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AMERICA'S ORDEAL

Legal Alliance Aids Families

Dennis Duggan

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As dusk fell on Sept. 25, two weeks after the World Trade Center terrorist attacks, long lines of lawyers clogged the corridors inside the Association of the Bar of the City of New York, spilling out onto West 44th Street and east to Fifth Avenue. It was the beginning of an unprecedented project now known as "Operation Death Certificate."

"I had never seen anything like it in my three decades in the legal profession," Chief Administrative Judge Jonathan Lippman said yesterday. A letter he had written and sent to the courts and to the various bar associations was responsible for the crowd of lawyers that night, who came to the first training session of the operation.

"It was miraculous," said Lippman, who has played a big role in cutting through the tangle of red tape usually associated with getting a death certificate, an unpleasant task at any time and made more so by the evil nature of an attack that killed thousands of innocent civilians.

Even today, talk of death is gingerly broached. In the press, the words "lost" or "missing" are still used in deference to the grief mixed with hope that victims' families cling to.

One of those is Helen Colhoun, a 35-year-old special education teacher at a private school in Rego Park. Colhoun's husband, Liam, a 34-year-old Bank of America Securities employee, was last seen on the ground floor of One World Trade Center.

"The porch light is still on, day and night, at our home in Flushing," she said. "People ask me why and I say, 'It's there in case my husband comes home.'"

She says the light also gives some hope to her 5-year-old daughter, Brigid. Still, Colhoun says that at some point she will have to get a death certificate.

"I am just not ready to do that now," she said. "The company is paying my husband's salary through the end of the year so I am not going to lose our home."

But in two weeks, there will be a memorial Mass for Liam in Bay Ridge, where his parents live. "I am not even comfortable with that," she said.

But close to 1,700 death certificates have been processed through the medical examiner's office and the Department of Health, thanks to an unprecedented and sometimes unorthodox bending of the normal laws.

An amicable alliance between usually turf-sensitive factions has been forged between city and state governments, the courts and the thousands of lawyers. Some of the lawyers are from prestigious white-shoe law firms. Some are from Legal Aid groups. And some are like Michael Miller, a 50-year-solo practitioner who says the pro bono efforts have "brought nobility to our profession."

Miller has seen more than 150 grieving families at the Family Assistance Center at Pier 94 on the Hudson River. He is working out of a midtown office because his office near the Trade Center was closed after the towers fell.

Miller was in that long line on Sept. 25, the one Lippman still marvels at. Miller is president-elect of the New York County Bar Association. He considers himself and the other lawyers who are helping families to get the death certificates the second wave of rescue efforts.

"We can't go downtown there and work on the bucket brigades, or cut steel," Miller said, "but we can help people to move their lives along. A death certificate is the key to a lot of closed doors for many of them."

To slice through the red tape involved in procuring a death certificate, the courts even created a fictional controversy between Dr. Charles Hirsch, the city's medical examiner, and Dr. Neal Cohen, the health commissioner. It is a suit Hirsch brought against Cohen.

"It's a fiction," Lippman explains, "in order to allow us to get judges from the State Supreme Court to OK the declaration of death forms."

Then, Surrogate's Court judges Renee Roth and Eve Preminger were appointed temporary State Supreme Court justices to speed the process along.

Yvette Pabon, 53, whose husband, Angel "Chickie" Pabon, is listed as missing, said she has just signed a "declaration of death" form, a prelude to getting the death certificate.

"I am overwhelmed by all this," she said, "and I am not yet ready for closure."

A memorial Mass for her husband, who worked for Cantor Fitzgerald, will be Saturday at Our Lady of Refuge Church on Foster Avenue in Brooklyn.

"The last call I got from my husband was that morning. He said, 'Don't forget my vitamins.' I was on my way out of the house to get them when I heard the terrible news," Pabon said.

"The people coming to see us now have given up hope that their loved ones might still be alive," Miller said. He said the stories he has heard from them have often left him in tears but have made him proud to be a lawyer, a profession that is often reviled by critics.

Many people who get the death certificates are shocked by the blunt wording.

There is a box in the death certificate form that is marked "homicide, body not found," and it sends another knife into already broken hearts.

But as cruel as a death certificate can be, it is a necessary step in getting everything from the keys to a closed apartment, to having a will probated and to getting entitled benefits.

"I have learned that nothing is more important to most people than a meaningful justice system,"

Lippman said. "We have helped thousands of people and made their lives easier through this effort."

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