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## Setback for Ex-Leader of Arts Club

By JOHN LELAND

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Another month, another swing of the pendulum in the legal battles between the National Arts Club and its divisive former president, O. Aldon James Jr. On Wednesday, an appeals court judge effectively barred Mr. James from the club as a member — at least until the court can rule on the next round of legal papers.

“It’s kooky time over here,” Roland G. Riopelle, the club’s lawyer, said after the ruling, which also applies to Mr. James’s twin, John, and Steven U. Leitner, a longtime family friend and ally. “Today was a good day for the club, a bad day for the boys. But tomorrow’s another day.”

The club’s board of governors accuses Aldon James of misusing club money and real estate, and accuses the brothers of harassing employees and members. The club is under investigation by the Manhattan district attorney and the state attorney general for its financial practices under Mr. James’s tenure.

At a meeting in February, the board voted to banish the James group, as they are known, and force them to give up their apartments in the club residence, for which they pay below-market rents. On March 22, Justice Carol R. Edmead of State Supreme Court ruled that the board could not judge the disciplinary matter impartially and ordered a new hearing by a neutral third party. The club appealed her decision, arguing that a private club has a right to discipline its members according to its bylaws.

On Wednesday, the appellate court stayed Justice Edmead’s ruling. Lawyers for each side must submit papers this month arguing whether the stay should remain in place while the court hears the club’s appeal, which is not yet scheduled. In the meantime, the club cannot evict the three.

Gerald L. Shargel, a lawyer for the James group, said he and his clients were confident that Justice Edmead’s ruling would be affirmed. “Due process suggests that the accuser cannot also be the trier of fact,” Mr. Shargel said.

However the appeals court rules, there will remain two active suits by the James group against the club, and a counterclaim by the club for more than \$2 million in damages against the James group.

Mr. Riopelle said the order on Wednesday did not decide the substantive issues in the cases. "I'm feeling like we have a leg up," he said, "but it's not over."