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HALL, CUNNINGHAM, JACKSON & HAYWOOD
22 EAST 40TH STREET—NEW YORK

February 18, 1939.

Mrs. Sina Lichtmann,
c/o Roerich Academy of Arts,
250 West 57th Street,
New York City, N.Y.

Dear Mrs. Lichtmann:-

This is in response to your and your friends' suggestion made at a meeting held at this office on Thursday, February 2, 1939 at 3 P.M. (at which were present yourself, Mrs. Sutro, Mrs. Campbell, Miss Grant, Major Stokes and Mr. Fosdick, as friends of Professor Roerich, and Mr. Jackson and Mr. Davidian of this firm) that we submit a memorandum of our charges in regard to Professor Roerich's libel suit against The Sun and the United Press, now pending before the Supreme Court, New York County; the proposed libel suit against the monthly magazine Esquire and Burton Rascoe, and also as to the appeal from the decision of the U. S. Board of Tax Appeals in connection with Professor Roerich's U. S. income tax returns for the years 1926, 1927 and 1934.

I. As to the tax case: We set forth our charges in our letter to you of January 25, 1939, a copy whereof is hereto attached, which speaks for itself. Pursuant to our understanding we have already filed on behalf of Professor Roerich a petition for review by the Court of Appeals of the District of Columbia of the decision of the Board of Tax Appeals.

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II. As to the libel suit against The Sun and United Press.

Our charges are as follows:

1. \$1,000. on account counsel fees (as retainer and for preparation of the case for trial), payable as follows:

\$500. - 6 months after our substitution as attorneys of record;

\$500. - 6 months thereafter.

The said amount does not include our disbursements for filing fees, stenography, telephones and cash outlays, which are additional and the amount whereof cannot now be estimated. We shall submit our bill to you therefor from time to time.

2. If motion is made by the defendant or defendants to dismiss this suit for failure to prosecute, additional:

\$250. to argue the motion before the Supreme Court;

\$250. to argue same before the Appellate Division; and

\$250. to argue same before the Court of Appeals.

In each case disbursements for printing the record and briefs, if necessary, etc. are additional.

3. Additional charges in connection with motions to take depositions of the plaintiff, defendants or others here or abroad, to be determined when and if such motions are made, an estimate now being impossible.
4. \$1500. payable at the time of the trial, which may be from 18 months to 2 years, more or less, after the case is noticed for trial.
5. \$1,000. for arguing appeal from the trial before the Appellate Division;

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\$1,000. for arguing case before the Court of Appeals.

Disbursements in either case for printing record, briefs, etc. being extra.

The above will be our charges irrespective of the outcome of the case. In the event, however, recovery should be had in excess of said charges by settlement or otherwise, our charge for counsel fees will be one-third of the amount recovered, less the amounts paid as provided above. We also assume Professor Roerich will be present at the trial.

III. As to proposed libel suit against Esquire and Burton

Rascoe: We are willing to undertake this case on a contingency fee basis of fifty per cent (50%) of all amounts recovered, by settlement or otherwise, plus our disbursements.

The appeal in the tax case may be helpful in discussing settlement of the Government's claim and especially in our endeavor to remove the fraud charges by the Government, as far as the 1934 income tax return is concerned, which also may have a bearing on the libel suits. Moreover, a settlement or reversal may make it easier for Professor Roerich to gain admission to this country. Furthermore, in the event of recovery in the libel suits, only creditors of Professor Roerich would have to be contended with and unless the Professor is somehow relieved of these obligations by bankruptcy proceedings or otherwise, it is problematical whether he could retain any benefits derived from said suits. Otherwise, the Professor would have to be content only with a moral vindication. In pressing the above suits, whatever their outcome, you and the

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other friends of the Professor would have the satisfaction of having done your best to clear his name.

We are in receipt of your letter of February 8, 1939 enclosing the original of the radiogram received by you from Professor Roerich, dated February 8, 1939, authorizing you to retain new lawyers in the libel suit against The Sun, et al, and to institute a new suit.

We are enclosing three copies of this letter for the use of the good friends of the Professor. If our terms, as set forth above, are satisfactory to you, will you please sign a copy of this letter at the foot thereof and return same to us for our files. Also will you please have the enclosed stipulations for substitution of attorneys in the pending libel suit against The Sun and the United Press signed by the present attorneys of record, adding to it your signature as attorney in fact, and return same to us.

Very truly yours,

Hall, Cunningham, Jackson & Haywood.

As attorney-in-fact for Prof. Nicholas Roerich,
I hereby request and authorize you to act
as attorneys in the aforesaid libel suits
pursuant to the terms hereinabove out-
lined by you.
