

NEW YORK STATE BAR ASSOCIATION
Committee on Professional Discipline
January 1 – December 31, 2012

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INTRODUCTION

This is a report on lawyer discipline in New York State for the year 2012. Each section of the report is divided into three parts. Each part is intended to explain a different aspect of the disciplinary system.

Although each part of our report is complete and self-contained, by way of introduction we offer a summary of the report's various parts and a brief overview of the report as a whole so that the reader can better understand how these parts relate to each other.

In general, our report is intended to serve a dual purpose. It is, in one sense, a compilation of data, reflecting the immediate past in relation to the last ten years. It is also an expression of our hope for progress in the future development of professional discipline as a constructive means for regulating the practice of law.

PART I

The first part contains a statistical compilation of all disciplinary matters processed in New York State during 2012 and includes three tables. The last two of these tables compare disciplinary activity over the preceding ten years.

To those unfamiliar with the nomenclature of professional discipline in New York State, some of the terms used in the tables may be confusing. The practice has been initially to consider each intended complaint of misconduct or supposed cause for investigation as an "inquiry." When it appears that the "inquiry" does not allege conduct, which, even if true, would constitute professional misconduct, it is rejected for "failure to state a complaint." Otherwise, where a cognizable complaint

has been alleged, the file is assigned for investigation.

All inquiries in the form of a written complaint that come to the attention of a disciplinary committee, whether or not subsequently dismissed for "failure to state a complaint," are deemed "matters" for reporting purposes. Simple requests for information about an attorney's conduct or telephonic accusations are not reported as "matters." Often several "matters" will involve the same attorney; and all matters involving that attorney which are considered simultaneously will be deemed one "case."

The disciplinary procedures employed vary in some respects among the four Departments. Understandably, some of the terminology used to describe those differing procedures will also vary. Often the same procedures will be described differently by the various Departments of the Appellate Division and even functionally equivalent agencies of discipline will be known by different names. In the First Department, we refer to the "Departmental Disciplinary Committee" as the principal agency of professional discipline; in the Third Department, its functional equivalent is known as the "Committee on Professional Standards"; in the Second and Fourth Departments, there are three district "Grievance Committees" which serve as the principal agencies of discipline in each of those two Departments.

The multiplicity of disciplinary committees operating throughout the State results in each committee receiving a substantial number of inquiries and complaints that fall within the jurisdiction of other committees and which must then be referred out. Sometimes this is a consequence of the complainant

having chosen the wrong forum; other times it is as a consequence of judicial policy requiring official staff review of all complaints relating to attorney conduct. For example, in the Second and Fourth Departments, all complaints received by county bar association grievance committees (with the sole exception of those received by one association in the Fourth Department) are routinely referred to the professional staff of one of the district grievance committees. Even if the complaint appears to be nothing more than a fee dispute, by court rule in these Departments, a policy has been established to refer all inquiries to the district grievance committee's professional staff. Upon review, the district grievance committee, in turn, will refer a large portion of these matters to county bar association committees for further processing and investigation. Often a matter that was initially referred to the district committee will be referred back to the same county bar association. Such matters would be reported by the district committee as both "new matters received" and "referred to other disciplinary committees."

The statistics from the Second Department represent the total number of actions taken by the various court-appointed district committees and include the reports of county bar association grievance committees. The reports of the district committees, as well as those of the local bar association committees (including the respective grievance committees of the Brooklyn, Queens, Richmond, Dutchess, Orange, Putnam, Rockland and Westchester Bar Associations), are separately reproduced. In the Tenth Judicial District, the grievance committees of the Nassau and Suffolk County Bar Associations only investigate so-called "minor complaints" and then report them to the dis-

trict committee which makes the ultimate disposition. Such matters, although for the most part processed by the local bar association committees, are incorporated in the report of the district committee.

In the Third Department, relatively few matters are processed by local bar associations. It is estimated that less than 10% of the total number of matters are handled by such associations. However, no statistics are available that separately reflect such bar association activity.

Finally, in the Fourth Department, a substantial number of so-called "minor complaints" are processed by local bar associations. The local processing of such matters is included, without differentiation, in the statistics furnished by the district committees.

PART II

The second part of this report summarizes all disciplinary decisions published by the four departments of the Appellate Division during 2012. Although these decisions are important in terms of expressing the judiciary's treatment of serious misconduct, it should be remembered that they represent only a small portion of the matters which pass through the disciplinary system each year, and that most cases which involve some form of professional misconduct are not referred to the courts for imposition of discipline.

The lists of cases contained in this part are intended to summarize the disciplinary decisions issued by the four departments of the Appellate Division during the year just ended. There are eight lists, one for each of the official agencies of discipline. Each list is divided into three columns. The first column

contains the respondent's name and, where available, the citation; the second column contains a brief statement of the action taken by the court; and the last column summarizes the charges, where relevant to the proceedings.

As with all summaries, the need to condense a large body of information results in a loss of substantial detail. Accordingly, the reader who is interested in obtaining information about a particular case or respondent is cautioned not to rely on the summary presentation contained in these lists. Instead, such reader is urged to refer to the full text of the court's decision.

PART III

The third and last part of this report contains various data on the organization of the State's eight official agencies of discipline. It sets forth the names and titles of the professional discipli-

nary staff and their respective volunteer committee members in each of the eight official disciplinary agencies of the State. An Appendix sets forth the disciplinary budget appropriations for fiscal 2012 and the salaries of disciplinary staff.

A NOTE OF APPRECIATION

In reviewing these statistics, the reader is urged to consider the number of complaints processed in the course of a year as against the resources and personnel available to do the job. The tables contained in Part I of this report reveal that over 11,000 complaints were processed that year.

Available to do the job were less than 400 staff members and volunteers. It is to them, in recognition of their unflagging devotion to their duties, that this report is respectfully dedicated.

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Disciplinary Statistics 2012 Tables

Table 1
Appellate Division
January 1, 2012-December 31, 2012

	1 st Dept.	2 nd Dept.	3 rd Dept.	4 th Dept.	Total
I. MATTERS PROCESSED:					
Pending at start of period	921	2450	880	509	4760
New matters received	2883	5720	1443	1928	11974
Matters disposed of	2898	5424	1351	1988	11661
Pending at end of period	914	2831	1000	466	5211
II. COMMITTEE DISPOSITIONS:					
Rejected for failing to state complaint	326	2421	632	1034	4413
Referred to other agencies	416	1121	108	123	1768
Dismissed or withdrawn	1815	984	302	459	3560
Dismissed through mediation	52	29	0	0	81
Letters of caution (education)	N/A	233	39	187	459
Letters of admonition	84	144	35	37	300
Admonition or reprimand	1	2	35	0	38
Referred to court	205	339	200	148	892
Other	0	151	0	0	151
III. CASES PROCESSED IN COURTS					
Cases pending at start of period	43	203	58	23	327
Cases received	286	303	172	85	846
CASES CLOSED					
Disbarred	13	34	13	4	64
Resigned	10	21	0	1	32
Suspended	29	44	18	22	113
Censured	13	9	8	10	40
Privately censured	6	0	0	0	6
Remanded to grievance committee	11	8	0	1	20
Discontinued	3	7	0	1	11
Dismissed	1	0	1	1	3
Reinstatements granted	103	20	25	4	152
Reinstatements denied	2	7	0	1	10
Non-Disciplinary Resignations	46	29	93	14	182
Other	47	103	29	15	194
TOTAL CLOSED:	284	282	187	74	827
TOTAL PENDING:	47	224	43	34	348

Table 2

	New Matters*	Matters Closed*	Disciplinary Action by Committee	Disciplinary Action by Court
1st Department				
2003	3133	3218	88	63
2004	3205	3313	102	63
2005	2994	3002	78	63
2006	3939	4058	90	65
2007	3140	3212	87	79
2008	3593	3365	63	55
2009	3697 ¹	2957	105	160 ²
2010	2738	2672	68	66
2011	2734	3130	115	64
2012	2537	2482	85	71
2nd Department				
2003	5928	5357	445	85
2004	4776	5044	425	78
2005	6563	6010	462	97
2006	5199	5090	407	90
2007	4251	4826	430	92
2008	5165	4845	452	85
2009	4309	4619	469	103
2010	5377	4895	475	231
2011	3905	4469	522	117
2012	4684	4303	146	108
3rd Department				
2003	1579	1608	141	28
2004	1610	1500	88	29
2005	1688	1659	136	29
2006	1566	2468	91	25
2007	1577	1483	97	10
2008	1525	1596	101	52
2009	2903	2935	109	45
2010	1589	1484	149	39
2011	1364	1205	99	36
2012	1363	1243	70	39
4th Department				
2003	2125	2059	235	28
2004	2072	2056	219	21
2005	2560	2365	232	25
2006	2344	2357	310	28
2007	2108	2208	209	36
2008	2538	2762	184	174*
2009	2372	2261	196	33
2010	2212	2158	229	25
2011	2176	2267	217	35
2012	1822	1865	37	37

* These figures are reduced by the number of complaints referred to other committees for action.

¹ 857 Cases opened for attorney registration default, referral to Appellate Division and closed as suspended.

² This number includes 2 Disciplinary Proceeding numbers assigned for 2 mass suspensions.

Statewide

2003	12765	12242	909	204
2004	11663	11913	834	189
2005	13672	13036	908	214
2006	13040	13973	898	208
2007	11076	11729	823	217
2008	12821	12568	800	366
2009	13196	12772	879	341
2010	11916	11209	921	361
2011	10179	11071	953	252
2012	10406	9893	338	255

Table 3

	New Matters *	Matters Closed*	Disciplinary Action By Committees	Disciplinary Action by Court
Departmental Disciplinary Committee for the First Department				
2003	3133	3218	88	63
2004	3205	3313	102	63
2005	2994	3002	78	63
2006	3939	4058	90	65
2007	3140	3212	87	79
2008	3593	3365	63	55
2009	3697 ¹	2957	105	160 ²
2010	2738	2672	68	66
2011	2734	3130	115	64
2012	2537	2482	85	71
Grievance Committee for the Second, Eleventh and Thirteenth Judicial Districts, Second Department				
2003	2076	1966	181	38
2004	1659	1748	150	37
2005	1748	1617	168	44
2006	1889	1716	161	34
2007	1542	1724	158	36
2008	1742	1616	156	31
2009	1584	1649	150	37
2010	1765	2551	162	36
2011	1404	1643	165	37
2012	1594	1348	42	44
Grievance Committee for the Ninth Judicial District, Second Department				
2003	1159	1137	140	26
2004	930	914	134	21
2005	1530	1426	131	22
2006	1381	1546	134	30
2007	1114	1198	118	27
2008	1291	1202	103	20
2009	930	1039	154	21
2010	1467	2063	126	147
2011	952	1087	149	28
2012	1277	1229	60	23
Grievance Committee for the Tenth Judicial District, Second Department				
2003	2693	2254	144	21
2004	2187	2382	141	23
2005	3243	2925	163	31
2006	1929	1828	112	26
2007	1595	1904	154	29
2008	2132	2027	141	34
2009	1710	1931	165	45
2010	2145	3295	187	48
2011	1549	1739	208	52
2012	1813	1726	44	41

* These figures are reduced by the number of complaints referred to other committees for action.

¹ 857 Cases opened for attorney registration default, referral to Appellate Division and closed as suspended.

² This number includes 2 Disciplinary Proceeding numbers assigned for 2 mass suspensions.

Committee on Professional Standards, Third Department

2003	1579	1608	141	28
2004	1610	1500	88	29
2005	1688	1659	136	29
2006	1566	2468	91	25
2007	1577	1483	97	10
2008	1525	1596	101	52
2009	2903	2935	109	45
2010	1589	1484	75	39
2011	1364	1205	99	36
2012	1363	1243	70	39

Grievance Committee for the Fifth Judicial District, Fourth Department

2003	527	521	65	5
2004	520	521	39	5
2005	537	409	50	3
2006	539	543	91	4
2007	562	624	55	12
2008	584	620	42	10
2009	562	549	47	10
2010	593	794	71	9
2011	695	772	61	13
2012	458	512	19	6

Grievance Committee for the Seventh Judicial District, Fourth Department

2003	626	608	51	7
2004	654	639	51	8
2005	686	694	46	8
2006	622	639	51	9
2007	572	573	55	12
2008	584	626	50	5
2009	676	660	49	9
2010	568	699	69	10
2011	602	613	59	10
2012	555	528	5	11

Grievance Committee for the Eighth Judicial District, Fourth Department

2003	972	930	119	16
2004	898	896	129	8
2005	1337	1261	136	14
2006	1183	1175	168	15
2007	974	1011	99	12
2008	1370	1516	92	159
2009	1134	1052	100	14
2010	920	1265	89	6
2011	879	882	97	12
2012	809	825	13	20

2012 Statistical Reports of Disciplinary Committees

ATTORNEY DISCIPLINE ACTIVITIESPERIOD COVERED: ANNUAL 2012

FIRST JUDICIAL DISTRICT

FIRST DEPARTMENT

I. MATTERS PROCESSED:

A. Matters Pending at Start of Period	<u>921</u>	
B. New Matters During Period	<u>2883</u>	
C. Closed Matters Reactivated During Period	<u>70</u>	
D. Total Matters to be Processed During Period (A+B+C)		<u>3812</u>
E. Total Matters Disposed of During Period		<u>2898</u>
F. Matters Pending at End of Period		<u>914</u>

II MATTERS DISPOSED OF BY COMMITTEE:

	Cases ²	Matters
A. Rejected as Failing to State a Complaint	<u>308</u>	<u>326</u>
B. Referred to Other Disciplinary Committees	<u>308</u>	<u>311</u>
C. Referred to Other Agencies	<u>102</u>	<u>105</u>
D. Dismissed or Withdrawn	<u>1719</u>	<u>1815</u>
E. Dismissed through Mediation	<u>36</u>	<u>52</u>
F. Letter of Caution	<u>n/a</u>	<u>n/a</u>
G. Letter of Admonition	<u>71</u>	<u>84</u>
H. Reprimand (after hearing)	<u>1</u>	<u>1</u>
I. Referred to Appellate Division (Disc. Proc.)	<u>141</u>	<u>205</u>
Total Disposed of During Period (same as I.E above.)	<u>2686</u>	<u>2899</u>

III. CASES PROCESSED IN ALL COURTS:

A. Cases Pending at Start of Period		<u>43</u>
1. Disciplinary Proceedings	<u>33</u>	
2. Other	<u>10</u>	
B. Cases Received During Period		<u>286</u>
1. Disciplinary Proceedings	<u>77</u>	
2. Other	<u>209</u>	
C. Total to be Processed During Period		<u>329</u>

ATTORNEY DISCIPLINE ACTIVITIES (01/12-12/12)

D. Cases Closed

1. Disbarred	13	
2. Disciplinary Resignations	10	
3. Suspended③	29	
4. Censured	13	
5. Privately Censured④	6	
6. Remanded to Disciplinary Committee	11	
7. Discontinued	3	
8. Dismissed	1	
9. Reinstatements Granted⑤	103	
10. Reinstatements Denied	2	
11. Non-Disciplinary Resignations	46	
12. All Other Dispositions	47	
13. Total Closed		284

E. Total Cases Pending at End of Period		47
1. Disciplinary Proceedings	39	
2. Other	8	

- ① "Matter" includes complaints, inquiries (excluding telephone inquiries) and *Sua Sponte* investigations.
- ② Cases refers to the number of respondent/attorneys. As some attorneys are the subject of multiple complaints, the number of matters may exceed the number of cases.
- ③ Includes (16) definite, (13)interim and (0) indefinite suspensions.
- ④ Reported as "Privately Reprimanded" in the 1st Department.
- ⑤ Includes (12) disciplinary reinstatements and (91) non-disciplinary reinstatements.

ATTORNEY DISCIPLINARY ACTIVITIES
PERIOD COVERED -- JANUARY 1, 2012 THROUGH DECEMBER 31, 2012
ANNUAL

SECOND, ELEVENTH AND THIRTEENTH JUDICIAL DISTRICTS**SECOND DEPARTMENT****I. MATTERS PROCESSED:**

A.	Matters Pending at Start of Period	756
B.	New Matters During Period	2,017
C.	Closed Matters Reactivated During Period	14
D.	Total Matters to be Processed During Period (A+B+C)	2,787
E.	Total Matters Disposed of During Period	1,785
F.	Matters Pending at End of Period	1,002

II. MATTERS DISPOSED OF BY COMMITTEE:**CASES* MATTERS****

A.	Rejected as Failing to State a Complaint	982	982
B.	Referred to Other Disciplinary Committees	382	382
C.	Referred to Other Agencies	55	55
D.	Dismissed or Withdrawn	182	182
E.	Dismissed through Mediation	6	6
F.	Letter of Caution	51	52
G.	Letter of Admonition	32	41
H.	Reprimand	1	1
I.	Referred to Appellate Division (Disc. Proc.)	33	66
J.	Other***	18	18

Total Disposed of During Period (Same as I E above)	1,742	1,785
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III. CASES PROCESSED IN ALL COURTS:

A.	Cases Pending at Start of Period	72
	1. Disciplinary Proceedings****	42
	2. Other*****	30
B.	Cases Received During Period	87
	1. Disciplinary Proceedings	31
	2. Other	56
C.	Total to be Processed During Period	159

D. Cases Closed

1.	Disbarred	15
2.	Disciplinary Resignations	7
3.	Suspended*****	20
4.	Censured	2
5.	Privately Censured	0
6.	Remanded to Grievance Committee	2
7.	Discontinued	1
8.	Dismissed	0
9.	Reinstatement Granted	7
10.	Reinstatement Denied	4
11.	Non-Disciplinary Resignations	8
12.	All other Dispositions	29
13.	Total Closed	95

Total Cases Pending at End of Period 64

E.

1.	Disciplinary Proceedings	36
2.	Other	28

Dated: Brooklyn, New York
6-Jun-13

Respectfully Submitted,


Diana Maxfield Kearsé
Chief Counsel

* Cases refers to the number of respondent/attorneys. As some attorneys are the subject of multiple complaints, the number of matters may exceed the number of cases.

** Matters represents individual complaints, inquiries and sua sponte investigations. This does not include telephone inquiries.

*** Other for the purposes of Part II includes files closed for any reason not otherwise covered under Sections A -I (e.g., files pending but not included within the disciplinary proceeding at the time of respondent's disbarment; files closed pending outcome of ongoing litigation; files closed due to respondent's death)

**** Disciplinary Proceeding includes only those proceedings before the Court which may result in final discipline including: any Court ordered disciplinary proceeding, motion to strike for felony conviction, reciprocal discipline, resignation under investigation.

