

7-3-1973

## Appellate Division Application for Payment

Lewis M. Steel '63

Law Offices

EISNER, LEVY & STEEL

351 Broadway

New York, New York 10013 / 966-9620

Eugene G. Eisner

Mary M. Kaufman

Richard A. Levy

Counsel

Lewis M. Steel

July 3, 1973

Office of the Clerk  
Attention: Mr. Fontana  
Supreme Court, Appellate Division  
First Department  
27 Madison Avenue  
New York, N. Y. 10010

Re: People v. Maynard

Dear Mr. Fontana:

I enclose our voucher and a supporting affidavit for  
our work on the Maynard case.

I would appreciate your passing these on to the  
appropriate authority.

Best regards,



Lewis M. Steel

lms/wl

Enc.

# VOUCHER FOR COMPENSATION AND EXPENSES OF APPOINTED COUNSEL UNDER ARTICLE 18-B OF THE COUNTY LAW

## THE COMPTROLLER OF THE CITY OF NEW YORK

To Lewis M. Steel  
(Assigned Counsel)

351 Broadway, New York, N. Y. 10013  
(Address — Street and City)

Pursuant to the authorization contained in the attached copy of the ORDER APPOINTING COUNSEL in the case of *People of the State of New York*, Respondent, against William A. Maynard, Jr., appellant, Appeal No. 5776, claim hereby is made for compensation and expenses of representation.

I. NATURE OF APPEAL Criminal  
AFFD ☒ REVD ☐ MDDF ☐

II. DISPOSITION OF APPEAL \_\_\_\_\_

III. DID YOU REPRESENT APPELLANT IN LOWER COURT? Yes

IV. THE RECORD CONSISTED OF 7229 PAGES OF TESTIMONY AND 125 OTHER DOCUMENTS.

V. TIME SPENT IN OPEN COURT _____	Date <u>Sept. 26, 1972</u>	No. of Hours <u>1</u>
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VI. TIME SPENT IN PREPARATION (OUT OF COURT)	No. of Hours
(a) Reviewing record on appeal _____	120
(b) Legal research and brief writing _____	670
(c) Other (Specify) <u>(1) Reducing brief as per Court order</u>	80
<u>(2) Proofing and revising printed brief</u>	15
<u>(3) Preparation for oral argument</u>	20
<u>(4) Filing motions prior to submission of briefs</u>	15

VII. EXPENSES OF REPRESENTATION (Itemize):

(1) Zeroxing exhibits handed up to Court at argument	\$ 115.11
(2) Payments to typists who worked on original 350 pg. draft	\$ 700.00
(3) Zeroxing reply brief	\$ 38.64
_____	\$ _____

VIII. If compensation and/or reimbursement for representation in this case has been applied for or received, so state: \_\_\_\_\_

AMOUNT CLAIM

Partial \_\_\_\_\_ Final X

Item V 1 hrs.

Item VI 920 hrs.

Item VII \$ 853.75

Certified correct. Payment has not been received and, except as noted in Item VIII above, no payment or promise of payment has been requested or accepted for representing the above appellant. The undersigned, an attorney at law of the State of New York, as assigned counsel for the appellant aforesaid, affirms the foregoing to be true under penalty of perjury.

Dated: July 3, 1973

Lewis M. Steel  
Assigned Counsel

(THIS BOX FOR COURT USE ONLY)

AMOUNT ALLOWED

V _____	\$ _____
VI _____	\$ _____
VII _____	\$ _____
Total _____	\$ _____

Dated: \_\_\_\_\_, 19\_\_\_\_

Presiding Justice of the Appellate Division,  
First Judicial Department

ORIGINAL—For Court Files

SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION, FIRST DEPARTMENT

-----X

THE PEOPLE OF THE STATE OF NEW YORK :

v. : APPEAL #5776

WILLIAM A. MAYNARD, JR., :

Defendant-Appellant. :

-----X

STATE OF NEW YORK )  
ss. :  
COUNTY OF NEW YORK )

LEWIS M. STEEL, being duly sworn, deposes and says:

1. I am one of the Attorneys for the Defendant-Appellant in the above captioned matter, being appointed with Daniel L. Meyers to represent him in this court. We represented the defendant at trial without fee. Due to the complexity of this case, my law partner at the time, Gretchen White Oberman, Esq., worked extensively on the brief with Mr. Meyers and myself.

2. The record of the trial in this case was 5,159 pages long. Additionally, as a result of a motion filed by counsel, a 719 page portion of the record from a former trial was added to the judgement role so that the court would be able to rule on pretrial identification issues. Further, counsel had to familiarize themselves with the remaining 719 transcript pages from the first trial and 450 transcript pages from a second trial which ended in a mistrial in order to insure that all issues were raised on appeal. In sum, counsel read 7,229 pages of transcript for this appeal. There were also 125 exhibits--many of which were multi-paged--which counsel had to consider and in fact relied on heavily in the



preparation of their brief.

3. Counsel spent approximately 120 hours reading this record. In researching the points of law which were suggested by this record, counsel read well over 300 cases and many other authorities. The research and writing of the original draft took approximately 4 months in which counsel spent 640 hours. This original draft was then written into final typewritten form; at this stage it was approximately 350 pages long and contained approximately 150 case citations as well as approximately 40 citations to other authorities. In this form it was submitted to the court in order to get a preliminary determination as to what length the court would find acceptable. By order of Mr. Justice Stevens, counsel revised the brief in order to limit its size. These revisions required the full time work of both myself and Mrs. Oberman for 5 days (approximately 80 hours) to reduce the brief down to 126 printed pages which was found acceptable by the court. Thereafter it took 15 additional hours to proof and revise the printed brief.

Counsel also submitted a 22 page reply brief to the 140 page brief submitted on behalf of the respondent. This reply took approximately 30 hours to research and prepare.

Preparation for oral argument took approximately 20 hours due to the length of the record and the size of the briefs filed by both parties.

Oral argument took one hour.

Counsel spent an additional 15 hours during the course of the appeal preparing and filing motions for extensions necessitated by the length of the appeal, motions to expand the judgement

role and in conversations with court clerks concerning the length of the brief and problems related to filing exhibits.

Counsel recognizes that the amount of work they put into the preparation of this appeal was extraordinarily time consuming. In the opinion of Counsel all of this work was required in order to present adequately the issues which appeared from a reading of the record. The Appellant's brief contained 15 major points many of which raised multiple questions of law. As a result of the Appellant's brief and argument, the two dissenting Justices wrote an opinion in which they would have reversed on 12 separate grounds. Thus counsel are confident that their work was justified and that it was accomplished with efficiency and without undue waste of time and energy.

  
LEWIS M. STEEL

Sworn to before me

This 3rd day of July, 1973

  
Notary Public

CAROLYN P. MANNING  
Notary Public, State of New York  
No. 03-7700450  
Qualified in Bronx County  
Commission Expires March 30, 1974