STEVEN C. KRANE  
DOC 2003-0531 – Kenneth Rubenstein  
DOC 2003.0532 – Raymond Joao

Dear Mr. Cahill:

We are receipt of Mr. Krane's failed attempt to distance himself from the Departmental Disciplinary Committee and separate his roles with your organization and his roles at the NYSBA and yet he fails to disclose his roles both past and present at your organization in a wily attempt to scheme his way out of our request for a formal bar complaint with your offices.

Mr. Krane has held positions not only at the NYSBA but lists currently on his biography at the Proskauer Rose LLP website as illustrated below, the following positions which equally, if not more so, **DIRECTLY**, relate to your department or your oversight departments at the Appellate Court.

- MEMBER, DEPARTMENTAL DISCIPLINARY COMMITTEE OF THE APPELLATE DIVISION, FIRST DEPARTMENT, 1996-**PRESENT**



Thomas J. Cahill, Esq.  
Chief Counsel  
First Judicial Department Departmental Disciplinary Committee  
Wednesday, May 26, 2004  
Page 2 of 3

- SPECIAL TRIAL COUNSEL, DEPARTMENTAL DISCIPLINARY COMMITTEE OF THE APPELLATE DIVISION, FIRST DEPARTMENT, 1991-1993
- HEARING PANEL & CHAIR FOR THE DEPARTMENTAL DISCIPLINARY COMMITTEE, FIRST JUDICIAL DEPARTMENT
- MEMBER, NEW YORK STATE OFFICE OF COURT ADMINISTRATION TASK FORCE ON ATTORNEY PROFESSIONALISM AND CONDUCT, 1996-PRESENT
- SPECIAL PROSECUTOR FOR THE FIRST DEPARTMENT DISCIPLINARY COMMITTEE

Whether these positions are currently held or were held during the time of the complaint is irrelevant as the conflict is glaring either way. Further, should these positions not be held by Mr. Krane presently, as you stated, then it is equally misleading that he advertises falsely these positions on his current biography. The attempt to deny his affiliation with the First Disciplinary Department and other related entities in his recent letter full of attempts to mask his conflict to you, using the smoke and mirrors of the NYSBA affiliation instead of pointing to his direct involvement with your department or its oversights, to further exculpate himself from a bar complaint, again rises to a level of unethical behavior so grotesque in the annals of ethics, to leave one of sound mind wondering as to how this incestuous conflict continues without immediate reprimand. Should the First Departmental Disciplinary allow such conflicts to continue, the permanent damage this creates to its credibility will not go unheard, or unchallenged.

Consequently, the Company reiterates its: (i) demand to strike the response; (ii) the uncoupling of the complaint with the complaint against Raymond A. Joao, Docket 2003.0532; (iii) demands the immediate investigation of its specific, factual allegations cited in the complaint with a view towards administering discipline, whether by admonishment, reprimand, suspension, resignation, or disbarment; (iv) preference to move this matter to the next higher level of review where Mr. Krane has no past or present membership, voluntary, or appointed position; and (v) the beginning of a case file and formal complaint regarding the professional misconduct of Steven C. Krane.

Finally, we ask that full disclosure by the First Departmental Disciplinary or any affiliated organization with Mr. Krane be immediately exposed, including any personal relationships Mr. Krane has with any review member or yourself. Please, again confirm



Thomas J. Cahill, Esq.  
Chief Counsel  
First Judicial Department Departmental Disciplinary Committee  
Wednesday, May 26, 2004  
Page 3 of 3

in writing the statement set forth in Mr. Krane's response, that he personally hand delivered Mr. Rubenstein's response to you as false and misleading. Additionally, we want a letter from your offices refuting Mr. Krane's statement that the case file was closed against Rubenstein, which he and Proskauer have promulgated to a multiplicity of agencies, proffering that the closing of this case (which to our knowledge and from our conversation with you has never been formally closed) should be relied on as a testament of their innocence.

As always, with best regards and thank you very much!

A handwritten signature in black ink, appearing to read "EIB", written in a cursive style.

Eliot I Bernstein  
Founder  
I View It Technologies, Inc.

cc: P. Stephen Lamont  
Steven C. Krane

# PROSKAUER ROSE

ABOUT THE  
FIRM

PRACTICE  
AREAS

LAWYERS AT  
PROSKAUER

PROSKAUER  
OFFICES

ATTORNEY  
RECRUITING

STAFF  
RECRUITING

SEMINARS &  
EVENTS

NEWS &  
PUBLICATIONS

HOME

SEARCH

RESOURCES

CONTACT



▶ Simple Search

▶ Advanced Search

▶ Search by School

PRESS ROOM:

- ▶ [ABA Journal Report](#)
- ▶ [New York Law Journal](#)
- ▶ [Consumer Financial Services Law Report & Miami Daily Business Review](#)

Home :: Lawyers at Proskauer :: STEVEN C. KRANE

## STEVEN C. KRANE



Phone 212.969.3435  
[skrane@proskauer.com](mailto:skrane@proskauer.com)