***** Other for the purposes of Part III includes all other proceedings before the Court which may not result in final discipline (e.g., motion for interim suspension, petition for authorization, application for medical exam, application for conservator, motion to reargue, appeals, application for reinstatement, notification to Court of criminal conviction, voluntary resignation and request for disclosure order).

*****Suspended includes definite, interim, and indefinite suspensions.

BROOKLYN BAR ASSOCIATION
123 Remsen Street
BROOKLYN, NY 11201

GRIEVANCES AND MEDIATIONS

Total	53
Investigated and Dismissed	28
Pending	22
Withdrawn	3

Queens County Bar Association Committees**Grievance Committee**

Dismissed	14
Dismissed with Advisement	2
Letter of Caution	0
Referred to District Grievance Committee	7
Withdrawn	0
Tabled	1

Richmond County Bar Association Grievance Committee**Matters Processed**

New matters received	21
Retained by Appellate Division Grievance Committee for investigation	13
Referred back to Richmond County Grievance Committee for investigation	8
Dismissed/withdrawn	3
Pending investigation	5

ATTORNEY DISCIPLINARY ACTIVITIES
YEAR END 2012 (January 1 - December 31, 2012)

NINTH JUDICIAL DISTRICT

SECOND DEPARTMENT

I. MATTERS PROCESSED:

	<u>Cases</u>	<u>Matters</u>
A. Matters Pending at Start of Period	729	682
B. New Matters During Period	1507	1507
C. Closed Matters Reactivated During Period	31	31
D. Total Matters to be Processed During Period (A+B+C)	2267	2220
E. Total Matters Disposed of During Period	1368	1490
F. Matters Pending at End of Period	899	730

II. MATTERS DISPOSED OF BY COMMITTEE:

	<u>Cases</u>	<u>Matters</u>
A. Rejected as Failing to State a Complaint	514	514
B. Referred to Other Disciplinary Committees	221	221
C. Referred to Other Agencies	40	40
D. Dismissed or Withdrawn	366	366
E. Dismissed through Mediation	0	0
F. Letter of Caution	66	66
G. Letter of Admonition	59	59
H. Reprimand	1	1
I. Referred to Appellate Division (Disc. Proc.)	81	203
J. Other	20	20

Total Disposed of During Period (same as I E above): 1368 1490

III. CASES PROCESSED IN ALL COURTS:

	<u>Cases</u>	<u>Matters</u>
A. Cases Pending at Start of Period	45	70
1. Disciplinary Proceedings	(22)	(41)
2. Other	(23)	(29)
B. Cases Received During Period	81	203
1. Disciplinary Proceedings	(28)	(44)
2. Other	(53)	(159)
C. Total to be Processed During Period	126	273

ATTORNEY DISCIPLINARY ACTIVITIES

D. Cases Closed	<u>Cases</u>	<u>Matters</u>
1. Disbarred	7	9
2. Disciplinary Resignations	7	18
3. Suspended	7	12
4. Censured	2	2
5. Privately Censured	0	0
6. Remanded to Grievance Committee	0	0
7. Discontinued	0	0
8. Dismissed	0	0
9. Reinstatements Granted	4	4
10. Reinstatements Denied	1	1
11. Non-Disciplinary Resignation	7	7
12. All Other Dispositions	31	38
13. Total Closed	66	91
 E. Total Cases Pending at End of Period	 60	 182
1. Disciplinary Proceedings	(26)	(43)
2. Other	(34)	(139)

DATED: January 24, 2013
White Plains, New York

Respectfully Submitted,


GARY L. CASELLA
Chief Counsel

DUTCHESS COUNTY BAR ASSOCIATION
GRIEVANCE COMMITTEE
APPELLATE DIVISION, SECOND DEPARTMENT
NINTH JUDICIAL DISTRICT
January 1, 2012 through December 31, 2012

I. MATTERS PROCESSED:

A. Matters pending on January 1, 2012	<u>5</u>
B. New matters received during period	<u>10</u>
C. Closed matters reactivated during period	<u>0</u>
D. Total matters to be processed during period (A+B+C = D)	<u>14 15</u>
E. Total matters disposed of during period	<u>8</u>
F. Matters pending on December 31, 2012	<u>7</u>

II. MATTERS DISPOSED OF BY COMMITTEE:

A. Rejected as Failing to State Complaint	<u>0</u>
B. Referred to Other Disciplinary Committees	<u>1 1</u>
C. Referred to Other Agencies	<u>0</u>
D. Dismissed	<u>6</u>
E. Dismissed with Advisory Language	<u>1</u>
F. Letter of Caution	<u>0</u>
G. Letter of Admonition	<u>0</u>
H. Reprimand	<u>0</u>
I. Total disposed of during period	<u>8</u>

ORANGE COUNTY BAR ASSOCIATION
GRIEVANCE COMMITTEE
APPELLATE DIVISION, SECOND DEPARTMENT
NINTH JUDICIAL DISTRICT
January 1, 2012 through December 31, 2012

I. MATTERS PROCESSED:

A. Matters pending on January 1, 2012	<u>7</u>
B. New matters received during period	<u>21</u>
C. Closed matters reactivated during period	<u>0</u>
D. Total matters to be processed during period (A+B+C = D)	<u>28</u>
E. Total matters disposed of during period	<u>17</u>
F. Matters pending on December 31, 2012	<u>11</u>

II. MATTERS DISPOSED OF BY COMMITTEE:

A. Rejected as Failing to State Complaint	<u> </u>
B. Referred to Other Disciplinary Committees	<u>2</u>
C. Referred to Other Agencies	<u>0</u>
D. Dismissed	<u>14</u>
E. Dismissed with Advisory Language	<u>1</u>
F. Letter of Caution	<u> </u>
G. Letter of Admonition	<u> </u>
H. Reprimand	<u> </u>
I. Total disposed of during period	<u>17</u>

PUTNAM COUNTY BAR ASSOCIATION
GRIEVANCE COMMITTEE
APPELLATE DIVISION, SECOND DEPARTMENT
NINTH JUDICIAL DISTRICT
January 1, 2012 through December 31, 2012

I. MATTERS PROCESSED:

A.	Matters pending on January 1, 2012.....	<u>3</u>
B.	New matters received during period.....	<u>4</u>
C.	Closed matters reactivated during period.....	<u>0</u>
D.	Total matters to be processed during period..... (A+B+C = D)	<u>7</u>
E.	Total matters disposed of during period.....	<u>3</u>
F.	Matters pending on December 31, 2012	<u>4</u>

II. MATTERS DISPOSED OF BY COMMITTEE:

A.	Rejected as Failing to State Complaint.....	<u>0</u>
B.	Referred to Other Disciplinary Committees	<u>1</u>
C.	Referred to other Agencies	<u>0</u>
D.	Dismissed	<u>1</u>
E.	Dismissed with Advisory Language	<u>1</u>
F.	Letter of Caution	<u>0</u>
G.	Letter of Admonition	<u>0</u>
H.	Reprimand	<u>0</u>
I.	Total disposed of during period	<u>3</u>

ROCKLAND COUNTY BAR ASSOCIATION
GRIEVANCE COMMITTEE
APPELLATE DIVISION, SECOND DEPARTMENT
NINTH JUDICIAL DISTRICT
January 1, 2012 through December 31, 2012

I. MATTERS PROCESSED:

A. Matters pending on January 1, 2012	<u>27</u>
B. New matters received during period	<u>15</u>
C. Closed matters reactivated during period	<u>0</u>
D. Total matters to be processed during period (A+B+C = D)	<u>42</u>
E. Total matters disposed of during period	<u>11</u>
F. Matters pending on December 31, 2012	<u>31</u>

II. MATTERS DISPOSED OF BY COMMITTEE:

A. Rejected as Failing to State Complaint	<u>0</u>	
B. Referred to Other Disciplinary Committees	<u>4</u>	(Returned to 9th Judicial)
C. Referred to Other Agencies	<u>0</u>	
D. Dismissed	<u>7</u>	
E. Dismissed with Advisory Language	<u>0</u>	
F. Letter of Caution	<u>0</u>	
G. Letter of Admonition	<u>0</u>	
H. Reprimand	<u>0</u>	
I. Total disposed of during period	<u>11</u>	

WESTCHESTER COUNTY BAR ASSOCIATION
GRIEVANCE COMMITTEE
APPELLATE DIVISION, SECOND DEPARTMENT
NINTH JUDICIAL DISTRICT
January 1, 2012 through December 31, 2012

I. MATTERS PROCESSED:

A.	Matters pending on January 1, 2012	<u>48</u>
B.	New matters received during period	<u>51</u>
C.	Closed matters reactivated during period	<u> </u>
D.	Total matters to be processed during period (A+B+C=D)	<u>99</u>
E.	Total matters disposed of during period	<u>18</u>
F.	Matters pending on December 31, 2012	<u>81</u>

II. MATTERS DISPOSED OF BY COMMITTEE:

A.	Rejected as Failing to State Complaint	<u> </u>
B.	Referred to Other Disciplinary Committees	<u> </u>
C.	Referred to Other Agencies	<u> </u>
D.	Dismissed	<u>17</u>
E.	Dismissed with Advisory Language	<u>1</u>
F.	Letter of Caution	<u> </u>
G.	Letter of Admonition	<u> </u>
H.	Reprimand	<u> </u>
I.	Total disposed of during period	<u>18</u>

UCS-176

ATTORNEY DISCIPLINARY ACTIVITIES

PERIOD COVERED (Annual)

JANUARY - DECEMBER 2012

TENTH JUDICIAL DISTRICT

SECOND DEPARTMENT

I. MATTERS PROCESSED:

A. Matters Pending at Start of Period	1,012	
B. New Matters During Period	2,196	
C. Closed Matters Re-activated During Period	<u>40</u>	
D. Total Matters to be Processed During Period		3,248
E. Total Matters Disposed of During Period		<u>2149</u>
F. Matters Pending at End of Period		1,099

II. MATTERS DISPOSED OF BY COMMITTEE

	Cases	Matters
A. Rejected as Failing to State a Complaint	925	925
B. Referred to Other Disciplinary Committees	302	302
C. Referred to Other Agencies	121	121
D. Dismissed or Withdrawn	436	436
E. Dismissed through Mediation	23	23
F. Letter of Caution	100	115
G. Letter of Admonition	38	44
H. Reprimand	0	0
I. Referred to Appellate Division (DPs)	46	70
J. Other	<u>77</u>	<u>113</u>
Total Disposed of During Period	2068	2149

III. CASES PROCESSED IN ALL COURTS

A. Cases Pending at Start of Period	<u>86</u>
1. Disciplinary Proceedings	39
2. Other	47
B. Cases Received During Period	<u>135</u>
1. Disciplinary Proceedings	46
2. Other	89
C. Total to be Processed During Period	<u>221</u>

ATTORNEY DISCIPLINARY ACTIVITIES

D. Cases Closed

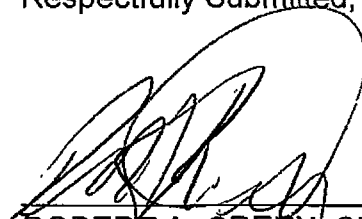
1. Disbarred	12
2. Disciplinary Resignations	7
3. Suspended	17
4. Censured	5
5. Privately Censured	0
6. Remanded to Grievance Committee	6
7. Discontinued	6
8. Dismissed	0
9. Reinstatements Granted	9
10. Reinstatements Denied	2
11. Non-Disciplinary Resignation	14
12. All Other Dispositions	<u>43</u>
13. Total Closed	<u>121</u>

E. Total Cases Pending at End of Period 100

1. Disciplinary Proceedings	48
2. Other	52

Dated: January 8, 2013
Hauppauge, New York

Respectfully Submitted,



ROBERT A. GREEN, Chief Counsel

LOCAL BAR ASSOCIATION ACTIVITIES
JANUARY - DECEMBER 2012

NASSAU COUNTY BAR ASSOCIATION

A.	Cases Referred to Grievance Committee	32
B.	Cases Referred to Mediation	<u>8</u>
	Total Cases Referred:	40

SUFFOLK COUNTY BAR ASSOCIATION

A.	Cases Referred to Grievance Committee	17
B.	Cases Referred to Mediation	<u>15</u>
	Total Cases Referred:	32

TOTAL CASES REFERRED TO LOCAL BAR ASSOCIATIONS: **72**

* Numbers do not include matters referred to Fee Dispute

ATTORNEY DISCIPLINARY ACTIVITIESPERIOD COVERED (ANNUAL REPORT 2012)

THIRD JUDICIAL DISTRICT

THIRD DEPARTMENT

I. MATTERS PROCESSED: *

A. Matters Pending at Start of Period	<u>880</u>	
B. New Matters During Period	<u>1443</u>	
C. Closed Matters Reactivated During Period	<u>28</u>	
D. Total Matters to be Processed During Period (A+B+C)		<u>2351</u>
E. Total Matters Disposed of During Period		<u>1351</u>
F. Matters Pending at End of Period		<u>1000</u>

II. MATTERS DISPOSED OF BY COMMITTEE:

	Cases**	Matters
A. Rejected as Failing to State a Complaint	<u>573</u>	<u>632</u>
B. Referred to Other Disciplinary Committees	<u>93</u>	<u>100</u>
C. Referred to Other Agencies	<u>8</u>	<u>8</u>
D. Dismissed or Withdrawn	<u>270</u>	<u>302</u>
E. Dismissed through Mediation	<u>0</u>	<u>0</u>
F. Letter of Caution	<u>38</u>	<u>39</u>
G. Letter of Admonition	<u>27</u>	<u>35</u>
H. Admonition (or Reprimand)	<u>25</u>	<u>35</u>
I. Referred to Appellate Division (Disc. Proc.)	<u>187</u>	<u>200</u>
Total Disposed of During Period (same as I.E above.)	<u>1221</u>	<u>1351</u>

III. CASES PROCESSED IN ALL COURTS:

A. Cases Pending at Start of Period		<u>58</u>
1. Disciplinary Proceedings	<u>58</u>	
2. Other	<u>0</u>	
B. Cases Received During Period		<u>172</u>
1. Disciplinary Proceedings	<u>86</u>	
2. Other	<u>86</u>	
C. Total to be Processed During Period		<u>230</u>

ATTORNEY DISCIPLINARY ACTIVITIES**D. Cases Closed**

1. Disbarred	<u>13</u>
2. Disciplinary Resignations	<u>0</u>
3. Suspended***	<u>18</u>
4. Censured	<u>8</u>
5. Privately Censured	<u>0</u>
6. Remanded to Grievance Committee	<u>0</u>
7. Discontinued	<u>0</u>
8. Dismissed	<u>1</u>
9. Reinstatements Granted	<u>25</u>
10. Reinstatements Denied	<u>0</u>
11. Non-Disciplinary Resignations	<u>93</u>
12. All Other Dispositions	<u>29</u>
13. Total closed	<u>187</u>

E. Total Cases Pending at End of Period

1. Disciplinary Proceedings	<u>43</u>
2. Other	<u>0</u>

For the purposes of this report, the term "Matter" includes the following:

1. Complaints
2. Inquiries (Excluding telephone inquiries)
3. Sua Sponte investigations

* Matters represents individual complaints and inquiries.

** Cases refers to the number of respondent/attorneys. As some attorneys are the subject of multiple complaints, the number of matters may exceed the number of cases.

*** Includes definite, interim and indefinite suspensions.

ATTORNEY DISCIPLINARY ACTIVITIES**PERIOD COVERED (01-01-2012 to 12-31-2012)****5TH JUDICIAL DISTRICT****FOURTH DEPARTMENT****I. MATTERS PROCESSED:***

A.	Matters Pending at Start of Period	<u>125</u>	
B.	New Matters During Period	<u>494</u>	
C.	Closed Matters Reactivated During Period	<u>1</u>	
D.	Total Matters to be Processed During Period (A+B+C)		<u>620</u>
E.	Total Matters Disposed of During Period		<u>549</u>
F.	Matters Pending at End of Period		<u>71</u>

II. MATTERS DISPOSED OF BY COMMITTEE:

Cases** Matters

A.	Rejected as Failing to State a Complaint	<u>258</u>	<u>288</u>
B.	Referred to Other Disciplinary Committees	<u>33</u>	<u>34</u>
C.	Referred to Other Agencies	<u>3</u>	<u>3</u>
D.	Dismissed or Withdrawn	<u>101</u>	<u>117</u>
E.	Dismissed through Mediation	<u>0</u>	<u>0</u>
F.	Letter of Caution	<u>46</u>	<u>63</u>
G.	Letter of Admonition	<u>12</u>	<u>19</u>
H.	Admonition (or Reprimand)		
I.	Referred to Appellate Division (Disc. Proc.)	<u>14</u>	<u>25</u>
Total Disposed of During Period (same as I.E above)		<u>467</u>	<u>549</u>

III. CASES PROCESSED IN ALL COURTS:**

A.	Cases Pending at Start of Period		<u>5</u>
1.	Disciplinary Proceedings	<u>3</u>	
2.	Other	<u>2</u>	
B.	Cases Received During Period		<u>14</u>
1.	Disciplinary Proceedings	<u>8</u>	
2.	Other	<u>6</u>	
C.	Total to be Processed During Period		<u>19</u>

ATTORNEY DISCIPLINARY ACTIVITIES

D.	Cases Closed	
1.	Disbarred	<u>0</u>
2.	Disciplinary Resignations	<u>0</u>
3.	Suspended***	<u>4</u>
4.	Censured	<u>2</u>
5.	Privately Censured	<u>0</u>
6.	Remanded to Grievance Committee	<u>0</u>
7.	Discontinued	<u>0</u>
8.	Dismissed	<u>1</u>
9.	Reinstatements Granted	<u>2</u>
10.	Reinstatements Denied	<u>0</u>
11.	Non-Disciplinary Resignations	<u>1</u>
12.	All Other Dispositions	<u>2</u>
13.	Total closed	<u>12</u>
E.	Total Cases Pending at End of Period	<u>7</u>
1.	Disciplinary Proceedings	<u>6</u>
2.	Other	<u>1</u>

For the purposes of this report, the term "Matter" includes the following:

1. Complaints
2. Inquiries (**Excluding telephone inquiries**)
3. Sua Sponte investigations

* Matters represents individual complaints and inquiries.

** Cases refers to the number of respondent/attorneys. As some attorneys are the subject of multiple complaints, the number of matters may exceed the number of cases.

