

# One of Three Lawyers Withdraws in Berkowitz Case

By MARCIA CHAMBERS

*New York Times (1923-Current file); Sep 16, 1977;*

ProQuest Historical Newspapers The New York Times (1851 - 2007)

pg. 30

## One of Three Lawyers Withdraws in Berkowitz Case

By MARCIA CHAMBERS

Mark J. Heller, one of the three defense lawyers representing David R. Berkowitz, the man accused of being the "Son of Sam," withdrew from the murder case last night following a confrontation between Mr. Berkowitz and his family.

The feud between Mr. Heller and the other lawyers, Leon Stern and Ira Jultak, erupted yesterday after weeks of behind-the-scenes hostilities. The lawyers' differences were finally resolved after a face-to-face hourlong meeting at Kings County Hospital in Brooklyn that was attended by Nathan Berkowitz, the suspect's fa-

ther; Rosalyn Rothenberg, the suspect's half-sister; the three lawyers, and Mr. Berkowitz. The meeting was unusual because corrections officials permitted Mr. Berkowitz's family to be in the same visiting room with the 24-year-old defendant, who is accused of having killed six persons and having wounded seven.

Earlier, Mrs. Rothenberg had dismissed Mr. Heller, saying she had retained him only to advise her on how to protect her family's privacy. In an interview, she said Mr. Heller had not been retained in the criminal case, a statement that Mr. Heller disputed.

Mr. Heller said yesterday afternoon that he would only leave the case if Mr. Berkowitz discharged him. Mr. Berkowitz, described by two court-appointed psychiatrists as incompetent to stand trial at present because he could not aid in his defense, apparently did just that during the meeting.

From all accounts, Mr. Berkowitz was sorry to see Mr. Heller go, because Mr. Heller, who is 31 years old, had spent about 50 hours with him and the two men had become friends. According to sources, Mr. Berkowitz would have allowed Mr. Heller to stay on if Mr. Stern

approved. Mr. Stern, who with Mr. Jultak was hired by Nathan Berkowitz, and recently by Mrs. Rothenberg, did not.

The stakes were high for the lawyers. Neither Mr. Berkowitz nor his family are well-to-do. Rather, it is the possible sale of the literary and movie rights in the "Son of Sam" case that could lead to ample resources for Mr. Berkowitz to finance his defense.

The possible sale of the Berkowitz story has been an undercurrent of friction throughout the case. On Aug. 11, the day after Mr. Berkowitz was arrested, Philip Peltz, a Brooklyn lawyer claiming to have been hired to represent Mr. Berkowitz reportedly attempted to sell tapes of his conversations with the suspect to two newspapers.

Mr. Heller formally entered the case on Aug. 16, the day Mr. Peltz asked to withdraw. Since then, the three Mineola, L.I., lawyers have jockeyed over who would control the strategy in the case. At practically every court appearance, they have disagreed either publicly or privately on how the legal decisions would be made. Mr. Stern and Mr. Jultak insisted the issue of Mr. Berkowitz's representation be resolved before Oct. 6, when a hearing on Mr. Berkowitz's competency to stand trial is scheduled to begin in New York State Supreme Court. Ultimately, a judge will decide the competency issue.

In a formal statement issued last night, Mr. Heller said the Berkowitz family, Mr. Stern and Mr. Jultak agreed that he had

been authorized to enter the case by Mrs. Rothenberg with Nathan Berkowitz's approval.

But Mrs. Rothenberg said that when she hired Mr. Heller he dictated a letter of introduction to the suspect in the .44-caliber shootings that she signed. It contained no reference, she said, to retaining Mr. Heller in the case.

Mr. Heller, denying he dictated the letter, read it to The New York Times yesterday. Dated Aug. 13, the version he read had two references to Mr. Heller acting as David Berkowitz's lawyer. Late yesterday, the Appellate Division's grievance committee, which oversees disciplinary actions against lawyers in Nassau County, said it would look into the allegations raised in Mr. Heller's retention.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.