New York, NY  
PARTNER

### New York, NY Office:

1585 Broadway  
Fax 212.969.2900

### Practice Areas:

Alternative Dispute Resolution  
Constitutional  
Commercial Litigation  
Securities  
**Sports**  
**Trademark & False Advertising**  
Appellate  
Legal Ethics Counseling  
Gambling / Lotteries  
Licensing / Sports  
Limited Liability Companies And Partnerships

### Education:

- NEW YORK UNIVERSITY SCHOOL OF LAW, J.D., 1981
- EDITOR, NEW YORK UNIVERSITY JOURNAL OF INTERNATIONAL LAW AND POLITICS, 1979-1981
- STATE UNIVERSITY OF NEW YORK AT STONY BROOK, B.A., CUM LAUDE, 1978
- PHI BETA KAPPA

### Bar Admission:

- 1982 NEW YORK

### Court Admissions:

- 1982 U.S. DISTRICT COURT, NEW YORK, EASTERN DISTRICT
- 1982 U.S. DISTRICT COURT, NEW YORK, SOUTHERN DISTRICT
- 1987 U.S. COURT OF APPEALS, SECOND CIRCUIT
- 1987 U.S. SUPREME COURT
- 1997 U.S. COURT OF APPEALS, SIXTH CIRCUIT

**Bar Affiliations:**

- NEW YORK STATE BAR ASSOCIATION, PRESIDENT, 2001-2002
- NEW YORK STATE BAR ASSOCIATION, MEMBER, HOUSE OF DELEGATES, 1996 - PRESENT
- NEW YORK STATE BAR ASSOCIATION, VICE-CHAIR, COMMITTEE ON THE FUTURE OF THE PROFESSION, 1997 - PRESENT
- NEW YORK STATE BAR ASSOCIATION, CHAIR, SPECIAL COMMITTEE TO REVIEW THE CODE OF PROFESSIONAL RESPONSIBILITY, 1995 - PRESENT
- NEW YORK STATE BAR ASSOCIATION, MEMBER, SPECIAL COMMITTEE TO REVIEW THE CODE OF PROFESSIONAL RESPONSIBILITY, 1992-1995
- NEW YORK STATE BAR ASSOCIATION, MEMBER, SOMMITTEE ON PROFESSIONAL ETHICS, 1990-1994
- NEW YORK STATE BAR ASSOCIATION, CHAIR, TASK FORCE ON SIMPLIFICATION OF LAW, 1989-1991; MEMBER 1988-1989, 1991-1992
- NEW YORK STATE BAR ASSOCIATION, MEMBER, COMMITTEE ON COURTS OF APPELLATE JURISDICTION, 1984-1988
- ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK, CHAIR, COMMITTEE ON PROFESSIONAL AND JUDICIAL ETHICS, 1993-1996
- ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK, SECRETARY, COMMITTEE ON PROFESSIONAL AND JUDICIAL ETHICS, 1985-1988
- ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK, MEMBER, COMMITTEE ON PROFESSIONAL AND JUDICIAL ETHICS, 1990-1993
- ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK, CHAIR, DELEGATION TO THE NYSBA HOUSE OF DELEGATES, 1997 - PRESENT; MEMBER 1996 - PRESENT
- ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK, MEMBER, COMMITTEE ON PROFESSIONAL RESPONSIBILITY, 1985-1988
- ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK, CHAIR, SUBCOMMITTEE ON PROVISION OF LEGAL SERVICES, 1987-1988
- ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK, MEMBER, COMMITTEE ON FEDERAL COURTS, 1996 - PRESENT
- ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK, MEMBER, AD HOC COMMITTEE ON PRIVATE LEGAL REFERRAL SERVICES, 1987-1989
- ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK, MEMBER, AD HOC COMMITTEE ON MASS DISASTER PREPAREDNESS, 1996 - PRESENT
- ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK, MEMBER, SPECIAL COMMITTEE ON GOVERNMENT ETHICS, 1988-1990
- NEW YORK STATE BAR ASSOCIATION, MEMBER, EXECUTIVE COMMITTEE, JUNE 1998 -

**Other Affiliation:**

- AMERICAN LAW INSTITUTE, MEMBER, 1993 - PRESENT

**Clerkship:**

- LAW CLERK, HON. JUDITH S. KAYE, NEW YORK STATE COURT OF APPEALS, ALBANY, NY, 1984-1985

**Government Service:**

- CHAIR, GRIEVANCE PANEL, UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF NEW YORK, 1995 - PRESENT
- MEMBER, DEPARTMENTAL DISCIPLINARY COMMITTEE OF THE APPELLATE DIVISION, FIRST DEPARTMENT, 1996 - PRESENT
- SPECIAL TRIAL COUNSEL, DEPARTMENTAL DISCIPLINARY COMMITTEE

- OF THE APPELLATE DIVISION, FIRST DEPARTMENT, 1991-1993
- MEMBER, NEW YORK STATE OFFICE OF COURT ADMINISTRATION TASK FORCE ON ATTORNEY PROFESSIONALISM AND CONDUCT, 1996 - PRESENT

**Biography:**

Steven Krane joined Proskauer upon his graduation from the New York University School of Law in 1981, taking a year off in 1984-85 to serve as law clerk to Judge Judith S. Kaye of the New York Court of Appeals. He became a partner in the Litigation and Dispute Resolution Department in 1989. Although a general commercial litigator, Steven has considerable experience in representing sports leagues and teams in a wide variety of matters, and also maintains a practice concentration in the field of legal ethics and professional responsibility.