*** **Includes definite, interim and indefinite suspensions.**

ATTORNEY DISCIPLINARY ACTIVITIES**PERIOD COVERED (01-01-2012 to 12-31-2012)****7TH JUDICIAL DISTRICT****FOURTH DEPARTMENT****I. MATTERS PROCESSED:***

A.	Matters Pending at Start of Period	<u>91</u>	
B.	New Matters During Period	<u>610</u>	
C.	Closed Matters Reactivated During Period	<u>3</u>	
D.	Total Matters to be Processed During Period (A+B+C)		<u>704</u>
E.	Total Matters Disposed of During Period		<u>586</u>
F.	Matters Pending at End of Period		<u>118</u>

II. MATTERS DISPOSED OF BY COMMITTEE:

Cases** Matters

A.	Rejected as Failing to State a Complaint	<u>265</u>	<u>308</u>
B.	Referred to Other Disciplinary Committees	<u>55</u>	<u>58</u>
C.	Referred to Other Agencies	<u>0</u>	<u>0</u>
D.	Dismissed or Withdrawn	<u>129</u>	<u>135</u>
E.	Dismissed through Mediation	<u>0</u>	<u>0</u>
F.	Letter of Caution	<u>33</u>	<u>36</u>
G.	Letter of Admonition	<u>4</u>	<u>5</u>
H.	Admonition (or Reprimand)		
I.	Referred to Appellate Division (Disc. Proc.)	<u>23</u>	<u>44</u>
Total Disposed of During Period (same as I.E above)		<u>509</u>	<u>586</u>

III. CASES PROCESSED IN ALL COURTS:**

A.	Cases Pending at Start of Period		<u>12</u>
1.	Disciplinary Proceedings	<u>9</u>	
2.	Other	<u>3</u>	
B.	Cases Received During Period		<u>23</u>
1.	Disciplinary Proceedings	<u>6</u>	
2.	Other	<u>17</u>	
C.	Total to be Processed During Period		<u>35</u>

ATTORNEY DISCIPLINARY ACTIVITIES

D.	Cases Closed	
1.	Disbarred	<u>1</u>
2.	Disciplinary Resignations	<u>0</u>
3.	Suspended***	<u>4</u>
4.	Censured	<u>6</u>
5.	Privately Censured	<u>0</u>
6.	Remanded to Grievance Committee	<u>1</u>
7.	Discontinued	<u>0</u>
8.	Dismissed	<u>0</u>
9.	Reinstatements Granted	<u>1</u>
10.	Reinstatements Denied	<u>1</u>
11.	Non-Disciplinary Resignations	<u>9</u>
12.	All Other Dispositions	<u>2</u>
13.	Total closed	<u>25</u>
E.	Total Cases Pending at End of Period	<u>10</u>
1.	Disciplinary Proceedings	<u>7</u>
2.	Other	<u>3</u>

For the purposes of this report, the term "Matter" includes the following:

1. Complaints
2. Inquiries (**Excluding telephone inquiries**)
3. Sua Sponte investigations

* Matters represents individual complaints and inquiries.

** Cases refers to the number of respondent/attorneys. As some attorneys are the subject of multiple complaints, the number of matters may exceed the number of cases.

*** Includes definite, interim and indefinite suspensions.

ATTORNEY DISCIPLINARY ACTIVITIES**PERIOD COVERED (01-01-2012 to 12-31-2012)****8TH JUDICIAL DISTRICT****FOURTH DEPARTMENT****I. MATTERS PROCESSED:***

A.	Matters Pending at Start of Period	<u>293</u>	
B.	New Matters During Period	<u>824</u>	
C.	Closed Matters Reactivated During Period	<u>13</u>	
D.	Total Matters to be Processed During Period (A+B+C)		<u>1130</u>
E.	Total Matters Disposed of During Period		<u>853</u>
F.	Matters Pending at End of Period		<u>277</u>

II. MATTERS DISPOSED OF BY COMMITTEE:

Cases** Matters

A.	Rejected as Failing to State a Complaint	<u>387</u>	<u>438</u>
B.	Referred to Other Disciplinary Committees	<u>27</u>	<u>27</u>
C.	Referred to Other Agencies	<u>1</u>	<u>1</u>
D.	Dismissed or Withdrawn	<u>187</u>	<u>207</u>
E.	Dismissed through Mediation	<u>0</u>	<u>0</u>
F.	Letter of Caution	<u>74</u>	<u>88</u>
G.	Letter of Admonition	<u>5</u>	<u>13</u>
H.	Admonition (or Reprimand)		
I.	Referred to Appellate Division (Disc. Proc.)	<u>48</u>	<u>79</u>
Total Disposed of During Period (same as I.E above)		<u>729</u>	<u>853</u>

III. CASES PROCESSED IN ALL COURTS:**

A.	Cases Pending at Start of Period		<u>6</u>
1.	Disciplinary Proceedings	<u>3</u>	
2.	Other	<u>3</u>	
B.	Cases Received During Period		<u>48</u>
1.	Disciplinary Proceedings	<u>11</u>	
2.	Other	<u>37</u>	
C.	Total to be Processed During Period		<u>54</u>

ATTORNEY DISCIPLINARY ACTIVITIES

D.	Cases Closed	
1.	Disbarred	<u>3</u>
2.	Disciplinary Resignations	<u>1</u>
3.	Suspended***	<u>14</u>
4.	Censured	<u>2</u>
5.	Privately Censured	<u>0</u>
6.	Remanded to Grievance Committee	<u>0</u>
7.	Discontinued	<u>1</u>
8.	Dismissed	<u>0</u>
9.	Reinstatements Granted	<u>1</u>
10.	Reinstatements Denied	<u>0</u>
11.	Non-Disciplinary Resignations	<u>4</u>
12.	All Other Dispositions	<u>11</u>
13.	Total closed	<u>37</u>
E.	Total Cases Pending at End of Period	<u>17</u>
1.	Disciplinary Proceedings	<u>11</u>
2.	Other	<u>6</u>

For the purposes of this report, the term "Matter" includes the following:

1. Complaints
2. Inquiries (**Excluding telephone inquiries**)
3. Sua Sponte investigations

* Matters represents individual complaints and inquiries.

** Cases refers to the number of respondent/attorneys. As some attorneys are the subject of multiple complaints, the number of matters may exceed the number of cases.

*** **Includes definite, interim and indefinite suspensions.**

Disciplinary Decisions Reported by Appellate Division in 2012

FIRST DEPARTMENT

REPRESENTATIVE PUBLIC DISCIPLINE CASES

In 2012, the Appellate Division, First Judicial Department, publicly disciplined 65 lawyers as follows: 13 disbarments, 10 resignations by attorneys facing charges (equivalent to disbarment), 29 suspensions and 13 public censures. Several cases prosecuted by Committee staff attorneys that have become a matter of public record in 2012 are reviewed below:

Matter of John G. Lynch, 95 AD3d 121 (1st Dept 2012)

By Order dated September 18, 2008, the Appellate Division immediately suspended the attorney based on his conviction of two “serious crimes” involving his use of a consultant barred by federal law from participating in union activities, and failure to pay state income taxes, respectively. Following a sanction hearing, the Appellate Division found in aggravation, based on the attorney’s admissions, that he had embezzled approximately \$296,000 from a labor union and suspended him for five years retroactive to September 18, 2008, the date that he was originally suspended. (Staff Counsel Orlando Reyes)

Matter of John P. Harris, 97 AD3d 96 (1st Dept 2012)

The Appellate Division immediately suspended the attorney pursuant to 22 NYCRR 603.4(e)(1)(i) based on his failure to comply with the Committee’s investigation by refusing to be examined under oath and produce escrow account records. The Appellate Division also immediately suspended the attorney pursuant to 22 NYCRR 603.4(e)(1)(iii) based on bank records and the negative inference drawn from his invocation of his Fifth Amendment Privilege, that together showed that he had engaged in professional misconduct by misappropriating, or converting, client funds. (Staff Counsel Orlando Reyes)

Matter of Richard P. Caro, 97 AD3d 148 (1st Dept 2012)

By Order dated June 14, 2010, the Appellate Division gave collateral estoppel effect to two court decisions and found that by lying under oath and destroying material evidence the attorney had engaged in conduct prejudicial to the administration of justice, and involving dishonesty and deceit. Following a sanction hearing, the Appellate Division suspended the attorney for six months. (Staff Counsel Orlando Reyes)

Matter of Amy R. Weissbrod-Gurvey, 102 AD3d 197 (1st Dept 2012), lv dismissed 20 NY3d 1085 (2013)

By Order dated March 18, 2008, the Appellate Division gave collateral estoppel effect to three court decisions sanctioning the attorney and found that by repeatedly advancing frivolous and vexatious litigation she had, inter alia, engaged in conduct prejudicial to the administration of justice, and involving dishonesty and deceit. Following a sanction hearing, the Appellate Division found in aggravation, based on the attorney’s admissions,

that she did not intend to pay the sanctions against her and suspended the attorney for six months and barred her from seeking reinstatement without first paying the sanctions. (Staff Counsel Orlando Reyes)

Matter of Brian H. Reis, 96 AD3d 53 (1st Dept 2012)

Respondent was initially suspended for uncontroverted evidence of conversion and failure to cooperate with the Committee. Respondent failed to answer the numerous complaints filed against him. The Committee subpoenaed respondent to produce his bank records and ledgers for his escrow account. Respondent then answered that he was asserting his Fifth Amendment privilege and declined to answer the complaints and produce his escrow account records. The Court found that respondent cannot assert the Fifth Amendment privilege to bypass his duty to produce records or documents that he is required to maintain pursuant to the New York Rules of Professional Conduct. (In 2013, respondent was disbarred and subsequently indicted by the New York County District Attorney's Office.) (Staff Counsel Kathy Wu)

Matter of Ted W. Gallagher, 97 AD3d 254 (1st Dept 2012)

Respondent works for the New York City Department of Housing Preservation and Development. He was arrested for stealing from an art gallery, Bergdorf Goodman, and a supermarket. Respondent's arrests resulted in a conviction for petit larceny with a sentence of conditional discharge for one year. Thereafter, the Committee began a serious crime proceeding against the attorney. Respondent submitted mitigation that he suffered from chronic long-term depression which was related to his shoplifting compulsions. The Court publicly censured respondent and required him to complete one year of psychotherapy for shoplifting to be monitored by the New York City Bar Lawyer Assistance Program. (Staff Counsel Kathy Wu)

Matter of Theresa Lizzio, 102 AD3d 162 (1st Dept 2012)

Respondent was employed by the New York City Department of Probation and conducted probation violation hearings. In a number of cases, respondent either forged a Supreme Court Justice's name or printed the names of the judges on a judicial subpoena without the judge's permission or authority. The matter was referred to the Kings County District Attorney's Office for criminal prosecution. During the course of the Committee's investigation, respondent agreed to resign from the practice of law in New York in exchange for a non-criminal plea offer. (Staff Counsel Kathy Wu)

Alexander J. Gurevich, 94 AD3d 39 (1st Dept 2012)

Gurevich acted as both attorney, real estate investor and broker in organizing a group of investors, incorporated as Secaucus Outlet Center, LLC, to purchase a retail outlet mall in New Jersey in 2003. UBS Real Estate Investment Inc. initially approved a ten million dollar

loan for the purchase but then reduced the amount to \$8.2 million. In order to cover the financing gap, Gurevich sought a loan from certain clients of his law firm who were facing criminal charges. In addition, he had the purchasing entity sign a promissory note in favor of an entity he had formed with his co-broker. In short, Gurevich secured over \$1.5 million in loans from entities other than UBS. In the numerous UBS mortgage and closing documents, certifications and HUD-1 forms Gurevich signed at the closing, however, he falsely represented that no additional loans had been or would be received by the purchaser as long as UBS held a mortgage on the mall. He also made misrepresentations to the Committee at a deposition regarding the promissory note received by the brokerage entity, in lieu of a commission. The Court found he engaged in dishonest conduct and conduct that reflected adversely on his fitness, and suspended him for eighteen months. (Special Trial Counsel Jeremy S. Garber)

David M. Shearer, 94 AD3d 128 (1st Dept 2012)

Shearer's law firm was co-counsel with a Maryland law firm in representing a woman and her teenage son who had suffered severe brain damage at birth, and pursuing their claims against the treating obstetrician and hospital where the birth took place. The mother had signed a retainer agreement with the Maryland lawyer in May of 1997, and he in turn entered into an agreement with Shearer in October of 2007 to handle the New York aspects of the litigation for 50% of the attorney's fees. In August of 2003, Shearer settled the action for \$4.25 million in New York but refused to share the almost \$600,000 legal fee equally with the Maryland attorney. A bitter dispute between the attorneys over fees swiftly developed and the Maryland attorney filed an order to show cause seeking to enjoin Shearer from disbursing the disputed attorney fees. Shearer filed a retainer statement with OCA in September of 2003 falsely representing that he had been directly retained by the mother in 1997. He then sent a "replacement" retainer to the mother, claiming that the one she had signed six years earlier had been damaged and needed to be replaced. She declined to sign it, finding the circumstances to be "fishy." Shearer also filed an infant's compromise order with supporting affidavits and affirmations, without notice to his co-counsel, which failed to disclose the Maryland attorney's claim to 50% of the legal fees and the fact that he had no independent retainer agreement. The Court found that Shearer had engaged in misrepresentation and conduct prejudicial to the administration of justice, and suspended him for 2 ½ years. (Special Trial Counsel Jeremy S. Garber)

Unni Krishnan, 99 AD3d 207 (1st Dept 2012)

In this serious crime case, an attorney pleaded guilty to driving while intoxicated and giving an unlawful gratuity to a police officer. Krishnan had been drinking heavily at lunch and hit a light pole on his drive home. After being arrested and brought to the police station, he presented a \$2,000 personal check to the arresting officer and requested him to ignore or alter the results of the Breathalyzer test. The Court found Krishnan's character witnesses to be

impressive and his conduct to be aberrational, and publicly censured him. (Special Trial Counsel Jeremy S. Garber)

Roy R. Kulcsar, 98 AD3d 161 (1st Dept 2012)

Kulcsar, a criminal defense attorney in the federal courts, was publically censured and suspended for six months by the Second Circuit Court of Appeals for a pattern of neglecting to file briefs on behalf of clients in seven matters resulting in four dismissals, and for failing to communicate with court personnel. The United States District Court for the Southern District of New York also investigated and suspended Kulcsar for two years for failing to keep records of various deposits he made into client and non-client inmate accounts, and for commingling personal and client funds in his personal checking account. The Committee filed a petition for reciprocal discipline and the Appellate Division, First Judicial Department, suspended him for two years. (Special Trial Counsel Jeremy S. Garber)

Jonathan S. Bristol, 94 AD3d 85 (1st Dept 2012)

Bristol assisted the money manager and lawyer, Kenneth I. Starr, Esq. (*Matter of Starr*, 88 AD3d 145 [1st Dept 2011] [disbarred upon federal felony plea]) in misappropriating the funds of Starr's clients by channeling their funds through Bristol's attorney escrow account. Bristol pleaded guilty in the United States District Court for the Southern District of New York to one count of conspiracy to commit money laundering. The Committee moved to have Bristol stricken from the roll of attorneys on the basis of his federal felony plea allocution wherein he admitted to crimes that would be New York felonies or, in the alternative that the federal felony be deemed a serious crime. In response to the Committee's motion Bristol submitted an affidavit of resignation, admitting that he had allowed Starr to wire \$19 million in client funds into his attorney escrow account, which he then wired out at Starr's direction in order to assist Starr in concealing "the nature, location, source, ownership and control of funds that he stole from his clients." 94 AD3d at 88. Bristol's resignation was accepted by the Court. (Special Trial Counsel Jeremy S. Garber)

Manuel E. Thillet, 100 AD3d 223 (1st Dept 2012)

The Committee served Thillet with formal charges alleging that he failed to maintain a real estate deposit intact in his escrow account, commingled personal, business and client funds in both his business and escrow accounts, used an ATM to withdraw cash from his escrow account, failed to maintain proper financial records, failed to register with the Office of Court Administration (OCA) and then continued to practice after his administrative suspension. The charges also alleged that he aided a former lawyer, Eric Spinner, in the practice of law. Spinner had been a lawyer, but his admission was revoked by the Third Judicial Department because he had failed to disclose his arrests and guilty pleas in his admission application. *Matter of Spinner*, 19 AD3d 803 (3rd Dept 2005), *appeal denied*, 5 NY3d 708 (2005). Thillet had testified as a character witness at Spinner's disciplinary hearing in the Third

Department, but then claimed to be unaware of the order revoking Spinner's admission, even after this was brought to his attention by opposing counsel. Thillet employed Spinner as an "of counsel" attorney in his office for years after the revocation of admission. Rather than answer the charges, Thillet submitted an affidavit of resignation, admitting that he could not successfully defend himself against the charges regarding the real estate deposit, commingling, cash withdrawals from escrow, failure to keep proper financial records and failure to register. The Appellate Division, First Judicial Department, accepted his resignation. (Special Trial Counsel Jeremy S. Garber)

Matter of James W. Margulies, 93 AD3d 145 (1st Dept 2012)

Respondent was found guilty, following a jury trial in New York County Supreme Court, of 30 felonies, to wit: grand larceny; scheme to defraud; conspiracy; falsifying business records; and, a violation of the General Business Law [Martin Act]. Respondent was sentenced to 7 to 21 years imprisonment and ordered to make restitution in the sum of \$7 million. Specifically, respondent and a cohort participated in a massive securities fraud "pump and dump" scheme whereby they artificially inflated stock prices of a company before selling off essentially worthless shares of stock to a series of investors, which destroyed the value of the company and drove it into bankruptcy. As a result of his conviction, respondent was automatically disbarred. (Deputy Chief Counsel Raymond Vallejo)

Matter of Jamis M. Johnson, 94 AD3d 157 (1st Dept 2012)

Respondent was disbarred in the State of Utah based on a finding that he intentionally misappropriated client funds for his own personal or business use. In a decision granting the Committee's petition for reciprocal discipline, the Court rejected respondent's claim that there was an infirmity of proof of his misconduct in the Utah proceeding, inasmuch as that court made explicit findings that respondent intentionally misappropriated \$28,800 in client funds which he converted for his own use. The Court found that there was no compelling reason to depart from the Utah disbarment order, denied respondent's request for a hearing and ordered respondent disbarred. (Deputy Chief Counsel Raymond Vallejo)

Matter of Robert M. Simels, 94 AD3d 108 (1st Dept 2012)

