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[Home](#) > [City & Region](#) > [Southern Suburbs](#)

Fate of files spurs flap for attorney

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Orchard Park Town Attorney Leonard Berkowitz decided to get rid of some of his 20-plus year-old legal records last month, but they just keep coming back up.

First, they were featured in a news story on WGRZ-TV, which showed footage of boxes of legal records waiting to be picked up by the garbage service. Berkowitz was quizzed on why they hadn't been shredded instead.

Then Wednesday, for the second straight Town Board meeting, the issue of the legal records came back to haunt Berkowitz.

Jim Crow, a frequent critic of Berkowitz and the Town Board, started to explain during public comment that despite his continuing interest in the situation, he wasn't the person who tipped off the media.

Before Crow could comment further, Berkowitz interrupted him.

"I did a little research, and the opinion of the New York Bar Association Ethics Committee has determined I did nothing wrong," he replied, before being gaveled down by Supervisor Mary Travers Murphy as he said, "He took a shot at me, and I want to respond."

As Berkowitz said, the Bar Association backs him up. He violated no rules, and the association's opinion says that papers can be placed in "opaque containers" such as the boxes.

But, ironically, Berkowitz ended up the first apparent violator of the board's new rules of decorum, which say, "Council members and staff shall not engage in debate or discussion with the speakers." After the meeting, Berkowitz said he hadn't considered the rules.

"That's not the way I understand the civility code," he said. "I think it's completely unfair if you have people taking shots at you from the audience. I don't think that makes any sense."

Travers Murphy said later that Berkowitz should have waited until the attorney's report to respond. She said she was caught off guard by the exchange, which was why it took her almost a minute before she moved to end it.

Berkowitz, meanwhile, said he wasn't sure why the subject was even being discussed in a town meeting. The boxes outside his Buffalo Street office had nothing to do with town business.

"They were all private files," he said.

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