**Sports Law**

Sports leagues and teams frequently need advice on a wide variety of issues, and Steven has been consulted by them on questions relating to, among other things, antitrust law, trademark law and labor relations. Over the past several years, Steven has represented the National Basketball Association, National Hockey League, Major League Baseball, Major League Soccer and the Women's National Basketball Association in a broad range of litigated and non-litigated matters. Among the more prominent matters in which Steven has been involved were the NBA's successful challenge to Oregon's basketball lottery, the Bridgeman and Williams antitrust lawsuits that led to the NBA's 1988 and 1994 collective bargaining agreements, the NBA players' 1995 campaign to "decertify" their union, and the 1991 arbitration concerning Patrick Ewing's claimed status as an unrestricted free agent.

A few months ago, Steven brought to a successful conclusion a racketeering case brought against the NHL by an alleged class of former players against the League and Alan Eagleson, the former Executive Director of the players' union. The players contended that the NHL and its team owners permitted Eagleson to divert money from the players' union for his own personal benefit in exchange for concessions in collective bargaining. Steven is currently defending Major League Soccer in an antitrust class action challenging the terms and conditions under which professional soccer players are employed. Major League Soccer is not a traditional, franchise-based sports league, but is structured as a single entity. The litigation, which challenges the structure of the league, has far-reaching implications for all sports leagues.

He has also been involved in successfully lobbying the U.S. Congress, which led to the Professional and Amateur Sports Protection Act of 1992 -- the law that prohibits most sports betting in the United States -- and the Governor of Oregon who, in response to legal arguments, withdrew his support for sports betting at gambling casinos in the state.

**Professional Responsibility/Ethics**

It has been said that "sometimes even lawyers need lawyers." Steven has been active in representing lawyers and law firms in a variety of professional matters, such as defending them against charges before grievance and disciplinary committees, representing them in disputes concerning admission to the bar, defending them in cases charging that they participated in securities fraud committed by their

clients, as well as rendering opinions and otherwise counseling them on a broad range of ethical issues. He has served as a litigation consultant and has been an expert witness on a variety of issues such as conflicts of interest and solicitation of clients by lawyers leaving a law firm. Steven has written extensively on issues of professional responsibility. One of his major articles, "When Lawyers Represent Their Adversaries: Conflicts of Interest Arising out of the Lawyer-Lawyer Relationship," was published in the Hofstra Law Review in 1995 and has been relied upon by the American Law Institute's Restatement of the Law Governing Lawyers.

Steven currently serves as Chair of the New York State Bar Association's Committee on Standards of Attorney Conduct, the successor to the Special Committee to Review the Code of Professional Responsibility. These groups conducted a five-year project of reviewing and proposing a series of amendments to the ethical rules governing lawyers, which were adopted by the New York courts in 1999. He is a member at large of that Association's Executive Committee and a Fellow of the New York Bar Foundation. He served as a member of the NYSBA Committee on Professional Ethics for four years (1990-94). On June 1, 2001, he took office as President of the NYSBA, the youngest person ever to hold that post.

Steven spent nine of the 11 years from 1985 to 1996 associated in various capacities with the Committee on Professional and Judicial Ethics of the Association of the Bar of the City of New York, most recently serving a three-year term as the Committee Chair. During his tenure, the City Bar Ethics Committee published an unprecedented 35 formal opinions on a broad range of topics of general interest to the bar. Additionally, he has been a member of the New York State Office of Court Administration Task Force on Attorney Professionalism and Conduct since 1996, and was elected to membership in the American Law Institute in 1993. Steven served as a Hearing Panel Chair for both the Departmental Disciplinary Committee for the First Judicial Department and the Committee on Grievances of the United States District Court for the Southern District of New York. He also previously served as a special prosecutor for the First Department Disciplinary Committee.

Steven has taught and lectured extensively in both of his fields of concentration. He developed and taught a course in sports law at the Georgia Institute of Technology, and for several years taught legal ethics at the Columbia University School of Law as a member of its adjunct faculty. He is a frequent lecturer on professional responsibility and on antitrust and other issues affecting the sports industry.

[^top](#)

© Proskauer Rose LLP 1996-2004 | [Disclaimer](#) | [Privacy Policy](#) | [Browser Resources](#) | [Site Map](#)