Respondent was found guilty, following a jury trial in the U.S. District Court for the Eastern District of New York, of conspiracy to obstruct justice, attempting to obstruct justice, bribery, and importation and possession of eavesdropping equipment, for which he was sentenced to 14 years imprisonment. Specifically, respondent was retained to represent a client in a criminal prosecution who was alleged to have operated an enterprise which imported large quantities of cocaine into the U.S. from Guyana. In the course of respondent's representation of this client, federal agents began investigating respondent, his then law associate, and his client for conspiring to influence potential witnesses in the

client's upcoming trial. Respondent's conviction for bribery stemmed from his attempts to bribe the girlfriend of the prosecution's key witness. Further, respondent, through his client's associate, arranged to pay this witness \$5,000 if she signed an affidavit created by respondent containing tailored and false testimony, and if she agreed to testify in accordance at his client's trial. The Court found that this conduct constituted the felony of bribery under New York State law warranting respondent's disbarment. (Deputy Chief Counsel Raymond Vallejo)

Matter of John J. O'Brien, 98 AD3d 60 (1st Dept 2012)

Respondent pled guilty, in the U.S. District Court for the Southern District of New York, to two counts of failing to file U.S. income tax returns and two counts of willfully failing to pay income tax, for which he was sentenced to a period of incarceration of 28 months. The Court deemed the offenses of which respondent pled guilty to be "serious crimes" and granted the Committee's petition to immediately suspend respondent, stating that it is the policy of the Court to suspend an attorney who is serving a criminal probation and/or is incarcerated. (Deputy Chief Counsel Raymond Vallejo)

Matter of Kenneth Schneider, 97 AD3d 152 (1st Dept 2012)

Respondent was found guilty, after a jury trial in the U.S. District Court for the Eastern District of Pennsylvania, of the felony of traveling in foreign commerce for the purpose of engaging in sex with a minor. Respondent was sentenced to 180 months in prison and required to pay \$35,000 in restitution. The Court found that the crime of which respondent was convicted did not constitute a felony under the laws of New York State and, therefore, was not a predicate for automatic disbarment. The Court found that the offense constituted a "serious crime" within the meaning of Judiciary Law §90(4) and ordered respondent's immediate suspension. The Court denied respondent's request for a stay of an interim suspension on the grounds that the pending appeal of his conviction was not a basis for a stay, absent a compelling reason, which the Court found did not exist in this case. (Deputy Chief Counsel Raymond Vallejo)

Matter of Vlad A. Kuzmin, 98 AD3d 266 (1st Dept 2012)

The U.S. Court of Appeals for the Second Circuit imposed upon respondent a public reprimand based upon his professional misconduct in connection with immigration matters. Specifically, the Second Circuit found that respondent missed briefing deadlines on multiple occasions as well as deadlines for responding to that Court's subsequent orders to show cause why the case should not be dismissed based on his default; that he failed to notify his clients promptly of the status of their cases; and, failed to adequately advise immigration authorities of the circumstances of one of his client's entry into the U.S. Respondent also used a retainer agreement that did not comport with New York's ethical rules; and, repeatedly failed to formally withdraw from, or stipulate to the dismissal of, cases that he

had abandoned. The Court granted the Committee's petition for reciprocal discipline and issued a public censure. (Deputy Chief Counsel Raymond Vallejo)

Matter of Steven A. Mundie, 97 AD3d 194 (1st Dept 2012)

The U.S. Court of Appeals for the Second Circuit imposed upon respondent a public reprimand based upon his professional misconduct in connection with immigration matters. Specifically, the Second Circuit found that a brief respondent filed contained misstatements such as the petitioner's name and the facts, and that extensive and significant portions of the legal argument appeared to have been copied verbatim from a brief filed by another attorney, in another case. The Court also noted that out of approximately 100 petitions for review submitted by respondent between 2002 and 2008, 39 were dismissed for failure to comply with the Court's scheduling orders. In another 15 cases, respondent filed briefs or stipulations withdrawing the cases only after briefing deadlines had passed and the court had issued orders to show cause why the cases should not be dismissed based on his defaults. The Court granted the Committee's petition for reciprocal discipline and issued a public censure. (Deputy Chief Counsel Raymond Vallejo)

Matter of Michael S. Etkin, 102 AD3d 151 (1st Dept 2012)

Respondent was suspended in the State of New Jersey for three months based on his failure to safeguard a legal fee that belonged to his former firm. Specifically, respondent worked on a securities litigation case for which he received a check for his services in the amount of \$217,639.50. Respondent's former firm, which dissolved prior to the end of the litigation, was due \$148,935 of this fee and his current firm was due \$68,704.50. Respondent failed to pay his former firm its share of the legal fee and, instead, used those funds for personal expenses. Respondent ultimately reimbursed his former firm the funds to which it was entitled. The Court granted the Committee's petition for an order imposing reciprocal discipline and suspended respondent for three months. (Deputy Chief Counsel Raymond Vallejo)

Matter of Earl S. David, 102 AD3d 23 (1st Dept 2012)

Respondent pled guilty in the United States District Court, for the Southern District of New York, to conspiracy to commit immigration fraud and conspiracy to commit mail and wire fraud. Specifically, from 1996 to 2009, respondent organized an immigration fraud scheme by filing fraudulent applications and petitions with the Department of Labor and the U.S. Citizenship and Immigration Services for labor certifications and for adjustment of legal status based on phony claims that employers had sponsored the individuals for employment in the U.S. As part of his plea agreement, respondent agreed to forfeit \$2.5 million in assets. The Court found that respondent's federal conviction was analogous to the New York felony of offering a false instrument for filing in the first degree and ordered him disbarred. (Deputy Chief Counsel Raymond Vallejo)

Matter of Anton Antomattei, 96 AD3d 136 (1st Dept 2012)

In an order dated August 1, 2012, the Court publicly censured Antomattei based on his two convictions for drunk driving related offenses and a prior letter of admonition issued by the Committee related to a third drunk driving related conviction. The Court also required Antomattei to enroll in and successfully complete the New York City Bar Lawyer Assistance Program for a period of one year, and to provide periodic reports to the Committee. (Staff Counsel Paul L. Friman)

Matter of Benjamin Hager, 94 AD3d 161 (1st Dept 2012)

In an order dated March 22, 2012, the Court granted the Committee's motion to accept Hager's affidavit of resignation based on his acknowledgment that he could not successfully defend himself on the merits against potential charges related to the complaint of Harvey Wolinetz. The Court discussed Wolinetz's allegations that Hager represented Eliyahu Weinstein in several complex commercial real estate transactions in which Wolinetz was also involved. At Weinstein's behest, Hager advised Wolinetz that Weinstein had deposited \$9 million into Hager's escrow account and that the funds would clear the next day. While the funds had in fact been deposited, Weinstein subsequently stopped payment on those funds, making them unavailable. Hager never so advised Wolinetz. Never having been advised that the funds were no longer in Hager's escrow account, Wolinetz went forward with loan transactions related to the real estate transaction to his detriment. The Court struck Hager from the roll of attorneys nunc pro tunc to December 22, 2011. (Staff Counsel Paul L. Friman)

Matter of Robert L. Cohen, 102 AD3d 55 (1st Dept 2012)

Cohen was disbarred pursuant to 22 NYCRR 603.4(g) after being suspended on an interim basis for six months based on substantial admission under oath that he committed acts of professional misconduct and other uncontested evidence of professional misconduct and misuse of IOLA account immediately threatening the public interest. (Staff Counsel Kaylin L. Whittingham)

Matter of Bobby H. J. Kim, 100 AD3d 246 (1st Dept 2012)

Kim resigned based upon his admission and uncontroverted evidence that he intentionally converted \$174,000 of client funds for his personal use and that *inter alia*, he forged a bank check in that amount to forestall the discovery of his conversion of client funds. (Staff Counsel Kaylin L. Whittingham)

Matter of Marc A. Bruzdziak, 102 AD3d 193 (1st Dept 2012)

On December 4, 2012, Bruzdziak was suspended based upon his failure to cooperate with the Committee, neglect, and other uncontested evidence of professional misconduct immediately threatening the public interest. (Staff Counsel Kaylin L. Whittingham)

Michael M. Milchman, 92 AD3d 143 (1st Dept 2012)

Michael Milchman has had a complicated disciplinary history here and in Florida. In September 2005, the Supreme Court of Florida publicly reprimanded Milchman and placed him on probation for three years based upon a finding that there were shortages in his trust and operating accounts resulting from inadequate record keeping. Based on the Florida order, our Court reciprocally censured Milchman in December 2006. In November 2009, our Court suspended Milchman as a result of his failure to register with OCA since 1991. Meanwhile, in August 2008 Florida instituted proceedings against Milchman based on his failure to comply with the terms of his probation, held him in contempt and suspended him for 90 days. Prior to that, he was charged with various acts of misconduct, including neglect, failure to cooperate and maintaining incomplete trust account records. Then Florida discovered that Milchman accepted a retainer fee to represent a client during the 90 day suspension period. Eventually, in February 2011, Florida suspended Milchman for three years. By order dated January 31, 2012, our Court reciprocally suspended Milchman for three years. (Deputy Chief Counsel Naomi F. Goldstein)

Matter of William E. Melendez, 95 AD3d 289 (1st Dept 2012)

Judiciary Law Section 90 (2-a) provides for the suspension of an attorney upon a finding in a support proceeding that the attorney is in arrears in child support obligations amounting to four months or more. The attorney is afforded a hearing to avert suspension by offering proof of full payment of all arrears. Proceedings pursuant to section 90 (2-a) are rare, but in mid-2012, the Committee brought such proceeding based on an order issued by the Superior Court of Puerto Rico, finding that Melendez had failed to make child support payments for over 36 months and was \$90,897.84 in arrears. Melendez, who maintained a First Department office address, did not appear at the hearing. By order dated April 10, 2012, our Court suspended Melendez until the Court receives notification from the Superior Court of Puerto Rico that all support arrears have been satisfied in full. Melendez was eventually disbarred for lying about owing no child support in his application to the Bar. (Deputy Chief Counsel Naomi F. Goldstein)

Matter of Kevin J. Kilduff, 97 AD3d 137 (1st Dept 2012)

Kevin Kilduff, a tax attorney, was admitted in the First Department but practices in Massachusetts exclusively. In 2008, the Office of Professional Responsibility for the IRS brought a proceeding against Kilduff for failing to file his tax return for one year and filing late in three consecutive years. Following a hearing, the administrative law judge imposed a 24-month suspension from practicing before the IRS. Both parties appealed, and the Treasury Appellate Authority imposed a 48 month suspension instead. The Massachusetts Bar Counsel filed a petition for reciprocal discipline on the basis of the IRS findings but petitioned for a four-month suspension only. The Massachusetts Supreme Judicial Court determined that suspension was not warranted since Kilduff had not been convicted of a

criminal offense. The Court ordered a public reprimand. By order dated May 31, 2012, our Court reciprocally disciplined Kilduff and publicly censured him. (Deputy Chief Counsel Naomi F. Goldstein)

Matter of Jenee M. Gadsden, 103 AD3d 1 (1st Dept 2012)

In April 2009, Jenee M. Gadsden (Gadsden) was suspended for failure to pay registration fees for four consecutive registration periods. She did not pay the arrears and was never reinstated. In November 2011, the Committee received notification from Bronx Supreme Court that Gadsden was appearing there on behalf of a client. The Committee wrote to Gadsden, advised her that it had opened a *sua sponte* investigation and requested that she submit a written answer within 20 days explaining her conduct. Gadsden did not respond to that letter or to the three follow-up letters, nor did she appear, despite being served with a judicial subpoena. The Committee moved pursuant to 22 NYCRR 603.4(e)(1)(i) to further suspend Gadsden for her failure to cooperate. By order dated December 13, 2013, our Court granted the motion. (Deputy Chief Counsel Naomi F. Goldstein)

Matter of John D. Horenstein, 101 AD3d 49 (1st Dept 2012)

The Court suspended respondent on an interim basis pursuant to 22 NYCRR 603.4(e)(1)(iii) as a result of uncontested evidence that he falsely billed a client for more than \$40,000 in personal expenses. (Deputy Chief Counsel Vitaly Lipkansky).

Matter of Robert Schachter, 100 AD 3d 45 (1st Dept 2012)

On October 11, 2012, Schachter was interimly suspended based upon uncontested evidence of professional misconduct that immediately threatened the public interest. The Court found that Schachter's alleged misappropriation of his former law firm's funds for his own personal benefit was serious misconduct that immediately threatened the public interest. (Staff Counsel Norma I Lopez)

Matter of Steven A. Colarossi, 97 AD 3d 117 (1st Dept 2012)

On May 29, 2012, the Court held that public censure was appropriate reciprocal disciplinary sanction for respondent's misconduct. Colarossi had been publicly reprimanded by the Connecticut Superior Court for misusing client funds and accepting a loan from his client without proper documentation and without obtaining a conflict waiver. (Staff Counsel Norma I Lopez)

Matter of Yong Wang, 100 AD 3d 52 (1st Dept 2012)

Pursuant to 22 NYCRR 603.4 (g), on October 11, 2012, the Court ordered that respondent be disbarred from the practice of law on the ground that he was suspended pursuant to 22 NYCRR 603.4 (e)(1)(i), and had neither appeared nor applied in writing to the Committee or the Court for a hearing or reinstatement for a period of over six months from the date of his

suspension. Respondent had been suspended from the practice of law based on his failure to cooperate with the Committee's investigation into several complaints by respondent's former clients alleging neglect of cases, failure to communicate, abandonment of his law practice, failure to turn over files to a client, and failure to register with OCA and pay his biennial registration fee. (Staff Counsel Norma I Lopez)

Matter of Joseph J. Mainiero, 98 AD3d 255 (1st Dept 2012)

Respondent had several complaints pending against him concerning neglect of matrimonial and/or family court proceedings. Respondent failed to cooperate with the Committee's investigations of these complaints and the Committee moved to have him intermily suspended. In July 2012 the motion was granted. (Staff Counsel Elisabeth A. Palladino)

Matter of Kevin J. McGraw, 98 AD3d 1 (1st Dept 2012)

The Committee commenced an investigation of respondent after it received notification that respondent had bounced a check from his attorney escrow account. Respondent failed to cooperate with the Committee's investigation and the Committee moved to have him intermily suspended. In June 2012 the motion was granted. (Staff Counsel Elisabeth A. Palladino)

Matter of Michael P. Zulandt, 93 AD3d 77 (1st Dept. 2012)

The Court suspended respondent for three years. Zulandt pled guilty to assault in the third degree, a class A misdemeanor. He assaulted his then girlfriend by throwing her to the floor, striking her numerous times on the face, and methodically destroying her property over a prolonged period of time. The Court found that Zulandt engaged in a calculated pattern of cruelty and that it was not the product of the intermittent explosive disorder as describe by his expert. (Jun H. Lee)

Matter of Stephen G. Kennedy, 99 AD3d 75 (1st Dept 2012)

Respondent was disbarred for misappropriating and converting \$155,000 of third-party funds held by him incident to a real estate transaction for his own use. The Court rejected respondent's claim that he did not act intentionally and found that he failed to set forth any extremely unusual mitigating circumstances to justify a sanction less than disbarment. The Court also noted that respondent's explanation that he believed he would be able to replenish the converted funds with the imminent receipt of a legal fee was belied by the fact that the misconduct took place over a two-year period, and continued even after respondent became aware of the Committee's investigation. (Staff Counsel Kevin P. Culley)

Matter of Jacob Rabinowitz, 97 AD3d 192 (1st Dept 2012)

Respondent was charged with eight counts of professional misconduct. With the Committee's consent, the Court indefinitely suspended respondent, who is 83 years old and

suffering from a combination of ailments, on the basis that he is unable to participate in this disciplinary proceeding against him due to his admitted medical infirmities. (Staff Counsel Kevin P. Culley)

SUMMARY OF REPRESENTATIVE CASES

Although it may appear that the Committee should be engaged mainly in bringing formal charges of misconduct and conducting hearings on those charges, those obviously important functions of the Committee are only a part of the picture. A significant portion of what the Committee does in a confidential manner eventually does become public when the Court acts on motions made by the Committee.

Interim Suspensions

The Court's rules provide that an attorney may be suspended from the practice of law pending consideration of charges against the attorney for: (1) a default in responding to pending charges of professional misconduct or failure to comply with lawful demands made in connection with an investigation; (2) a substantial admission under oath that the attorney has committed an act of professional misconduct; (3) other uncontested evidence of professional misconduct; or (4) willful failure to pay money owed to a client evidenced by a judgment or other clear and convincing evidence.

The most serious misconduct the Committee deals with involves the theft or misappropriation of money belonging to clients or held as a fiduciary. The Court has repeatedly stated that the intentional conversion of money held as a fiduciary or for a client requires disbarment, except when there are exceptional mitigating circumstances which are rarely found. Because such misconduct immediately threatens the public interest, the Committee's staff attorneys will seek an immediate suspension for such misconduct if there is sufficient evidence to justify the motion. In addition, the Committee's staff will seek a suspension of an attorney who fails to cooperate in answering a complaint or does not comply with lawful demands for information on records. In 2012, the Court suspended 13 attorneys on an interim basis pending resolution of the charges against them in the following cases: Matter of Brian H. Reis, 96 AD3d 53; Matter of John P. Harris, 97 AD3d 96; Matter of Kevin J. McGraw, 98 AD3d 1; Matter of Gideon J. Karlick, 98 AD3d 251; Matter of John J. O'Brien, 98 AD3d 60; Matter of Joseph J. Mainiero, 98 AD3d 255; Matter of Kenneth Schneider, 97 AD3d 152; Matter of Robert A. Schachter, 100 AD3d 45; Matter of Nikia L. Way, 100 AD3d 40; Matter of John D. Horenstein, 101 AD3d 49; Matter of Jeneé M. Gadsden, 103 AD3d 1; Matter of Julian D. Riley, 102 AD3d 109; Matter of Marc A. Bruzdziak, 102 AD3d 193.

The Court also has a rule unique to the First Department (see 22 NYCRR 603.4 [g]), whereby a motion to suspend may also include a notice to the attorney that the attorney may be disbarred if the attorney is suspended and fails to apply in writing to the Committee or Court requesting a hearing, or reinstatement within six months. In 2012, the First Department invoked 22 NYCRR 603.4[g] to disbar seven attorneys: Matter of Jamis M.

Johnson, 94 AD3d 157; Matter of Tracey A. Bloodsaw, 95 AD3d 226; Matter of Daniel Millstone, 98 AD3d 329; Matter of Stephen G. Kennedy, 99 AD3d 75; Matter of Kevin P. Claffey, 99 AD3d 201; Robert L. Cohen, 102 AD3d 55; Matter of Yong Wang, 100 AD3d 52.

