

E. HOWARD HUNT SUES HIS WATERGATE LAWYER

WASHINGTON, Oct. 1—E. Howard Hunt Jr. filed a civil suit yesterday against his former attorney, charging him with legal malpractice and asking for \$10 million in damages.

In the suit filed in Federal District Court here, Mr. Hunt charged that his former attorney, William O. Bittman, and the law firm of which Mr. Bittman was then a member had "negligently represented" him "despite a payment of \$156,000 in legal fees."

Mr. Hunt, one of the original defendants in the Watergate case, pleaded guilty in 1973 to six counts of burglary, conspiracy and wiretapping. His later motion to withdraw the guilty plea was denied. He was released from prison last February after serving 32 months of a prison term of 39 months to eight years.

In his suit, Mr. Hunt charged that Mr. Bittman and the firm of Hogan & Hartson had disclosed confidential matters to third persons, failed to pursue avenues of investigation of matters vital to his defense and failed to disclose interests "which were in conflict with the interests of the plaintiff."

Mr. Bittman, who is now with a different firm, would not comment today on the suit. Rufus King, who now represents Mr. Hunt, would not elaborate on the specific nature of the complaints noted by Mr. Hunt in the suit.

Mr. Bittman represented Mr. Hunt from July 1972 until August 1973. There is a three-year statute of limitations on malpractice actions in the District of Columbia, but Mr. Hunt's new attorney apparently is trying to extend this by charging in the suit that Mr. Hunt did not become aware of the alleged "failures and defaults" by Mr. Bittman until October 1974.

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Mr. Harold Weisberg
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Dear Harold,

Enclosed is a clipping from the New York Times on a suit which E. Howard Hunt has filed against his former attorney, Bittman. It has statute of limitations problems similar to yours.

Up to this point, the law in the District of Columbia federal courts has been thought to quite liberal on the accrual of a cause of action for professional malpractice. But if the Noel case is precedent, it is not. There is a Catch 22: when federal courts determine the accrual of the cause of action, they look to state law. If Noel is precedent, or if Weisberg gets upheld on appeal, then the law in the federal courts of the District of Columbia may also assume a troglydite aspect. This is an example of how the tail can wag the dog.

The Hunt case is not necessarily identical because it does not involve allowing a statute of limitations to run, which was treated as the narrow issue in your case. But the effect could turn out to be the same.

Best regards,


Jim

Dear Jim, Hand biting the dog of Hunt suing Bittman 10/4/77

The NYTimes story and your letter are both quite interesting to me.

Why not phone Rufus King, tell him what happened to us and ask for a copy of the complaint. What I've been waiting for is for Hunt to allege conflict of interest. He may yet and I believe it existed. I see he has it but not quite that way, this also may be of interest to us.

There may not be the ~~xx~~ first time there was a sort of association between Hunt and me, as you know.

However, in this I can see problems for Hunt that King may not and Hunt may not be aware of or not recall after what he's been through.

Interesting the Post ignored this after all the space it has given Watergate.

I I can see more than one area of conflicting interests.

This can parallel our situation in a way you have not mentioned. After Bittman Hunt was represented by Sidney Sachs. Based on the decision in our case he can be in the position of having to sue Sachs instead of Bittman.

I do not recall the issue but there was a time when Sachs represented Hunt that I thought I knew or had something that might have been of use to him.

Do you think you might want to speak to King, not just ask for a copy of the complaint?

If you do I would not go into it now but I can see the time, if the case is not dismissed on the same accrual ground, that King will need help his client is not likely to give him and without which he might get his teeth kicked in in court.

Best,