

# New York Law

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## TODAY'S NEWS

Update

Governor Pataki yesterday nominated two top counsels in the State Legislature for Court of Claims judgeships, along with three other judicial nominations. Francis T. Collins of Saratoga Springs, the executive counsel to Senate Majority Leader Joseph Bruno, and Alan C. Marlin of Manhattan, the legislative counsel to Assembly Speaker Sheldon Silver, were selected to fill two of the eight new Court of Claims judgeships that were created late last year. In addition, Manhattan Criminal Court Judge Dora L. Irizarry, a former longtime prosecutor in the Manhattan and Bronx District Attorneys' offices, was nominated to fill a Court of Claims vacancy created by the retirement of Joan O'Dwyer. The Governor also named two others, Criminal Court Judge Robert S. Kreindler of Brooklyn and Nassau County Family Court Judge Burton S. Joseph, to interim Supreme Court vacancies. All five nominations are subject to Senate confirmation.

The Supreme Court yesterday kept intact a huge class action suit accusing Home Depot, the home-improvement retailer, of illegal job discrimination against women in 10 Western states. The Court, without comment, let stand rulings that require Home Depot to defend itself in bifurcated litigation against bias accusations brought on behalf of 217,000 women — 17,000 current and former employees and 200,000 applicants, *Home Depot v. Butler*, 96-943. Home Depot claimed the class certification for separate trials on liability and compensation was unconstitutional because it results in two trials on liability.

Bosnian Serb leader Radovan Karadzic, indicted as a war criminal by the Yugoslav war crimes tribunal, would rather accept a default than appear in a U.S. courtroom to defend himself in a civil suit charging him with overseeing the rape and torture of thousands of Bosnian women. Mr. Karadzic last week instructed his attorney, former U.S. Attorney General Ramsey Clark, to notify Southern District Judge Peter Leisure he would not participate in the three-year-old proceedings. Last month, a federal magistrate judge ruled Mr. Karadzic had to come to the U.S. to answer interrogatories and depositions. Mr. Karadzic said he would challenge any judgment on appeal based upon lack of jurisdiction. He faces arrest on the war crimes charges if he appears in this country.

The City Bar reported it is accepting nominations for its eighth annual Legal Services Awards that recognize attorneys who provide civil legal assistance to the poor. Details appear on page 2.

## Suit in England Held No Barrier To State Judge Prenuptial Agreement Declared To Govern Property Division

BY CERISSE ANDERSON

A WIFE WHO AGREED in a prenuptial agreement to litigate any disputes with respect to that agreement in New York's courts cannot circumvent that agreement by filing for divorce in England, where she believes the agreement may be only one factor considered in distribution of the couple's assets, a state judge has ruled. The decision will be published tomorrow.

Ruling in *Steiner v. Steiner*, filed last week in Supreme Court, New York County, 1A Part 15, Acting Justice Walter B. Tolub said that the New York courts would consider the prenuptial agreement to be the only factor when dividing the assets of Jeffrey and Irja Bonnier Steiner's 10-year marriage.

Although Mrs. Steiner was the first to file for divorce in an English court last November and she contended that it was the more convenient forum, the judge rejected her request that the New York action for divorce filed by her husband be stayed until the English court had an opportunity to act in her proceeding.

"Presumably, the defendant would prefer that the court in England rule on all issues involved and then seek to have this court under the doctrine of comity afford full faith and credit to the judgment," Justice Tolub said. He observed that he would not be bound to recognize a judgment that would conflict with a compelling public policy.

The prenuptial agreement provided that all property was deemed to be separately owned and not subject to

## Justices Reaffirm 'Doctrine

WASHINGTON (AP) — The Supreme Court clarified yesterday a key element of patent law — how similar a new invention must be to an existing patent to be deemed an illegal infringement.

Courts traditionally have such cases whether an alleged infringing product or process "substantially the same way it's same result."

In its ruling yesterday it...

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