Felony Disbarments

In 2012, the First Department granted six petitions to strike the names of attorneys convicted of felonies: Matter of Robert M. Simels, 94 AD3d 108; Matter of Andrew L. Schwab, 94 AD3d 49; Matter of James W. Margulies, 93 AD3d 145; Matter of Maritza Diaz, 98 AD3d 158; Matter of Earl S. David, 102 AD3d 23 AD3d; Matter of Matthew H. Kluger, 102 AD3d 168.

Disciplinary Resignations

The Court may permit an attorney to resign from the bar during an investigation by the Committee, or after the filing of charges, if the attorney submits an affidavit pursuant to 22 NYCRR 603.11, acknowledging that the attorney knows the nature of potential charges and cannot defend against them. A resignation pending charges is the equivalent of disbarment. In 2012, the First Department accepted resignations under 22 NYCRR 603.11 from ten attorneys and ordered their names stricken from the roll of attorneys: Matter of Jonathan S. Bristol, 94 AD3d 85; Matter of Peter N. Weiner, 94 AD3d 82; Matter of Benjamin Hager, 94 AD3d 161; Matter of Adam C. Virant, 99 AD3d 83; Matter of H. Allen Whitehead, 98 AD3d 105; Matter of Manuel E. Thillet, 100 AD3d 223; Matter of Saul A. Berkman, 100 AD3d 49; Matter of Gerard M. Karlen, 100 AD3d 225; Matter of Bobby H. J. Kim, 100 AD3d 246; Matter of Theresa Lizzio, 102 AD3d 162.

Suspension as Discipline

A suspension can be ordered by the Court as discipline and also to protect the public. The Court imposes suspension for conviction of “serious crimes,” as defined in the Judiciary Law 90(4)(d), for reciprocal discipline and for misconduct. In 2012, the Court imposed suspensions for misconduct on sixteen attorneys for periods ranging from three months to four years. One attorney was suspended indefinitely due to mental infirmity: Matter of Alexander Gurevich, 94 AD3d 39; Matter of Michael P. Zulandt, 93 AD3d 77; Matter of David M. Shearer, 94 AD3d 128; Matter of Michael M. Milchman, 92 AD3d 143; Matter of John Gregory Lynch, 95 AD3d 121; Matter of Armand J. Rosenberg, 97 AD3d 189; Matter of Sanford Solny, 96 AD3d 76; Matter of Steven S. Greenberg, 94 AD3d 152; Matter of Bernard J. Williams, 94 AD3d 164; Matter of Roy R. Kulcsar, 98 AD3d 161; Matter of Andre R. Sobolevsky, 96 AD3d 60; Matter of Richard P. Caro, 97 AD3d 148; Matter of William E. Melendez, 95 AD3d 289; Matter of Amy R. Weissbrod-Gurvey, 102 AD3d 197; Matter of Michael S. Etkin, 102 AD3d 151; Matter of Jacob Rabinowitz, 97 AD3d 192.

Public Censures

The least severe form of public discipline that the Court may impose is a censure (see 22 NYCRR 605.5[a][3]). In 2012, the First Department issued public censures in thirteen cases, all based on professional misconduct in violation of the Lawyer's Code of Professional Responsibility: Matter of Amy L. Nussbaum Gell, 94 AD3d 116; Matter of Anton Antomattei, 96 AD3d 136; Matter of Harry A. DeMell, 96 AD3d 94; Matter of Vlad A. Kuzmin, 98 AD3d 266; Matter of Scott M. Sandler, 96 AD3d 129; Matter of Steven A. Colarossi, 97 AD3d 117; Matter of Kevin J. Kilduff, 97 AD3d 137; Matter of Steven A. Mundie, 97 AD3d 194; Matter of Ted W. Gallagher, 97 AD3d 254; Matter of Unni Krishnan, 99 AD3d 207; Matter of Jorge D. Guttlein, 100 AD3d 166; Matter of Henry Zhang, 101 AD3d 79; Matter of Nativ Winiarsky, 104 AD3d 1.

Reinstatements

Section 90 of the Judiciary Law and Court Rule 22 NYCRR 603.14 permit attorneys to apply for reinstatement to the practice of law after a period of suspension, or seven years after disbarment. Attorneys who are suspended for six months, or less, may be reinstated at the end of the period of suspension by filing with the Court and serving upon the Chief Counsel's Office an affidavit stating that the attorney has met certain requirements (see 22 NYCRR 603.14). An attorney who has been suspended for a period of more than six months may petition the Court for reinstatement upon the expiration of the period of suspension (*id.*).

An attorney who has been disbarred, or stricken from the roll of attorneys, may not petition for reinstatement until the expiration of seven years from the effective date of disbarment (*id.*). In such cases, the Court may refer the matter for a hearing before a Referee, or a Hearing Panel. In either case, a written report and recommendation is submitted to the Court, which issues its decision on reinstatement. In 2012, the Court granted twelve petitions for reinstatement and denied two.

Immigration Complaints

Staff Attorney Jun Hwa Lee handles the initial screening of all immigration matters. Lee also coordinates our efforts with many other agencies and prosecutors who target immigration fraud. Further, Lee supervises the Committee's use of immigration Special Counsel approved by the Court to assist the Committee. Lee often speaks before various groups, including federal judges interested, or involved, in immigration matters.

SECOND DEPARTMENT

Second, Eleventh and Thirteenth Judicial Districts

2012

Michael Sprei	Interim Suspension	Substantial admissions under oath and uncontroverted evidence – conversion of client funds.
Peter J. Mollo	Interim Suspension	Substantial admissions under oath and uncontroverted evidence – conflicts of interest and conversion of client funds.
Kathleen Paolo, a disbarred attorney 91 A.D.3d 786	Reinstated	
Carmine DeSantis, a disbarred attorney 91 A.D.3d 777	Reinstated	
Michael Levitis	Interim Suspension	Serious crime conviction – making a false statement [18 USC §1001(a)(2)].
Dean A. Reskakis	Interim Suspension	Serious crime conviction – conspiracy to commit wire and bank fraud (18 USC §1349).
Spencer Lader, a disbarred attorney	Reinstatement denied	
Eric Michael Manganelli 93 A.D.3d 112	Disbarred	Felony conviction – grand larceny in the 3 rd degree (Penal Law §155.35); attempted grand larceny in the 2 nd degree (Penal Law §§110.00 and 155.40); and scheme to defraud in the 1 st degree [Penal Law §190.65(1)].
Ihab Hussam Tartir, a suspended attorney 93 A.D.3d 82	Suspended 5 years	Serious crime conviction – marriage fraud for the purpose of evading immigration laws [8 USC §1325(c)] and conspiracy to commit marriage fraud for the purpose of evading immigration laws (18 USC §371).

Anthony Okechukwu Onua 93 A.D.3d 132	Disbarred (resigned)	Conspired to commit wire and bank fraud (18 USC §1349); prepared false documents to fraudulently obtain millions of dollars of mortgage loans; and stole the entire proceeds from a mortgage.
Nadeen R. Gayle, a suspended attorney 94 A.D.3d 45	Suspended 2 years	Serious crime conviction – conspiracy to commit wire and bank fraud (18 USC §1349).
Frantz Metellus, a suspended attorney 94 A.D.3d 14	Disbarred	Serious crime conviction – conspiracy to commit wire and bank fraud (18 USC §1349).
Swindley Anderson Edwards 94 A.D.3d 137	Disbarred (resigned)	Neglected legal matters and presented two checks from his attorney escrow account to the Kings County Clerk's Office which were dishonored.
Ravi Brahmaroop Persaud 95 A.D.3d 12	Disbarred	Felony conviction – conspiracy to commit wire and bank fraud (18 USC §1349) and bank fraud (18 USC §1344).
Christopher T. Maffia 95 A.D.3d 215	Suspended 6 month	Criminal conviction – petit larceny (Penal Law §155.25).
Akintayo Abimbola Ayorinde, a suspended attorney 95 A.D.3d 47	Disbarred (resigned)	Conspired to commit wire and bank fraud (18 USC §§1343 and 1344); prepared false documents to fraudulently obtain millions of dollars of mortgage loans; and stole the entire proceeds from a mortgage.
Nicholas A. Pellegrini 95 A.D.3d 179	Suspended 2 years	Conduct involving fraud, deceit, dishonesty, and misrepresentation; conflicts of interest; made a false statement of fact to a third party in the course of representing a client; and assisted a client in conduct he knew to be illegal or fraudulent.

Thomas C. Brooks, Jr. 95 A.D.3d 136	Suspended 2 years	Attempted to mislead his client about the status of an appeal through the use of a fraudulent document and neglected a legal matter.
Constant Jean-Baptiste, a suspended attorney 95 A.D.3d 144	Disbarred (resigned)	Engaged in the practice of law after the effective date of his suspension.
Lewis R. Wiener 95 A.D.3d 140	Disbarred	Reciprocal discipline – California.
Mark T. Costantino 95 A.D.3d 167	Disbarred	Converted client funds and intentionally deceived his client.
Jason Goldfarb	Disbarred	Felony conviction – conspiracy to commit securities fraud (18 USC §371) and securities fraud [15 USC §78j(b) and §78f(f); 17 CFR 240.10b-5 and 240.20(b)(5)(2); and 18 USC §2].
Mason B. Pimsler, a disbarred attorney	Reinstatement denied	
Alexander M. Kaplan, a suspended attorney 96 A.D.3d 16	Disbarred	Felony conviction – conspiracy to commit bank fraud, wire fraud, and mail fraud; bank fraud; and wire fraud (18 USC §§1341, 1343, 1344, and 1349).
Kathleen Frances Gahles 96 A.D.3d 45	Suspended 2 years	Reciprocal discipline – New Jersey.
Axel Heydasch 96 A.D.3d 84	Suspended 3 years	Reciprocal discipline – Florida.
Brandon Lisi 95 A.D.3d 229	Disbarred	Felony conviction – grand larceny in the 1 st degree (Penal Law §155.42) and grand larceny in the 2 nd degree (Penal Law §155.40).
David Yan 96 A.D.3d 64	Public Censure	Reciprocal discipline – U.S. Court of Appeals for the Second Circuit.

Frank R. Bayger, a suspended attorney	Reinstatement denied	
Diana Bronstein	Interim suspension	Uncontroverted evidence – conversion of client funds.
Gary J. Rothman, a disbarred attorney	Reinstatement denied	
John Joseph Leonard 98 A.D.3d 218	Suspended 6 months	Reciprocal discipline – California.
Martha V. Kim 98 A.D.3d 224	Suspended 2 years	Reciprocal discipline – Ohio.
Umana E. Oton 98 A.D.3d 260	Disbarred (resigned)	Failure to cooperate; failure to properly safeguard funds entrusted to him as a fiduciary; commingling; and failure to maintain appropriate escrow records.
Leesa Shapiro 98 A.D.3d 282	Disbarred (resigned)	Failure to zealously advocate for clients in real estate transactions; conflicts of interest; drew a check on her attorney trust account which was dishonored due to insufficient funds; and pleaded guilty to conspiracy to commit bank fraud in the U.S. District Court for the Eastern District of New York.
Mark Bratkovsky 99 A.D.3d 79	Public Censure	Aided a non-lawyer in the unauthorized practice of law; signed a false attorney verification knowing it would be filed in court; and neglected a legal case filed in a court of law under his name and with his knowledge.
William J. Salica, a suspended attorney 99 A.D.3d 192	Disbarred	Reciprocal discipline – California.

Yountae Yoo, a suspended attorney 99 A.D.3d 198	Disbarred (on default)	Pattern and practice of failing to cooperate with the Grievance Committee and of misappropriating client funds entrusted to him as a fiduciary.
Stuart R. Ross 99 A.D.3d 187	Disbarred	Felony conviction – attempted grand larceny in the 2 nd degree (Penal Law §§110.00 and 155.40).
Peter J. Mollo, a suspended attorney 99 A.D.3d 163	Disbarred (resigned)	Impermissible conflicts of interest; intentional failure to advocate for his client; failure to represent his client within the bounds of the law; failure to safeguard funds entrusted to him as a fiduciary; conversion of client funds; failure to withdraw from representation when required to do so; failure to promptly account for, pay, or deliver escrow funds to a third party; and threatened a party with criminal prosecution to gain an advantage in a civil case.
Louis E. Cherico 99 A.D.3d 173	Disbarred	Felony conviction – conspiracy to commit bank fraud (18 USC §1349); bank fraud (18 USC §1344); and money laundering [18 USC §1956(a)(1)(B)(I)].
Steven E. Goldstein	Interim suspension	Substantial admissions under oath – neglected client matters entrusted to him and engaged in a pattern of deceit, such as fabricating court orders.
Eugene Chmura 99 A.D.3d 239	Disbarred	Converted client funds and engaged in conduct involving dishonesty, fraud, deceit, and misrepresentation.
Dennis J. Pottinger, a disbarred attorney	Reinstatement denied	
Danielle M. Muscatello, a suspended attorney 99 A.D.3d 913	Reinstated	

Marie A. Martial 100 A.D.3d 54	Disbarred	Felony conviction – grand larceny in the 1 st degree (Penal Law §155.42); grand larceny in the 2 nd degree (Penal Law §155.40); and grand larceny in the 3 rd degree (Penal Law §155.35).
Robert Berchan 100 A.D.3d 249	Suspended 6 months	Reciprocal discipline – California.
Ingrid Barclay	Interim suspension	Failure to comply with demands made by the Grievance Committee and substantial admissions under oath – conversion of client funds.
Owen Chambers 103 A.D.3d 6	Suspended 6 months	Reciprocal discipline – New Jersey (3 months).
Alexei M. Schacht, a suspended attorney 101 A.D.3d 1132	Reinstated	
Colvin C. Goddard, a suspended attorney 103 A.D.3d 139	Disbarred	Failure to cooperate and conversion of guardianship funds entrusted to him as a fiduciary.

GRIEVANCE COMMITTEE FOR THE
NINTH JUDICIAL DISTRICT

DISPOSITIONS/SANCTIONS

Disciplinary Proceedings

2012

Joseph S. Allesandro	Disbarred October 17, 2012	DR 1-102(a)(4): Conduct involving dishonesty, fraud, deceit or misrepresentation; DR 1-102(a)(5): Conduct prejudicial to the administration of justice; DR 1-102(a)(7): Conduct adversely reflecting upon fitness to practice law.
Patricia M. Cavanaugh Suspended Attorney	Application for Reinstatement Held in Abeyance and matter Referred to Committee on Character and Fitness June 1, 2012	.
Rory Kiernan Clark Suspended Attorney	Public Censure and Immediate Reinstatement April 10, 2012	Judiciary Law §90(4)(d); 22 NYCRR 691.7(b): Conviction of Serious Crime - Illegal removal of public records; RPC 8.4(b): Illegal conduct reflecting upon honesty, trustworthiness or fitness; RPC 8.4(h): Conduct adversely reflecting upon fitness to practice law.
Mildred Didio	Disbarred (Effective, <i>nunc pro tunc</i> , October 25, 2011) April 3, 2012	Judiciary Law §90(4): Felony Convictions - Grand Larceny, 2 nd Degree (PL §155.40); Scheme to Defraud, 1 st Degree (PL §190.65); Conspiracy, 4 th Degree (PL §105.10).

Elyse Hope Diller
Suspended Attorney

Application for
Reinstatement Granted
July 11, 2012

Charles J. Diven, Jr.
Suspended Attorney

Disbarred Pursuant to
Resignation
May 8, 2012

DR 1-102(a)(3): Illegal conduct
reflecting upon honesty,
trustworthiness or fitness as a
lawyer;
DR 1-102(a)(4): Conduct
involving dishonesty, fraud,
deceit or misrepresentation;
DR 9-102(a) and (c): Failing to
preserve the identity of funds
and property of others.

Kevin Dwyer
Disbarred Attorney

Application for
Reinstatement Held in
Abeyance and matter
Referred to Committee on
Character and Fitness
February 8, 2012

Howard Finkelstein

Disbarred Pursuant to
Resignation
February 7, 2012

Disbarment Vacated Due to
September 11, 2011, Death
of Attorney
April 20, 2012

RPC 1.3(b): Neglect of a legal
matter.
RPC 8.4(c): Conduct involving
dishonesty, fraud, deceit or
misrepresentation;
RPC 8.4(h): Conduct adversely
reflecting upon fitness to
practice law.

Peter J. Galasso	Two Year Suspension (Effective March 21, 2012) February 21, 2012	DR 1-102(a)(5): Conduct prejudicial to the administration of justice; DR 1-102(a)(7): Conduct adversely reflecting upon fitness to practice law; DR 1-104(d)(2): Failure to supervise employee; DR 9-102(a): Misappropriation of funds in attorney escrow account; DR 9-102(c)(4): Failure to deliver funds to party.
	Suspension Stayed and Leave to Appeal to Court of Appeals Granted May 1, 2012	
	Determination Affirmed in Part, Modified in Part by Court of Appeals and Remitted to Appellate Division October 23, 2012	
	Adherence to Two Year Suspension December 19, 2012 (Subsequently Recalled and Reissued for Suspension to Become Effective March 5, 2013).	
Michael Gidro	Disbarred May 15, 2012	22 NYCRR 691.3: Reciprocal Discipline based upon Disbarment in New Jersey.
F. Hollis Griffin	Disbarred December 12, 2012	RPC 1.3(b): Neglect of legal matter; RPC 1.15(c); Failure to account for and disburse funds from escrow; RPC 8.4(d): Conduct prejudicial to the administration of justice; RPC 8.4(h): Conduct adversely reflecting upon fitness to practice law.

Mark S. Grossjung	One Year Suspension May 30, 2012	DR 1-102(a)(4): Conduct involving dishonesty, fraud, deceit or misrepresentation; DR 9-102(a): Breach of fiduciary duty.
Seth M. Gunar Suspended Attorney	Disbarred April 10, 2012	RPC 8.4(d): Conduct prejudicial to the administration of justice; RPC 8.4(h): Conduct adversely reflecting upon fitness to practice law.
Kevin Charles Hymes	Disbarred Pursuant to Resignation January 31, 2012	RPC 1.3(b): Neglect of a legal matter; RPC 1.15(c); Failure to account for and disburse funds from escrow; RPC 8.4(d): Conduct prejudicial to the administration of justice; RPC 8.4(h): Conduct adversely reflecting upon fitness to practice law.
Patrick Jones	Two Year Suspension (Effective November 16, 2012) October 17, 2012	DR 1-102(a)(7): Conduct adversely reflecting upon fitness to practice law; DR 1-104(a)(b) and (d)(2): Failure to ensure partner's compliance with disciplinary rules and take action to mitigate effects of such; DR 9-102(a): Breach of Fiduciary Duty; DR 9-102(b)(2): Failure to properly identify and label fiduciary account; DR 9-102(d)(1), (2), (8) and (9): Failure to produce and maintain required bookkeeping records.

