

Court Rejects a Nixon Bid To Resign From State Bar

It Reportedly Denies Request Because He Has Not Admitted Wrongdoing in Connection With Watergate Case

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An attempt by former President Richard M. Nixon to resign from the state bar has been rejected by a New York court because he has not admitted wrongdoing in connection with the Watergate scandal, sources familiar with the secret legal proceeding said yesterday.

These sources said Mr. Nixon, who has publicly stated that he does not intend to practice law again, would not be permitted to resign from the state bar unless he acknowledged at least some responsibility for Watergate crimes.

If the former President did not do so, the sources said, then formal charges would be drawn up and a proceeding similar to a trial would be held. If the former President were found guilty of professional misconduct, he would then be censured, suspended or disbarred.

Mr. Nixon has admitted errors in judgment in the way he handled the Watergate scandal, but he has never acknowledged guilt or responsibility.

According to these sources, the latest development in the two-year investigation of Mr. Nixon came early this week when the Appellate Division of Supreme Court for the First Department refused to accept a proposed letter of resignation.

Under state law, this court has jurisdiction over lawyer disciplinary proceedings in Manhattan, where Mr. Nixon was admitted to practice in 1963. A lawyer is licensed to practice throughout the state, and any action by the court affects a lawyer's ability to practice statewide.

The investigation has been carried out by the committee on grievances of the Association of the Bar of the City of New York, which has been designated by the Appellate Division to institute disciplinary

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proceedings in its jurisdiction, which takes in the Bronx as well as Manhattan.

According to the sources, the letter that the court rejected was drafted by Raymond G. Larroca of the Washington law firm of Miller, Cassidy, Larroca & Lewin.

These sources said that the letter referred to Mr. Nixon's health, but made no mention of Watergate.

Both Mr. Larroca and Harold A. Stevens, presiding justice of the appellate court, declined yesterday to comment on the status of the Nixon case.

They cited Section 90 of the state's judiciary law, which requires that all but the final stages of a disciplinary proceeding be conducted in secrecy.

Mr. Nixon, who practiced law in New York until his election in 1968, was also a member of the California and United States Supreme Court bars. He resigned from both of those bars without admitting any wrongdoing.

State Is More Stringent

On Sept. 25, 1974, he was permitted to resign from the California State Bar after he included in his letter of resignation the fact that he had been the subject of a disciplinary investigation there.

Last June 25, the United States Supreme Court accepted the former President's resignation after he notified the court that he did not intend "to practice law in the future."

But the New York authorities have been more stringent. Under a long list of state cases, a resignation by a lawyer while he is being investigated by disciplinary authorities is tantamount to an admission of charges of professional misconduct.

According to the sources familiar with the Nixon proceeding, lawyers for the ex-President have been negotiating for the last several months on ways that their client would be allowed to resign.

These sources said that the

negotiations were carried on with John G. Bonomi, chief counsel of the bar association's grievance committee; and Arthur L. Liman, who has been retained as special counsel. Neither lawyer could be reached for comment yesterday.

Mr. Bonomi was out of the city, and Mr. Liman, a partner in the law firm of Paul, Weiss, Rifkin, Wharton & Garrison, was in court all day on another matter.

The sources said that at least one previous letter of resignation that was submitted by Mr. Nixon's lawyers had been rejected because it did not conform to the requirements of the appellate court and the bar association.

They said they did not know whether Mr. Nixon would be given an additional opportunity to resign or if formal charges would be brought against him shortly.

These charges would be drawn up by the bar-association committee, and according to the sources familiar with the case, would resemble the article of impeachment drafted by the House Judiciary Committee in the summer of 1974. But they would be cast in terms of violations of the Code of Professional Responsibility, a set of rules that all lawyers are required to observe.

Under state law, the failure of a lawyer to appear at a disciplinary hearing would be deemed an admission of guilt to the charges brought against him.

The Appellate Division, which is the court that would preside over such a hearing, is the same court that granted Mr. Nixon admission to the New York bar on Dec. 5, 1963.

Since he had already been a practicing lawyer for many years, Mr. Nixon did not have to take a bar examination. Instead, he submitted a 500-word essay, in which he described the principles underlying the Government of the United States as "decentralization of power, separation of power and maintaining a balance between freedom and order."

No Bar Examination

At that time, he became a partner in the Wall Street law firm of Mudge, Stern, Baldwin & Todd, which later became Nixon, Mudge, Rose, Guthrie, Alexander & Mitchell.

His former law partner, John N. Mitchell, was disbarred in New York last July 3. Mr. Mitchell, a former United States Attorney General, was one of four Nixon Administration officials who were convicted on Jan. 1, 1973, of perjury and conspiracy to obstruct justice in the Watergate scandal.

On March 1, 1974, a Federal grand jury named Mr. Nixon, then the President, as an unindicted co-conspirator in the case.

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