

Fumo ejects Sprague law firm



Sen. Vince Fumo (right) to replace Richard Sprague's (left) firm.

By **MICHAEL HINKELMAN**
& **BOB WARNER**
hinkelm@phillynews.com
215-854-2656

State Sen. Vince Fumo has decided he doesn't want his long-time trusted lawyers from the firm of Sprague & Sprague to continue representing him in his federal corruption case.

Sprague filed court papers yesterday asking a federal judge to allow the firm to withdraw from the case.

The surprise move came less than a month after U.S. District Judge William H. Yohn Jr. ruled

that Sprague could continue to represent Fumo only if the senator agreed to waive any potential conflicts of interest the Sprague firm might have.

A spokesman for Fumo said yesterday that the senator had decided he would not waive the conflicts of interest.

The conflicts-of-interest issue was first raised by federal prosecutors, who wanted Sprague kicked off the case. They cited Sprague's simultaneous representation of Fumo and of three entities the feds say Fumo defrauded — the state Senate, the Independence Seaport Museum and

the Citizens Alliance for Better Neighborhoods Inc.

Last week, the feds filed a document with the court listing 36 questions about the potential conflicts that they wanted Yohn to ask Fumo in a hearing scheduled for next week.

After Sprague filed to withdraw yesterday, Yohn ordered Fumo to federal court on Friday to "confirm his decision not to waive the conflicts of interest and to confirm the withdrawal" of Sprague.

Fumo spokesman Gary Tuma said Fumo decided to seek new counsel after taking a closer look at potential conflicts.

Fumo had retained defense lawyer Glenn A. Zeitz of Haddonfield, N.J., in May to advise him independently on possible conflicts involving Sprague. Zeitz declined to comment yesterday.

Tuma said that after consulting with Zeitz, Fumo "made up his mind late last week" to find new lawyers. Tuma said he did not know whether Fumo would ask Yohn to delay the start of the trial.

Assistant U.S. Attorney Robert Zauzmer said the feds would not oppose Sprague's request to withdraw.

"We anticipate that Senator Fumo will retain new counsel promptly and we will be able to go to trial in February," Zauzmer said.

A delay in the trial date would likely boost Fumo's chances for another four-year term in the state Senate. The Democratic pri-

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mary is scheduled for next April, and Fumo's criminal trial would hardly be the ideal pre-election run-up.

Tuma dismissed speculation by some in legal circles that Fumo may have had a falling out over legal strategy or fees with his close friend Richard Sprague, the founder of Sprague & Sprague.

In an interview with the *Daily News* in June, Fumo said his mounting legal bills were a financial hardship, forcing him to sell

his Spring Garden mansion to raise money for his defense.

Fumo also complained that the Sprague firm had been unwilling to cap Fumo's legal fees.

Prosecutors and Sprague fought for months about whether Sprague should be permitted to defend Fumo.

Sprague contended its representation of other clients involved in the case was minimal or didn't involve matters specifically related to the probe of Fumo and thus didn't warrant disqualification.

Fumo was charged in February

by a federal grand jury on 139 counts of conspiracy, fraud and obstruction of justice. He has pleaded not guilty to all charges.

Authorities allege that Fumo used his clout with the Senate, Citizens Alliance and the seaport museum to receive goods and services valued at more than \$2 million for his personal and political benefit.

Three former aides — Ruth Arnao, Leonard Luchko and Mark Eister — have also been charged, and have pleaded not guilty. ★

Staff writers Kitty Caparella and Dave Davies contributed to this report.