Lawrence Kalkstein Disbarred Attorney	Application for Reinstatement Denied June 29, 2012	
Michael Adam Kimelman	Disbarred (Effective, <i>nunc pro tunc</i> , June 13, 2011) March 27, 2012	Judiciary Law §90(4): Felony Convictions - 15 USC 78(j) and 78(f): Securities Fraud; 18 USC §§ 371: Conspiracy to Commit Securities Fraud.
Shmuel B. Klein	Disbarred Pursuant to Resignation December 5, 2012	Judiciary Law §90(4)(d); 22 NYCRR 691.7(b): Conviction of Serious Crime; RPC 8.4(d): Conduct prejudicial to the administration of justice.
Maurizio Lancia	Disbarred (Effective, <i>nunc pro tunc</i> , October 18, 2010) November 28, 2012	Judiciary Law §90(4): Felony Conviction - 18 USC 1343: Wire Fraud.
Richard A. Marcus Suspended Attorney	Application for Reinstatement Held in Abeyance and matter Referred to Committee on Character and Fitness July 24, 2012	
John Anthony McHugh Suspended Attorney	Disbarred Pursuant to Resignation June 20, 2012	RPC 1.3(b): Neglect of a legal matter; RPC 8.4(d): Conduct prejudicial to the administration of justice; RPC 8.4(h): Conduct adversely reflecting upon fitness to practice law.

Brian M. Rattner	Disbarred Pursuant to Resignation April 3, 2012	RPC 1.15(a): Breach of Fiduciary Duty; RPC 1.15(e): Issuance of escrow checks payable to "cash."
Benjamin E. Twaites	Interim Suspension and Disciplinary Proceeding Authorized July 23, 2012	22 NYCRR 691.4(l)(1)(i) and/or (iii): Failure to comply with lawful demands in investigation and/or uncontroverted evidence of other misconduct.
Charlotte T. Watson Suspended Attorney	Disbarred Pursuant to Resignation February 7, 2012	RPC 1.1(c)(1): Failure to seek objectives of client; RPC 1.3(b)and (c): Neglect of a legal matter and failure to carry out contract for legal services; RPC 1.15(a): Misappropriation of escrow funds; RPC 1.15(c): Failure to safeguard and disburse escrow funds; RPC 8.4(c): Conduct involving dishonesty, fraud, deceit or misrepresentation; RPC 8.4(d): Conduct prejudicial to the administration of justice; RPC 8.4(h): Conduct adversely reflecting upon fitness to practice law.
Jeffrey J. Weinsten Disbarred Attorney	Application for Reinstatement Granted December 12, 2012	
John C. Wirth Suspended Attorney	Application for Reinstatement Granted April 24, 2012	

Sheryl L. Robinson Wood

Public Censure
May 23, 2012

22 NYCRR 691.3: Reciprocal
Discipline based upon Public
Censure in the District of
Columbia.

Sandra M. Zupanski

Three Year Suspension
(Effective, *nunc pro tunc*,
November 14, 2006) with
leave to apply for
reinstatement subject to
certain conditions.

22 NYCRR 691.3: Reciprocal
Discipline based upon
Suspension in the State of
Washington.

SECOND DEPARTMENT
Tenth Judicial District

ORDERS RECEIVED

1. ANONYMOUS "A" - A/Substituted Service granted 9/13/12.
2. ALDERDICE, GEORGE R. - O/Disbarment dated 3/27/12
3. ANAND, JASLEEN - O/Interim Suspension & DP Authorization granted 3/13/12
4. ANONYMOUS "B" - DP Authorization granted 6/29/12
5. ANONYMOUS "B2" - DP Authorization granted 12/18/12
6. BAILEY, THOMAS J. - O/Disbarment based on Resignation dated 12/26/12
7. BANNIETTIS, ALDEN - O/Disbarment dated 5/30/12 commencing 6/29/12
8. BANNIETTIS, ALDEN - M/Leave to Appeal denied 9/6/12.
9. BARBARA, DOMINICK A. - A/Conservator granted; Vacate Eviction denied 3/13/12
10. BARBARA, DOMINICK A. - Motion transferred to 2nd, 11th & 13th on 6/12/12*
11. BERTSCH, ROBERT A. - O/Interim Suspension & DP Authorization granted 4/13/12
12. BLOOM, ELIOT F. - O/Public Censure dated 7/25/12.
13. BOLDUC, MICHAEL - O/Interim Suspension & DP Authorization granted 12/17/12
14. BROGDON, GERARD E. - O/Disbarment dated 1/31/12
15. BROWN, AMY LESSERON - A/Reinstatement granted 7/11/12.
16. BYRD, RALPH T. - O/Disbarment dated 11/7/12
17. ANONYMOUS "C" - A/Disclosure granted 12/30/11*
18. ANONYMOUS "C2" - Referred Back to Grievance Committee by Order dated 5/10/12
19. ANONYMOUS "C3" - Motion referred back to Grievance Committee by Order dated 2/29/12
20. CHALIF, ERIC B. - M/Remove Publication denied 11/13/12
21. CLAREY, ROBERT J. - A/Reinstatement granted 12/26/12
22. CLAYTON, LARINZO D. - O/Disbarment dated 7/18/12.
23. COHEN, STEVEN E. - O/Disbarment based on Resignation dated 1/17/12
24. COLLINS, DAVID A. - O/Suspension for One Year dated 10/17/12, commencing 11/13/12
25. COVERT, CORY J. - M/Reinstatement granted 2/14/12
26. COYNE, VIRGINIA M. - A/Voluntary Resignation accepted 11/28/12
27. CUSACK III, THOMAS F. - O/Suspension for Four Years dated 5/15/12 commencing 6/15/12
28. ANONYMOUS "D" - DP Authorization granted 2/3/12
29. ANONYMOUS "D2" - A/Disclosure granted 2/6/12
30. ANONYMOUS "D3" - DP Authorization granted 2/15/12
31. DALY, TIMOTHY D. - O/Interim Suspension & DP Authorization granted 1/6/12
32. ANONYMOUS "F" - DP Authorization granted 11/20/12
33. ANONYMOUS "F2" - O/Disclosure granted 11/29/12
34. FINN, PATRICIA A. - OTSC for Interim Suspension denied; DP Authorization granted 12/6/12
35. ANONYMOUS "G" - A/Interim Suspension denied; DP Authorization granted 1/23/12
36. ANONYMOUS "G2" - A/Interim Suspension denied; DP Authorization granted 10/19/12
37. GILLEN, DANIEL M. - O/Disbarment dated 9/19/12 effective 8/25/11.
38. GILVARY, KEVIN J. - O/Censure dated 2/14/12
39. GIORDANO III, JOSEPH J. - O/Disbarment based on Resignation dated 8/29/12.
40. GOLD, ALLEN S. - O/Interim Suspension & DP Authorization granted 1/17/12
41. GOLD, ALLEN S. - O/Disbarment dated 12/19/12
42. GRANDE III, VINCENT J. - A/Reinstatement granted 12/19/12

43. HELFENSTEIN, HUGH J. - A/Voluntary Resignation accepted 11/28/12
44. HUMMEL, CHRISTOPHER P. - O/Indefinite Suspension dated 8/8/12.
45. JONES III, HARRY C. - A/Voluntary Resignation accepted 11/28/12
46. JUNG, ROBERT C. - A/Reinstatement granted 2/28/12
47. ANONYMOUS "K" - Motion referred back to Grievance Committee by Order dated 11/20/12
48. KAIN, WALLANCE M. - A/Voluntary Resignation accepted 11/28/12
49. KASTEN, AVI J. - A/Reinstatement granted 11/14/12
50. KAUFMAN, PAUL C. - A/Voluntary Resignation accepted 11/28/12
51. KERNO, RAYMOND E. - O/Disbarment dated 4/17/12
52. KING, DUANE E. - A/Voluntary Resignation accepted 6/1/12
53. KRAMER, PETER - A/Reinstatement denied 5/10/12
54. KROME, MICHAEL S. - O/Disbarment based on Resignation dated 12/19/12
55. ANONYMOUS "L" - A/Disclosure granted 2/7/12
56. ANONYMOUS "L2" - DP Authorization granted 2/15/12
57. ANONYMOUS "L3" - A/Extension of Time to Serve Resondent granted 5/14/12
58. ANONYMOUS "L4" - DP Authorization granted 4/4/12
59. ANONYMOUS "L5" - A/Substituted Service granted 6/4/12
60. ANONYMOUS "L6" - DP Authorization granted 4/4/12
61. ANONYMOUS "L7" - A/Disclosure granted 9/13/12.
62. ANONYMOUS "L8" - DP discontinued by Order dated 12/18/12
63. LINN, DAVID A. - O/Interim Suspension & DP Authorization granted 2/29/12
64. LEVNER, NATHAN - O/Interim Suspension & DP Authorization granted 6/1/12
65. LEVNER, NATHAN - O/Disbarment dated 12/12/12
66. LOVEJOY, DAVID E. - A/Voluntary Resignation accepted 11/28/12
67. LUCHS, STACY - A/Voluntary Resignation accepted 6/1/12
68. ANONYMOUS "M" - M/Substituted Service granted 1/5/12
69. ANONYMOUS "M2" - A/Disclosure granted 1/5/12
70. ANONYMOUS "M3" - DP Authorization granted 4/16/12
71. ANONYMOUS "M4" - DP Authorization granted 4/6/12
72. ANONYMOUS "M5" - A/Substituted Service granted 5/2/12
73. ANONYMOUS "M7" - DP discontinued by Order dated 11/20/12
74. ANONYMOUS "M6" - DP discontinued 12/12/12
75. MALONEY, CHRISTOPHER J. - O/Six Month Suspension dated 2/7/12
76. MACEDONIO, ROBERT A. - O/Interim Suspension & DP Authorization granted 4/23/12
77. MACHAT, STEVEN E. - O/Suspension for Two Years dated 11/21/12, commencing 12/24/12
78. MADDEN, BRIAN M. - A/Voluntary Resignation accepted 3/9/12*
79. MALONE, STEPHEN K. - O/Indefinite Suspension dated 7/11/12.
80. MANDEL, RONALD H. - A/Voluntary Resignation accepted 11/28/12
81. MARKS, MARTIN E. - A/Reinstatement granted 1/31/12
82. MC OWEN, BARRY G. - A/Voluntary Resignation accepted 6/1/12.*
83. MEYER, FREDERICK G. - A/Voluntary Resignation accepted 11/20/12
84. MILLER, GILMAN T. - A/Voluntary Resignation accepted 3/9/12*
85. MIMS, JERRY M. - O/Suspension for 3 Years dated 12/12/12, commencing 1/11/13
86. MOTT, GEOFFREY T. - A/Reinstatement granted 7/11/12.

87. ANONYMOUS "N" - DP Authorization granted 1/6/12
88. ANONYMOUS "N2" - DP Authorization granted 2/15/12
89. ANONYMOUS "N3" - A/Disclosure granted 5/29/12
90. ANONYMOUS "N4" - DP discontinued by Order dated 12/18/12
91. ANONYMOUS "O" - DP Authorization granted 1/23/12
92. ANONYMOUS "O2" - DP Authorization granted 2/16/12
93. ANONYMOUS "O3" - A/Extension of Time to Serve Petition granted 3/19/12*
94. ANONYMOUS "O4" - DP Authorization granted 4/16/12
95. ANONYMOUS "O5" - Court accepted Voluntary Resignation, DP discontinued 10/19/12
96. OZIEL, ROBERT I. - O/Disbarment dated 11/21/12, effective 1/26/12
97. ANONYMOUS "P" - A/Substituted Service granted 8/13/12.
98. PERKOWSKI, THOMAS J. - O/Censure dated 3/20/12
99. POPE, KATHERINE Z. - O/Interim Suspension & DP Authorization granted 5/22/12
100. PELLERITO, CLAIRE LASKY - A/Voluntary Resignation accepted 11/28/12
101. ANONYMOUS "R" - M/Costs denied 6/13/12
102. ANONYMOUS "R2" - A/Disclosure granted 6/14/12
103. REILLY, WILLIAM J. - O/Disbarment based on Resignation dated 5/8/12
104. RIZZO, JOSEPH N. - O/Disbarment based on Resignation dated 7/18/12.
105. REYNOLDS, JOHN A. - O/Disbarment dated 11/28/12, effective 1/4/12
106. ANONYMOUS "S" - DP Authorization granted 5/15/12
107. ANONYMOUS "S2" - Motion referred back to Grievance Committee by Order dated 12/5/12
108. ANONYMOUS "S3" - Motion referred back to Grievance Committee by Order dated 12/5/12
109. SERLIN, ETHAN J. - O/Disbarment dated 4/3/12 effective 10/26/11
110. SOKOLOFF, RICHARD D. - O/Public Censure dated 4/24/12
111. SKLAR, HOWARD M. - O/Interim Suspension & DP Authorization granted 11/29/12
112. ANONYMOUS "T" - A/Disclosure granted 12/30/11*
113. ANONYMOUS "T2" - Referred Back to Grievance Committee by Order dated 4/10/12
114. ANONYMOUS "T3" - M/Supplemental Petition granted 5/10/12
115. ANONYMOUS "T4" - DP Authorization granted 12/18/12
116. TOWNS, EMANUEL A. - A/Reinstatement denied 11/21/12
117. WARBURGH, PAUL E. - O/Censure dated 2/21/12
118. WASSERMAN, MARK O. - O/Disbarment based on Resignation dated 5/23/12
119. WASSERMAN, MARK O. - DP discontinued based on Disbarment Order dated 5/23/12
120. ZALESK, MARYANN - Respondent deceased; Motion withdrawn 12/18/12
121. ZUCKER, SCOTT M. - A/Reinstatement granted 11/14/12

THIRD DEPARTMENT

DIGEST OF 2012 DISCIPLINARY DECISIONS

Attorney	Disposition	Summary of charges
Ambe, Jude 98 AD3d 1165 9/13/12	Censured	DR 6-101(a)(3) [Rule 1.3(b)]; DR 9-102(c)(4),(d)(3)(5) [Rule 1.15(c)(3)(4)(d)(1)(iii), (iv), (v), (viii)]; 8.4(d) for neglecting a client's immigration matter and, regarding another client, failing to promptly respond to requests for her file, providing a dishonest and improper reason for not turning over a file, failing to properly inform the client that he was not admitted to practice and failing to keep proper records. In addition, respondent was reprimanded in the State of Maryland for improperly engaging in tort law practice in Maryland, failing to indicate on his business cards that he is not licensed to practice law in Maryland and failing to properly advise insurance company representatives that he was only admitted to practice in New York.
Barrantes, Rachael W. 96 AD3d 1293 6/21/12	Reinstated	8/5/10 suspension (76 AD3d 746) for failure to comply with Judiciary Law §468-a. Reinstated upon proof of compliance.
Barrett, Dennis J. 98 AD3d 1228 9/27/12	Censured	22 NYCRR 806.19 reciprocal discipline based upon New Jersey censure.
Bauman, Jay E. 96 AD3d 1248 6/7/12	Reinstated	9/24/09 suspension (65 AD3d 1447) for failure to comply with Judiciary Law §468-a. Reinstated upon proof of compliance.
Blank, John B. 100 AD3d 1182 11/15/12	Disbarred	Final order pursuant to Judiciary Law §90(4)(g) based upon a guilty plea in the United States District Court for the District of Connecticut to one count of making and subscribing a false tax return in violation fo 26 USC §7206.
Briscoe, Hammond J. 98 AD3d 1142 9/6/12	Disbarred	22 NYCRR 806.19 reciprocal discipline based upon Maryland disbarment.
Cameron, Duncan G. 92 AD3d 1201 2/23/12	Indefinite suspension	22 NYCRR 806.19 reciprocal discipline based upon New Jersey interim suspension.

Attorney	Disposition	Summary of charges
Cameron, Duncan G. 100 AD3d 1142 11/8/12	Disbarred	22 NYCRR 806.19 reciprocal discipline based upon New Jersey disbarment.
Chamblee, J. Michael 96 AD3d 1343 6/28/12	Disbarred	DR 9-102(c)(1)(3)(4) [Rule 1.15(c)(1)(3)(4)] for diverting over \$44,000 in payments from his law firm's clients for his own use; DR 6-101(a)(3) [Rule 1.3(b)] for neglecting client matters; and DR 1-102(a)(4) [Rule 8.4(c)] for engaging in dishonest, fraudulent or deceitful conduct, and failure to cooperate with the Committee.
Cogan, Kathleen 100 AD3d 1254 11/21/12	1 year stayed suspension	Rule 8.4(d) for failing to cooperate with the Committee's investigation into the complaint against the attorney by a former client.
Dayton, Kevin A. 94 AD3d 1329 4/19/12	2 year suspension	Rule 1.3(b) for neglect; Rule 1.4(a)(4) for failing to communicate with client; Rule 8.4 for failing to cooperate with the Committee; 22 NYCRR 806.4(c)(1)(ii) for failing to appear for oral admonition.
DelBoccio, David S. 92 AD3d 1202 2/23/12	1 year suspension	22 NYCRR 806.19 reciprocal discipline based upon Michigan suspension.
Doherty, Stephen G. 95 AD3d 1431 5/3/12	Disbarred	22 NYCRR 806.8(b) acceptance of respondent's disciplinary resignation.
Gill, Anne W. 98 AD3d 1164 9/13/12	Reinstated	9/24/09 suspension (65 AD3d 1447) for failure to comply with Judiciary Law §468-a. Reinstated upon proof of compliance.
Gold, Lawrence D. 100 AD3d 1342 11/29/12	Reinstated	Reinstatement application from 2009 three year suspension (64 AD3d 990) granted.
Hennessey, James J., Jr. 95 D3d 1501 5/10/12	Disbarred	Resignation based upon guilty plea to two felony counts of aggravated harassment in the second degree.

