



NEW YORK CITY LAW DEPARTMENT  
OFFICE OF THE CORPORATION COUNSEL

Michael A. Cardozo, *Corporation Counsel*

Press Release

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*For Immediate Release*

**FEDERAL JURY FINDS FOR POLICE OFFICERS  
IN COMPLEX SHOOTING CASE WHERE SUICIDAL MAN  
INTENTIONALLY POINTED A BLACK CELL PHONE AT POLICE**

**LAW FIRM OF KATTEN MUCHIN ZAVIS ROSENMAN (KMZR) AIDED THE CITY AS PART OF THE CITY'S  
"CORPORATION COUNSEL PUBLIC SERVICE PROGRAM" IN SECURING THIS IMPORTANT WIN**

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New York, Feb. 18, 2005 – After a three-week trial, a federal jury in Manhattan returned a verdict yesterday in favor of several New York Police Department officers in a lawsuit stemming from a shooting in Queens on Feb. 23, 1999. The plaintiffs had alleged that the shooting was unjustified and that plaintiff's mother was arrested by the police. The Law Department, working in tandem with a public service firm that donated its time to the City, defended the case on the grounds that the shooting was justified, since the lead plaintiff, Walter Hickey, attempted to induce the officers into shooting him by purposely pointing a cell phone (which was black in color) at them. The defendants also argued that the plaintiff's mother, Annie Hickey, was never arrested, but rather went to the Police Department voluntarily to give a statement. The jury sided with the City on all issues.

Katten Muchin Zavis Rosenman (KMZR), a 600-attorney nationwide law firm, served as lead counsel for the City as part of City's "Corporation Counsel Public Service Program." In this case, the City not only obtained free counsel from a top law firm, it was also gained considerable personal experience and insight, as the attorneys who handled the case, Michael Verde and James Tampellini, were themselves members of the NYPD before becoming attorneys. The Corporation Counsel Public Service Program, established in May 2002 by Corporation Counsel Michael A. Cardozo, enables leading law firms to donate time to the City in order to reduce the City's heavy litigation caseload. To date, the program has resulted in more than \$18 million in time and resources being donated to the City in what the Corporation Counsel calls a "win-win situation" for all parties.

Cardozo, the City's chief legal officer, praised the legal ruling as well as KMZR's participation. "The jury returned the correct verdict by dismissing all claims against the officers who clearly felt threatened by Mr. Hickey's aggressive actions." Cardozo said. "We greatly appreciate the legal counsel provided to the City by KMZR, which did an excellent job in handling this case for the City. Justice was served."

Walter and Annie Hickey had claimed that on Feb. 23, 1999, when New York City Police Department (NYPD) officers responded to a 911 call of domestic violence to the Hickey household, the officers shot Walter Hickey without provocation and then arrested his mother, Annie Hickey. In their defense, the City presented an audio taped statement from Annie Hickey in which she stated that she was giving the statement voluntarily and that the police officers had acted properly. They also demonstrated that plaintiff, Walter Hickey, was screaming before the police came and making suicidal comments, including telling his mother to "bury him near his father."

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Two officers who were responding to Walter Hickey's ex-wife's 911 calls – during which she declared she felt her life was in danger – arrived and announced their presence, only to find the plaintiff Annie Hickey struggling to prevent Walter Hickey from going outside. Walter Hickey broke free from his mother's grip, turned around, pulled an object from his waist that appeared to be a gun (but turned out to be a cell phone), got in a combat stance and threatened to kill the officers. One officer, who was near a car, ducked behind it. Another officer, who had no cover, fired two shots, striking Walter Hickey once in the stomach. The jury found that the force used by the officer who fired was reasonable and that the police actions were justified.

The Hickeys also claimed that Walter was beaten by the police after the shooting. But testimony from medical personal showed that not to be the case. Annie Hickey also claimed she was taken to the police precinct, held against her will and forced to make statements against her son. The evidence showed that she was never held against her will and made her statements voluntarily.

The City was represented at trial by Michael Verde, a partner, and James Tampellini, an associate, both of KMZR. Verde was a Sergeant and Tampellini was a Detective in the NYPD before becoming attorneys. Both graduated from New York Law School. "We are extremely pleased that the jury returned a verdict for the officers on all counts. We always believed that the officers acted properly and that the attorney for the Hickeys filed a meritless case. As former cops, it was especially satisfying to be the advocates for police officers who were second-guessed after being placed in an extraordinarily difficult position," Verde said.

Jennifer Rossan, who works in Law Department's Special Federal Litigation Division, served as co-counsel during the trial, providing insights and support from lessons she learned from successfully defending the NYPD in other recent controversial cases. Seth Eichenholtz, also of Special Federal Litigation, worked on the matter as well.

Media with questions for the City can contact Kate O'Brien Ahlers, Media & Communications Director, New York City Law Department, at (212) 788-0400, [kahlers@law.nyc.gov](mailto:kahlers@law.nyc.gov).

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The New York City Law Department is one of the oldest, largest and most dynamic law offices in the world, ranking among the top three largest law offices in New York City and the top three largest public law offices in the country. Tracing its roots back to the 1600's, the Department's 650-plus lawyers handle more than 90,000 cases and transactions each year in 17 separate legal divisions. The Corporation Counsel heads the Law Department and acts as legal counsel for the Mayor, elected officials, the City and all its agencies. The Department's attorneys represent the City on a vast array of civil litigation, legislative and legal issues and in the criminal prosecution of juveniles. Its web site can be accessed through the City government home page at [www.nyc.gov](http://www.nyc.gov) or via direct link at [www.nyc.gov/html/law/home.html](http://www.nyc.gov/html/law/home.html).

Katten Muchin Zavis Rosenman is a national, full-service law firm with offices in the nation's largest centers of business, government, finance and technology. Its 600 attorneys in more than 50 practice areas provide timely and cost-effective counsel to clients in numerous industries. Its lawyers are business advisors and advocates for a wide range of public and private companies – from entrepreneurial, emerging-growth, and middle market firms to global Fortune 100 corporations – as well as government entities and major universities, museums and other charitable and cultural organizations. Its web site is [www.kmzr.com](http://www.kmzr.com).

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