

Arts Club Hearing Blocked by Court *Injunction Issued to Establish Fairness*

By **PIA CATTON**

The legal drama surrounding the National Art Club intensified Tuesday at a New York State Supreme Court hearing, where Justice Carol Edmead decided to issue a preliminary injunction that will delay the institution from conducting an internal hearing that could expel its former president, O. Aldon James.



Getty Images, O. Aldon James

"The court noted the patent deficiencies in fundamental fairness and due process," said Adam B. Gilbert, attorney for Mr. James.

The club's lawyer, Roland Riopelle, said the delay will help to create a hearing that is set up according to mutually agreed-upon guidelines—and to render a decision that is unimpeachable. "We don't want to do this twice," he said. "We are very confident that when the facts come out, some form of disciplinary action will be imposed."

Over the summer, the Gramercy Park club—which has about 2,000 members, mainly artists or art-lovers—took internal steps to oust Mr. James for allegedly misusing funds and occupying NAC real estate that could otherwise have produced rent revenue. The club also sought to remove Mr. James's brother John James, as well as family friend Steven Leitner, each of whom lived in club-owned apartments that were allegedly below market rate or without proper leases. The club says the men still control six of the club's apartments.

Additionally, the club charges that Aldon James hoarded property in club rooms, some of which were meant to be rented to members of other clubs as reciprocal privileges.

The James brothers and Mr. Leitner—a trio referred to as the James Group—filed a lawsuit on Aug. 29 arguing that they could not receive a fair hearing from the club because it had ignored "its own by-laws, establishing arbitrary (and unauthorized) procedures."

At Tuesday's hearing, Justice Edmead focused on the club's by-laws, emphasizing that the established legal standard for private clubs taking disciplinary action was that procedures had to be considered "reasonable." The board and Mr. Riopelle had created a hearing process that she found not reasonable enough given what was at stake in this case.

The injunction will require the club to enact a hearing procedure acceptable to both parties, specifically in terms of details about witnesses, documents submitted as evidence, and length.

Additionally, the judge established dates during which the club would have access to rooms controlled by the James Group for the purpose of itemizing property and establishing ownership. Likewise, Mr. James could also assess property in club rooms. The process will now take place during the week of Oct. 3.

By Oct. 31, both sides will either submit property lists or tell the court they need more time to inventory what Mr. Riopelle described as the "hundreds and hundreds" of items that either belong to the club or to one of the James Group. The estimate may be conservative: In their lawsuit, Aldon and John James claim that they suffer from a "compulsive hoarding disorder," a medical condition, and that the NAC board was fully aware of it.

In a letter to members, the club's new president, Dianne Bernhard, outlined the results of that "disorder." She described some James-controlled rooms (which have since been cleaned) as "abhorrently dirty and disorganized, randomly stuffed with personal belongings, important Club documents, flea market trinkets and infested with vermin and insects. While cleaning out these spaces, many dead rats were found."

The condition of the rooms, however, is less the issue than what's inside. The club's statement of charges says that "items were purchased by Aldon at flea markets, pet stores and antique vendors using handwritten checks totaling many thousands of dollars."

The James' lawyer, Mr. Gilbert, emphasized that sorting through the property will benefit both parties. "In light of today's hearing, it will be easier to have a meaningful inspection of all

property in the club," he said. "There have been limitations on their ability to have access to the view the property in atmosphere free of intimidation."