Attorney	Disposition	Summary of charges
Horowitz, Andrew D. 99 AD3d 1168 10/25/12	Reinstated	9/24/09 suspension (65 AD3d 1447) for failure to comply with Judiciary Law §468-a. Reinstated upon proof of compliance.
Hughes, Robert J. 95 AD3d 1502 5/10/12	Disbarred	22 NYCRR 806.19 reciprocal discipline based upon Florida disbarment.
Hunt, Gina M. 100 AD3d 1182 11/15/12	Reinstated	9/24/09 suspension (65 AD3d 1447) for failure to comply with Judiciary Law §468-a. Reinstated upon proof of compliance.
Janzen, Michael K. 93 AD3d 1142 3/19/12	Reinstated	9/24/09 suspension (65 AD3d 1447) for failure to comply with Judiciary Law §468-a. Reinstated upon proof of compliance.
Keegan, Charles J. 95 AD3d 1560 5/17/12	2 year suspension	Rule 8.4(b)(c)(d)&(h) for engaging in fraudulent and illegal conduct prejudicial to the administration of justice that adversely reflected on his fitness as a lawyer when respondent became obsessed with the family of an adolescent whom he had represented as attorney for the child.
Kelly, Peter E. 98 AD3d 794 8/9/12	Indefinite suspension	22 NYCRR 806.19 reciprocal discipline based upon Florida suspension.
Kerekes, Michael S. 95 AD3d 1431 5/3/12	Disbarred	Final order of discipline pursuant to Judiciary Law §90(4)(g) based upon conviction of conspiracy to defraud the United States, commit tax evasion, aid and assist in the preparation of false tax returns and obstruct and impede the due administration of the Internal Revenue Service in violation of 18 USC §371, and tax evasion, in violation of 26 USC §7201.
Kindlon, Terence E. 98 AD3d 1227 9/27/12	Censured	Rules 3.3(f)(2); 8.4(h) for engaging in undignified and/or discourteous conduct as well as conduct that adversely reflects on his fitness as a lawyer when during a recess in a trial and while the prosecutor was outside the courtroom,

Attorney	Disposition	Summary of charges
		respondent viewed, handled and photographed a document that was on the prosecution's table without ever being granted permission.
Kuruk, Paul M. 98 AD3d 793 8/9/12	Reinstated	9/24/09 suspension (65 AD3d 1447) for failure to comply with Judiciary Law §468-a. Reinstated upon proof of compliance.
Lacy, Peter C. 98 AD3d 794 8/9/12	Censured	22 NYCRR 806.19 reciprocal discipline based upon Massachusetts public reprimand.
Locoh-Donou, Ayele V. 96 AD3d 1344 6/28/12	Reinstated	9/24/09 suspension (65 AD3d 1447) for failure to comply with Judiciary Law §468-a. Reinstated upon proof of compliance.
Mahoney, Sol E. 92 AD3d 1204 2/23/12	Reinstated	9/24/09 suspension (65 AD3d 1447) for failure to comply with Judiciary Law §468-a. Reinstated upon proof of compliance.
Malinski, Norman 99 AD3d 1167 10/25/12	Disbarred	22 NYCRR 806.19 reciprocal discipline based upon Florida disbarment.
McAllister Olivarius, Ann 94 AD3d 1224 4/5/12	Admission revoked	DR 1-101(a); DR 1-102(a)(4),(5)&(7) for having made materially false statements and having failed to disclose material facts requested in connection with her application for admission.
Melendez, William E. 101 AD3d 1229 12/6/12	Disbarred	DR 1-101(a); DR 1-102(a)(4),(5)&(7) for having made materially false statements in connection with his application for admission. 22 NYCRR 806.19 reciprocal Untied States District Court for the District of Puerto Rico two year suspension.
Menzies, George C. 94 AD3d 1291 4/12/12	Reinstated	9/24/09 suspension (65 AD3d 1447) for failure to comply with Judiciary Law §468-a. Reinstated upon proof of compliance.
Mills, David W. 96 AD3d 1149 6/7/12	Reinstated	7/7/99 suspension (262 AD2d 702) for failure to comply with Judiciary Law §468-a. Reinstated upon proof of compliance.

Attorney	Disposition	Summary of charges
Monroy, Marco G. 98 AD3d 832 8/30/12	Reinstated	8/5/10 suspension (76 AD3d 746) for failure to comply with Judiciary Law §468-a. Reinstated upon proof of compliance.
Moss, Marcia J. 99 AD3d 1029 10/11/12	1 year stayed suspension	Rule 8.4(d) failing to cooperate with Committee's investigation.
Mpaka, Noel P. 92 AD3d 1203 2/23/12	1 year suspension	DR 1-102(a)(3),(4),(5)&(7) [Rule 8.4(b),(c),(d)&(h)] based upon March 2011 disciplinary decision of the Office of the Chief Immigration Judge of the United States Department of Justice, Executive Office for Immigration Review. This decision indefinitely suspended respondent, on consent, from practicing law before the immigration courts because respondent practiced law before the immigration courts subsequent to the loss of his lawful immigration status in August 2007.
Neary, Joseph D. 93 AD3d 1018 3/15/12	Reinstated	9/24/09 suspension (65 AD3d 1447) for failure to comply with Judiciary Law §468-a. Reinstated upon proof of compliance.
Nizer, Mark D. 93 AD3d 1141 3/29/12	2 year suspension	Rules 8.4(c),(d)&(h) for engaging in misleading and deceiving conduct by falsely preparing and submitting bills to his employer and clients when in fact no work was performed by him.
Omoyeni, Robert O. 93 AD3d 1019 3/15/12	Reinstated	9/24/09 suspension (65 AD3d 1447) for failure to comply with Judiciary Law §468-a. Reinstated upon proof of compliance.
Park, Jae Hoon 95 AD3d 1648 5/31/12	Interim suspension	Judiciary Law §90(4)(g) interim suspension based upon conviction of serious crime.
Park, Jae Hoon 98 AD3d 814 8/23/12	Indefinite suspension	Final order of discipline pursuant to Judiciary Law §90(4)(g) based upon conviction of serious crime.

Attorney	Disposition	Summary of charges
Paul, Roger L. 95 AD3d 1647 5/31/12	2 year stayed suspension	Rules 1.15(a) and 8.4(c)(d)&(h) for converting funds from respondent's attorney escrow account over a period of several months in 2010 for personal purposes and also issuing a check against insufficient funds on the escrow account in May 2010.
Pesante, Wilfredo 101 AD3d 1349 12/13/12	Disbarred	22 NYCRR 806.19 reciprocal discipline based upon District of Columbia disbarment.
Phelan, Lawrence T. 92 AD3d 1205 2/23/12	Reinstated	9/24/09 suspension (65 AD3d 1447) for failure to comply with Judiciary Law §468-a. Reinstated upon proof of compliance.
Radshaw, John J., III 93 AD3d 1140 3/29/12	Censured	22 NYCRR 806.19 reciprocal discipline based upon six month stayed suspension in Connecticut.
Rockmacher, Stephen L. 100 AD3d 1180 11/15/12	Censured	DR 1-102(a)(4),(5) and DR 61-1(a)(3) for engaging in professional misconduct by making an untrue statement to petitioner concerning the reason a telephonic hearing in an immigration removal proceeding in which he participated had to be rescheduled, neglecting the client's matter by being unprepared during the telephonic hearing, and failing to provide an itemized bill in another client's matrimonial matter.
Rosen, Peter 100 AD3d 1141 11/8/12	Censured	22 NYCRR 806.19 reciprocal discipline based upon New Jersey reprimand.
Schaeffer, Peter K. 100 AD3d 1342 11/29/12	Censured	22 NYCRR 806.19 reciprocal discipline based upon Delaware reprimand.
Shele, Imani 91 AD3d 1182 1/19/12	1 year suspension	22 NYCRR 806.19 reciprocal discipline based upon Florida suspension of 8/30/07 with effective date of 8/30/07.

Attorney	Disposition	Summary of charges
Smith, Erik Antonio D. 98 AD3d 1165 9/13/12	Reinstated	6/15/00 suspension (273 AD2d 600) for failure to comply with Judiciary Law §468-a. Reinstated upon proof of compliance.
Stoia, Samuel J. 95 AD3d 1651 5/31/12	Reinstated	10/25/07 suspension (44 AD2d 1246) for failure to comply with Judiciary Law §468-a. Reinstated upon proof of compliance.
Studwell, Laura V. 96 AD3d 1148 6/7/12	Reinstated	6/15/00 suspension (273 AD2d 600) for failure to comply with Judiciary Law §468-a. Reinstated upon proof of compliance.
Swedick, Matthew J. 98 AD3d 793 8/10/12	Reinstated	Reinstatement application from 2011 one year suspension (81 AD3d 1033) granted.
Teitelbaum, Steven U. 100 AD3d 1142 11/8/12	2 year suspension	Rules 1.3(b), 1.4, 8.4(d) and 1.15(c)(4) for neglecting a client matter, failing to communicate with a client, engaging in unprofessional, discourteous and vulgar conduct towards an attorney, failing to cooperate with petitioner in an investigation of his conduct and failing to account to his client for work performed and remit funds belonging to a client.
Urda, Richard P. 99 AD3d 1165 10/25/12	1 year stayed suspension	Rules 1.7(a)(1), 1.8(b) and 4.3 for using information related to the representation of a client to the detriment of the client, engaging in a conflict of interest and communicating with an unrepresented person without advising her to seek independent counsel. In addition, respondent did not comply with the rules governing representation of clients in matrimonial matters because he failed to enter into a written retainer agreement, failed to provide his client with a Statement of Client's Rights and Responsibilities, and failed to bill his client at least every 60 days during the course of his representation. Suspension stayed with respondent required to complete 6 additional hours of CLE in ethics and professionalism.

Attorney	Disposition	Summary of charges
Waite, Stephen J. 100 AD3d 1343 11/29/12	Stayed suspension terminated	9/15/11 stayed suspension (87 AD3d 1200) terminated based on fully complying with condition of stay.
Whiting, Kenneth P. 91 AD3d 1266 11/26/12	Reinstated	Reinstatement application from 12/9/10 three month suspension (79 AD3ed 1359) granted.
Yemane-Brehan, Efrem 92 AD3d 1204 2/23/12	Reinstated	9/24/09 suspension (65 AD3d 1447) for failure to comply with Judiciary Law §468-a. Reinstated upon proof of compliance.

**FOURTH DEPARTMENT
(Fifth Judicial District)**

Attorney (Date of Order)	Discipline Imposed	Disciplinary Rules or Statutes
Mohammed J. Athari 01/13/12 93 AD3d 153	Censured	DR 1-102(A)(3) [22 NYCRR §1200.3(a)(3)] - engaging in illegal conduct that adversely reflects on his honesty, trustworthiness and fitness as a lawyer; DR 1-102(A)(4) [22 NYCRR §1200.3(a)(4)] - engaging in conduct involving dishonesty, fraud, deceit or misrepresentation; DR 1-102(A)(5) [22 NYCRR §1200.3(a)(5)] - engaging in conduct that is prejudicial to the administration of justice; DR 1-102(A)(7) [22 NYCRR §1200.3(a)(7)] - engaging in any other conduct that adversely reflects on the lawyer's fitness as a lawyer; DR 2-107(A)(1) [22 NYCRR §1200.12(a)(1)] - dividing a fee for legal services with another lawyer who is not a partner in or associate of the lawyer's law firm without client consent after full disclosure to the client that a division of fees will be made; DR 7-102(A)(4) [22 NYCRR §1200.33(a)(4)] - knowingly use perjured testimony or false evidence in the representation of a client; DR 7-102(A)(5) [22 NYCRR §1200.33(a)(5)] - knowingly making a false statement of law or fact in the representation of a client; DR 7-102(A)(8) [22 NYCRR §1200.33(a)(8)] - knowingly engaging in illegal conduct or conduct contrary to a disciplinary rule in the representation of a client; DR 9-102(A) [22 NYCRR

§1200.46(a)] - misappropriating client funds and commingling client funds with personal funds; DR 9-102(C)(3) [22 NYCRR §1200.46(c)(3)] - failing to maintain complete records of all funds, securities and other properties of a client or third person coming into his possession and to render appropriate accounts to the client or third person regarding them; DR 9-102(D)(1) [22 NYCRR §1200.46(d)(1)] - failing to maintain required records of bank account; DR 9-102(D)(2) [22 NYCRR §1200.46(d)(2)] - failing to maintain a record for special accounts, showing the source of all funds deposited in such accounts, the names of all persons for whom the funds are or were held, the amount of such funds, the description and amounts, and the names of all persons to whom such funds were disbursed; and, DR 9-102(J) [22 NYCRR §1200.46(j)] – failing to produce required bookkeeping records in response to a notice issued by the Grievance Committee.

Lauren A. Austin
08/03/12
99 AD3d 190

Suspended

Judiciary Law § 468-a and 22 NYCRR 118.1 failure to comply with attorney registration requirements.

Stefan D. Berg
04/20/12
96 AD3d 50

Suspended Six Months

Rule 1.1(b) [22 NYCRR §1200.0] - handling a legal matter that he knows or should know that he is not competent to handle; Rule 1.7(a)(1) [22 NYCRR §1200.0] - representing multiple clients with differing interests without disclosing the implications of the simultaneous representation and obtaining from

each affected client informed consent to the representation, confirmed in writing; Rule 4.2(a) [22 NYCRR §1200.0] - communicating during the course of the representation of a client about the subject of the representation with a party the lawyer knows to be represented by a lawyer in the matter; and Rule 8.4(h) [22 NYCRR §1200.0] - engaging in conduct that adversely reflects on his fitness as a lawyer.

Stephen S. Bowman
06/08/12
97 AD3d 220

Censured

DR 1-102(a)(3) [22 NYCRR §1200.3(A)(3)] and Rule 8.4(b) [22 NYCRR §1200.0] - engaging in illegal conduct that adversely reflects on his honesty, trustworthiness and fitness as a lawyer; DR 1-102(A)(5) [22 NYCRR §1200.3(A)(5)] and Rule 8.4(d) [22 NYCRR §1200.0] - engaging in conduct that is prejudicial to the administration of justice; and DR 1-102(A)(7) [22 NYCRR §1200.3(A)(7)] and Rule 8.4(h) [22 NYCRR §1200.0] - engaging in other conduct that adversely reflects on the lawyer's fitness as a lawyer.

Leon R. Koziol
01/26/12
92 AD3d 1265

Reinstated

Lee J. Plavoukos
05/22/12
96 AD3d 1510

Suspended

Pursuant to 22 NYCRR 102.23(b).

M. J. Smoral
08/03/12
99 AD3d 190

Suspended

Judiciary Law § 468-a and 22 NYCRR 118.1 failure to comply with attorney registration requirements.

Doreen St. Thomas
12/21/12
103 AD3d 130

Censured

DR 1-102(A)(5) [22 NYCRR §1200.3(a)(5)] and Rule 8.4(d) [22 NYCRR §1200.0] - engaging in conduct that is prejudicial to the administration of justice; DR 1-102(A)(7) [22 NYCRR §1200.3(a)(7)] and Rule 8.4(h) [22 NYCRR §1200.0] - engaging in conduct that adversely reflects on the lawyer's fitness as a lawyer; DR 5-104(A)(1) [22 NYCRR §1200.23(a)] - entering into a business transaction with a client if they have differing interests therein and if the client expects her to exercise professional judgment therein for the protection of the client without disclosing the terms of the transaction to the client in writing and obtaining in writing the consent of the client to those terms and to her inherent conflict of interest in the transaction; DR 7-102(A)(5) [22 NYCRR §1200.33(a)(5)] - knowingly making a false statement of law or fact in the representation of a client; DR 9-102(J) [22 NYCRR §1200.46(j)] and Rule 1.15(j) [22 NYCRR §1200.0] - failing to produce required bookkeeping records in response to a notice issued by the Grievance Committee; Rule 1.15(a) [22 NYCRR §1200.0] - misappropriating funds belonging to another person that are in her possession incident to her practice of law; and Rule 8.4(c) [22 NYCRR §1200.58(c)] - engaging in conduct involving dishonesty, fraud, deceit or misrepresentation.

Joseph M. Wentland

Reinstated

10-23-12

100 AD3d 1471

(Seventh Judicial District)

Christina A. Agola 09/28/12 99 AD3d 251	Censured	22 NYCRR 1022.22 - Reciprocal Discipline Order.
Louis Asandrov 08/15/12 99 AD3d 159	Censured	DR 1-102 (a) (3) (22 NYCRR 1200.3 [a] [3]) - engaging in illegal conduct that adversely reflects on his honesty, trustworthiness or fitness as a lawyer; DR 1-102 (a) (5) (22 NYCRR 1200.3 [a] [5]) and rule 8.4 (d) of the Rules of Professional Conduct (22 NYCRR 1200.0) - engaging in conduct that is prejudicial to the administration of justice; DR 1-102 (a) (7) (22 NYCRR 1200.3 [a] [7]) and rule 8.4 (h) of the Rules of Professional Conduct (22 NYCRR 1200.0) - engaging in conduct that adversely reflects on his fitness as a lawyer; DR 6-101 (a) (3) (22 NYCRR 1200.30 [a] [3]) and rule 1.3 (b) of the Rules of Professional Conduct (22 NYCRR 1200.0) -neglecting a legal matter entrusted to him; and DR 7-106 (c) (7) (22 NYCRR 1200.37 [c] [7]) and rule 3.3 (f) (3) of the Rules of Professional Conduct (22 NYCRR 1200.0) - intentionally or habitually violating an established rule of procedure or of evidence in appearing as a lawyer before a tribunal.
Lawrence Baker 06/08/12 98 AD3d 38	Suspended Two Years	Rule 8.4 (b) (22 NYCRR 1200.0) - engaging in illegal conduct that adversely reflects on his honesty, trustworthiness or fitness as a lawyer; and rule 8.4 (h) (22 NYCRR 1200.0) - engaging in conduct that adversely reflects on his fitness as a

lawyer.

Karen Smith Callanan 07/19/12 99 AD3d 136	Censured	Rule 1.1 (a) (22 NYCRR 1200.0) - failing to provide competent representation to a client; Rule 1.3 (a) (22 NYCRR 1200.0) - failing to act with reasonable diligence and promptness in representing a client Rule 1.3 (b) (22 NYCRR 1200.0) - neglecting a legal matter entrusted to her; Rule 1.4 (a) (2) (22 NYCRR 1200.0) - failing to consult with a client in a reasonable manner about the means by which the client's objectives are to be accomplished; Rule 1.4 (a) (3) (22 NYCRR 1200.0) - failing to keep a client reasonably informed about the status of a matter; Rule 8.4 (d) (22 NYCRR 1200.0) - engaging in conduct that is prejudicial to the administration of justice; and Rule 8.4 (h) (22 NYCRR 1200.0) - engaging in conduct that adversely reflects on her fitness as a lawyer.
William Easton 05/22/12 96 AD3d 1510	Suspended	Pursuant to 22 NYCRR 1022.23(b).
Willie R. Felton 12/05/12 101 AD3d 1698	Reinstatement Denied	Petitioner has failed to sustain his burden of demonstrating by clear and convincing evidence that he has complied with the order of disbarment, that he has the requisite character and fitness to practice law or that it would be in the public interest to reinstate him.
Thomas M. Gagne 03/16/12 94 AD3d 125	Suspended for 60 Days	22 NYCRR 1022.22 - Reciprocal Discipline Order.

Billie D. Holliday 02/10/12 93 AD3d 86	Censured	DR 1-102 (a) (3) (22 NYCRR 1200.3 [a] [3]) - engaging in illegal conduct that adversely reflects on his honesty, trustworthiness or fitness as a lawyer; and DR 1-102 (a) (7) (22 NYCRR 1200.3 [a] [7]) - engaging in conduct that adversely reflects on his fitness as a lawyer.
Melissa Ann Mahler 03/16/12 94 AD3d 114	Suspended	Violation of 18 USC §1001 is a serious crime within the meaning of Judiciary Law §90(4)(d).
Robert Victor Semon 03/16/12 94 AD3d 51	Disbarred	22 NYCRR 1022.22 - Reciprocal Discipline Order.
P. David Soares 05/09/12 97 AD3d 242	Censured	Violated Rule 8.4(d) of the Rules of Professional Conduct (22 NYCRR 1200.0) - engaging in conduct that is prejudicial to the administration of justice.
Lance J.M. Steinhart 04/04/12 94 AD3d 1479	Reinstated	Order entered terminating suspension and reinstating petitioner to the practice of law.
Dan M. Walters 04/20/12 96 AD3d 57	Censured	Rule 3.3(a) (1) (22 NYCRR 1200.0) - knowingly making a false statement of fact or law to a tribunal and failing to correct a false statement of material fact or law previously made to the tribunal; Rule 3.3(e) (22 NYCRR 1200.0) - failing to disclose the identity of his client in presenting a matter to a tribunal; Rule 4.2(a) (22 NYCRR 1200.0) - communicating during the course of the representation of a client about the subject of the representation with a party the lawyer knows to be represented by a lawyer in the matter; Rule 8.4(c) (22 NYCRR

1200.0) - engaging in conduct involving dishonesty, fraud, deceit or misrepresentation; Rule 8.4(d) (22 NYCRR 1200.0) - engaging in conduct that is prejudicial to the administration of justice; and Rule 8.4 (h) (22 NYCRR 1200.0) - engaging in conduct that adversely reflects on his fitness as a lawyer.

(Eighth Judicial District)

David Allen 08/03/12 99 AD3d 190	Suspended	Judiciary Law §468-a; 22 NYCRR 118.1 - suspended for failure to comply with attorney registration requirements.
Mark S. Aquino 98 AD3d 15 6/08/12	Censured	DR 1-102(a)(7) (22 NYCRR 1200.3[a][7]) and rule 8.4(h) of the Rules of Professional Conduct (22 NYCRR 1200.0) - engaging in conduct that adversely reflects on his fitness as a lawyer; DR 9-102(a) (22 NYCRR 1200.46[a]) and rule 1.15(a) of the Rules of Professional Conduct (22 NYCRR 1200.0) - misappropriating funds belonging to another person and commingling such funds with personal funds; DR 9-102(b)(1) (22 NYCRR 1200.46[b][1]) and rule 1.15(b)(1) of the Rules of Professional Conduct (22 NYCRR 1200.0) - failing to maintain funds belonging to another person in a special account separate from his business or personal accounts; and DR 9-102(c)(4) (22 NYCRR 1200.46[c][4]) and rule 1.15(c)(4) of the Rules of Professional Conduct (22 NYCRR 1200.0) - failing to pay or deliver to a third person in a prompt manner as requested by the third person the funds, securities or other properties in his possession that the third person is entitled to receive.
Douglas G. Ashby 08/03/12 99 AD3d 190	Suspended	Judiciary Law §468-a; 22 NYCRR 118.1 - suspended for failure to comply with attorney registration requirements.
Thomas J. Barnes 96 AD3d 1510 5/22/12	Interim Suspension	Judiciary Law §90(4)(f).
Kevin C. Clor 92 AD3d 1265 1/26/12	Interim Suspension	22 NYCRR 1022.20(d)(3)(d).

Kevin C. Clor 98 AD3d 1322 8/01/12	Disbarred	Grand Larceny in the Second Degree conviction.
Sheryl Lee Connelly 08/03/12 99 AD3d 190	Suspended	Judiciary Law §468-a; 22 NYCRR 118.1 - suspended for failure to comply with attorney registration requirements.
Dana T. Cowan 08/03/12 99 AD3d 190	Suspended	Judiciary Law §468-a; 22 NYCRR 118.1 - suspended for failure to comply with attorney registration requirements.
Stephen J. DeRosa 96 AD3d 1510 5/22/12	Interim Suspension	22 NYCRR 1022.23(b).
Christ Gaetanos 99 AD3d 131 7/19/12	Censured	DR 1-102(a)(3) (22 NYCRR 1200.3[a][3]) and rule 8.4(b) of the Rules of Professional Conduct (22 NYCRR 1200.0) - engaging in illegal conduct that adversely reflects on his honesty, trustworthiness or fitness as a lawyer; and DR 1-102(a)(7) (22 NYCRR 1200.3[a][7]) and rule 8.4(h) of the Rules of Professional Conduct (22 NYCRR 1200.0) - engaging in conduct that adversely reflects on his fitness as a lawyer.
Henry Gitter 08/03/12 99 AD3d 190	Suspended	Judiciary Law §468-a; 22 NYCRR 118.1 - suspended for failure to comply with attorney registration requirements.
Daniel M. Glaser 100 AD3d 1472 10/11/12	Disbarred	Grand Larceny in the Third Degree and Criminal Possession of a Forged Instrument in the Second Degree convictions.
Douglas Frederick Godinho 08/03/12 99 AD3d 190	Suspended	Judiciary Law §468-a; 22 NYCRR 118.1 - suspended for failure to comply with attorney registration requirements.
James John Jasinski 08/03/12 99 AD3d 190	Suspended	Judiciary Law §468-a; 22 NYCRR 118.1 - suspended for failure to comply with attorney registration requirements.

James A. MacCallum 100 AD3d 1471 10/23/12	Disbarred (Resigned)	
Joseph G. Makowski 92 AD3d 1265 2/02/12	Reinstated	
Michael Jerry O'Neill 08/03/12 99 AD3d 190	Suspended	Judiciary Law §468-a; 22 NYCRR 118.1 - suspended for failure to comply with attorney registration requirements.
Alfred Soule Remsen, Jr., 08/03/12 99 AD3d 190	Suspended	Judiciary Law §468-a; 22 NYCRR 118.1 - suspended for failure to comply with attorney registration requirements.
Philip R. Rothschild 98 AD3d 1322 09/12/12	Interim Suspension	Judiciary Law §90(4).
Michael A. Schaeftler 08/03/12 99 AD3d 190	Suspended	Judiciary Law §468-a; 22 NYCRR 118.1 - suspended for failure to comply with attorney registration requirements.
David R. Schnell 92 AD3d 1265 1/11/12	Disbarred	Grand Larceny in the Third Degree Conviction.
Jeanine Marie Sorrentino 08/03/12 99 AD3d 190	Suspended	Judiciary Law §468-a; 22 NYCRR 118.1 - suspended for failure to comply with attorney registration requirements.

Departmental and District Grievance Committees

DEPARTMENTAL AND DISTRICT GRIEVANCE COMMITTEES

FIRST DEPARTMENT

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THIRD DEPARTMENT

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Samantha M. Holbrook, Esq.
William J. Keniry, Esq.
William E. Lorman, Esq.
Edward R. Marinstein, Esq.

Michael D. McCormick, Esq.
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Alan J. Pope, Esq.
Ransom P. Reynolds, Esq.
John G. Rusk, Esq.
Michael G. St. Leger, Esq.
Richard D. Wickerham, Esq.
Akosua Yeboah*

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Joseph P. Giruzzi
Lawrence W. Golden
Cindy A. Granger
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Peter L. Hubbard
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Karl Manne
James H. Messenger, Jr.
C. Andrew Pappas
David M. Primo
Mark R. Rose
William W. Rose
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Michael F. Young

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Stephen R. Ricci
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Mary B. Schiller

Raymond F. Shirtz, Jr.*

Ellen Swartz Simpson

Sheldon K. Smith

Betsy S. Steger

Robert Viola

Laura A. Wagner

*Denotes Non-lawyer Member

Professional Disciplinary Staffs

Professional Disciplinary Staffs

FIRST DEPARTMENT

Departmental Disciplinary Committee

First Judicial Department
61 Broadway, 2nd Floor
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212-401-0800

Jorge Dopico, Chief Counsel
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Vitaly Lipkansky, Deputy Chief Counsel
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Nicole Corrado, Staff Attorney
Kevin P. Culley, Staff Attorney
Kevin Doyle, Staff Attorney
Paul Friman, Staff Attorney
Roberta N. Kolar, Staff Attorney
Jun Hwa Lee, Staff Attorney
Norma I. Lopez, Staff Attorney
Norma I. Melendez, Staff Attorney
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Elisabeth A. Palladino, Staff Attorney
Orlando Reyes, Staff Attorney
Eileen J. Shields, Staff Attorney
Kaylin L. Whittingham, Staff Attorney
Kathy Wu, Staff Attorney
John E. Puglise, Chief Investigator

George Cebisch, Investigator
Anthony Rodriguez, Investigator
Leonard Zarrillo, Investigator
Martin Schwinger, Accountant
Virgil Cruz, Clerk
Rebeca V. Taub, Paralegal
Nancy K. De Leon, Assistant Office Manager
Donna M. Killian, Paralegal
Joel A. Peterson, Paralegal
Lt. Gerard Hayde, Court Officer (Transferred)
Marcy Sterling, Office Manager
Eartha Hobot, Administrative Assistant
Monique Hudson, Administrative Assistant
Tennille Millhouse, Administrative Assistant
Tina Nardelli, Administrative Assistant
Celina Nelson, Administrative Assistant
Hermine Otto, Administrative Assistant
Gloria Rodriguez, Administrative Assistant
Michele Y. Wang, LAN Administrator
Charles Sauer, Computer Analyst

SECOND DEPARTMENT

Grievance Committee for the Second and Eleventh Judicial Districts

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Grievance Committee for the Ninth Judicial District

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Virginia E. Mordiglia, Court Analyst
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Ellen M. Tallevi, Senior Court Analyst
Joanne Roncallo, Senior Appellate Court Clerk
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Denise Santamorena, Secretary (Half Time)
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Grievance Committee for the Tenth Judicial District

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Patricia Lumley, Law Stenographer
Noreen Johnston, Law Stenographer
Phyllis Carusillo, Law Stenographer
Mera Maharaj-Panan, Law Stenographer
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Joann McLaughlin, Secretary

THIRD DEPARTMENT**Grievance Committee for the Third Judicial District****Committee on Professional Standards**

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Craig E. Semple, Investigator
Anna M. Hunt, Court Analyst
Carol A. Cherry, Assistant Court Analyst
Kathleen J. Kasperek, Secretary

Appendix:
Attorney Discipline Budget
Appropriations and
Salaries of Disciplinary Staff

FIRST DEPARTMENT

<u>Title</u>	<u>Grade</u>	<u>Salary</u>
Dep Chf Ap Court Attorney	560	\$144,061
Deputy Chief Attorney	532	\$141,840
Deputy Chief Attorney	532	\$141,840
Deputy Chief Attorney	532	\$137,629
Deputy Chief Attorney	532	\$135,559
Principal Attorney	531	\$108,021
Principal Attorney	531	\$115,025
Principal Attorney	531	\$115,025
Principal Attorney	531	\$137,498
Principal Attorney	531	\$133,287
Principal Attorney	531	\$108,021
Principal Attorney	531	\$120,654
Principal Attorney	531	\$133,287
Principal Attorney	531	\$133,287
Principal Attorney	531	\$129,076
Principal Attorney	531	\$124,865
Principal Attorney	531	\$129,076
Principal Attorney	531	\$133,287
Principal Attorney	531	\$116,443
Principal Attorney	531	\$123,703
Principal Attorney	531	\$108,021
Associate Attorney	528	\$92,481
Associate LAN Admin.	525	\$99,445
Principal Court Analyst	523	\$86,779
Sr. Appellate Court Asst.	521	\$78,465
Sr. Court Analyst	521	\$84,227
Sr. Court Analyst	521	\$74,404
Sr. Court Analyst	521	\$81,346
Sr. Court Analyst	521	\$78,465
Court Analyst	518	\$72,529
Court Analyst	518	\$72,529
Court Analyst	518	\$72,529
Court Analyst	518	\$57,361
Court Analyst	518	\$67,473
Administrative Secretary	517	\$68,759
Assistant Court Analyst	516	\$60,583
Assistant Court Analyst	516	\$65,177
Assistant Court Analyst	516	\$60,583
Assistant Court Analyst	516	\$54,803
Law Stenographer	514	\$57,762
Law Stenographer	514	\$46,077
Secretary	514	\$41,873
Secretary	514	\$56,587
Secretary	514	\$56,587

2012-2013 Budget – Attorney Discipline 1st Department:

Personal Service	\$4,295,556
Nonpersonal Service	<u>\$304,000</u>

Total: \$4,599,556

**SECOND DEPARTMENT
(Second & Eleventh District)**

<u>Title</u>	<u>Grade</u>	<u>Salary</u>
Chief Attorney	560	\$140,038
Deputy Chief Attorney	532	\$141,840
Principal Attorney	531	\$129,076
Principal Attorney	531	\$133,287
Principal Attorney	531	\$133,287
Principal Attorney	531	\$133,287
Principal Attorney	531	\$133,287
Principal Attorney	531	\$133,287
Senior Attorney	526	\$79,732
Sr. LAN Administrator	523	\$89,914
Sr. Court Analyst	521	\$81,346
Sr. Court Analyst	521	\$72,703
Court Analyst	518	\$70,001
Assistant Court Analyst	516	\$62,880
Assistant Court Analyst	516	\$60,583
Secretary	514	\$52,383

**SECOND DEPARTMENT
(Ninth District)**

<u>Title</u>	<u>Grade</u>	<u>Salary</u>
Chief Attorney	560	\$142,899
Deputy Chief Attorney	532	\$139,901
Principal Attorney	531	\$137,498
Principal Attorney	531	\$137,498
Principal Attorney	531	\$133,287
Principal Attorney	531	\$133,287
Principal Attorney	531	\$133,287
Principal Attorney	531	\$129,076
Principal Attorney	531	\$125,710
Principal Court Analyst	523	\$89,914
Sr. Court Analyst	521	\$72,703
Court Analyst	518	\$70,001
Assistant Court Analyst	516	\$62,880
Secretary	514	\$58,689
Secretary	514	\$58,689
Secretary	514	\$54,485
Secretary	514	\$50,281
Secretary	514	\$50,281

**SECOND DEPARTMENT
(Tenth District)**

<u>Title</u>	<u>Grade</u>	<u>Salary</u>
Deputy Chief Attorney	532	\$138,000
Deputy Chief Attorney	532	\$135,559
Principal Attorney	531	\$137,498
Principal Attorney	531	\$133,287
Principal Attorney	531	\$129,076
Principal Attorney	531	\$120,654
Principal Attorney	531	\$129,076
Principal Attorney	531	\$129,076
Principal Attorney	531	\$120,654
Principal Attorney	531	\$129,076
Principal Attorney	531	\$124,865
Principal Attorney	531	\$103,810
Asc. Attorney	528	\$101,209
Principal Court Analyst	523	\$93,049
Sr. Court Analyst	521	\$81,346
Court Analyst	518	\$72,529
Assistant Court Analyst	516	\$60,583
Law Stenographer	514	\$58,689
Secretary	514	\$54,485
Secretary	514	\$48,179
Sr. App. Office Assnt.	509	\$39,147
Sr. App. Office Assnt.	509	\$37,791

**SECOND DEPARTMENT
(Special Grievance Counsel – 2nd Department)**

<u>Title</u>	<u>Grade</u>	<u>Salary</u>
Special Counsel	560	\$142,232
Deputy Chief Attorney	532	\$144,243
Secretary	514	\$54,485

2012-2013 Budget – Attorney Discipline 2nd Department:

Personal Service	\$5,857,254
Nonpersonal Service	<u>\$935,893</u>
Total:	\$6,793,147

THIRD DEPARTMENT

<u>Title</u>	<u>Grade</u>	<u>Salary</u>
Deputy Chief Attorney	532	\$135,559
Principal Attorney	531	\$129,076
Asc. Attorney	528	\$94,900
PRN Court Analyst	523	\$93,049
Assistant Court Analyst	516	\$60,583
Assistant Court Analyst	516	\$58,806
Secretary	514	\$54,485
Secretary	514	\$50,281
Secretary	514	\$48,179
Secretary	514	\$48,179
Secretary	514	\$46,077
Pr. App. Office Assnt.	513	\$49,353

2012-2013 Budget – Attorney Discipline 3rd Department:

Personal Service	\$1,212,403
Nonpersonal Service	<u>\$221,721</u>

Total:	\$1,434,124
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FOURTH DEPARTMENT

<u>Title</u>	<u>Grade</u>	<u>Salary</u>
Chief Attorney	560	\$143,823
Principal Attorney	531	\$137,498
Principal Attorney	531	\$137,498
Principal Attorney	531	\$137,498
Principal Attorney	531	\$137,498
Principal Attorney	531	\$129,076
Associate Attorney	528	\$98,692
Associate Attorney	528	\$115,233
Sr. Court Analyst	521	\$84,227
Sr. Court Analyst	521	\$81,346
Sr. Court Analyst	521	\$78,465
Court Analyst	518	\$67,473
Court Analyst	518	\$52,305
Assistant Court Analyst	516	\$60,583
Assistant Court Analyst	516	\$60,583
Secretary	514	\$56,587
Secretary	514	\$54,485
Secretary	514	\$50,281
Secretary	514	\$39,771

2012-2013 Budget – Attorney Discipline 4th Department:

Personal Service	\$1,622,861
Nonpersonal Service	<u>\$339,000</u>
Total:	\$1,961,861

