

**ATTORNEY GRIEVANCE
COMMITTEES
2022
ANNUAL REPORT**

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**Attorney Grievance Committee
Supreme Court, Appellate Division
First Judicial Department**

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Supreme Court, Appellate Division
First Judicial Department**

**Robert J. Anello
Abigail T. Reardon
Chairs**

**Jorge Dopico
Chief Attorney**

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INTRODUCTION

Complaints against attorneys, registered at an address in Manhattan or the Bronx, are investigated and resolved by the Attorney Grievance Committee for the Supreme Court, Appellate Division, First Judicial Department (AGC). The Chief Attorney of the AGC manages a staff of over 40 salaried lawyers and non-lawyers (staff). Together with a volunteer group of lawyers and non-lawyers (collectively referred to as Committee members or the Committee), the Chief Attorney's Office processed 8,820 matters in 2022, including 3,056 new complaints.

Committee members are volunteers appointed by the Court who fulfill both adjudicative and executive functions. Most significantly, they decide, after appropriate investigation by the Chief Attorney's Office, whether a disciplinary proceeding should be brought against an attorney, whether a private admonition or letter of advisement should be issued, or whether a complaint should be dismissed. If a disciplinary proceeding is approved, the Court may appoint a referee to conduct a hearing and prepare a written report, stating the referee's findings of fact, conclusions of law and recommended sanction. Thereafter, the Court makes the final determination on both liability and sanction based on its review of the record.

In 2022, two separate volunteer Committees, each with a Chair, Vice-Chair, and 19 other members, reviewed and approved staff's recommendations to dismiss, advise, admonish, or formally charge respondents. Each volunteer Committee operates independently and meets six times annually.

Below are brief biographies which highlight the diverse accomplishments of our volunteer Committee members:

COMMITTEE MEMBERS

CHAIRS

Robert J. Anello

Mr. Anello has litigated in the federal and state courts for almost forty years. He focuses his practice on white collar criminal defense, securities and regulatory enforcement matters, complex civil litigation, internal investigations and reviews, and employment discrimination and sexual harassment. Mr. Anello is widely recognized for his skills as a

criminal and civil trial and appellate attorney, his ability to negotiate effectively on behalf of his clients, and his efficiency and discretion in conducting investigations and reviews on behalf of a wide variety of institutions. Mr. Anello has acted as independent, outside counsel and consultant in a number of matters including to a Big Four accounting firm and a major global financial institution in connection with those firms' participation in SEC Look-Back Programs, which have included reviews of the firms' internal compliance programs. Mr. Anello is President Emeritus of the Federal Bar Council and is a Fellow of the American College of Trial Lawyers, the American Bar Foundation, and the New York State Bar Foundation. He is widely known for his dedication to organizations serving the legal community. He was recently appointed by the Supreme Court, Appellate Division, First Department, as Chairperson of the Attorney Grievance Committee. He is the former Chairman of the Audit Committee for the New York City Bar Association (NYCBA) and was a member of the Association's Nominating Committee. He also is the former Chairman of the Association's Committee on Professional Responsibility and was a member of many of its committees, including the Professional Ethics, Criminal Courts, and Judicial Committees. Mr. Anello also was named as a member of the Association's Ad Hoc Committee on Multi-disciplinary Practice and the Ad Hoc Committee Task Force on the Role of Lawyers in Corporate Governance. In addition to these roles, he is a member of numerous other bar associations, including the Association of Professional Responsibility Lawyers, New York Council of Defense Lawyers, the American Bar Association (ABA), the New York State Bar Association (NYSBA), where he was a member of the Association's House of Delegates, and the International Bar Association. Mr. Anello also serves on the Board of Trustees of The Supreme Court Historical Society and is a member and secretary of the Foundation of the New York Organ Donor Network and former Chairman of the organization's Audit Committee.

Abigail T. Reardon

Ms. Reardon is a partner in the firm of DLA Piper, LLP, and a member of the Litigation Group and the Technology Sector. She is a graduate of Duke University School of Law and College of the Holy Cross. Ms. Reardon is admitted to practice law in New York and Massachusetts, the US Court of Appeals, Second Circuit, and other federal courts. Ms. Reardon is a member of the NYCBA, and the Duke University Law School Board of Visitors. She is a former trustee of Windward School, White Plains, New York, and a former governor of the Nantucket Yacht Club. Ms. Reardon served as a Vice-Chair of the Committee for two terms before her appointment as a Chair.

VICE-CHAIRS

Ricardo E. Oquendo

Mr. Oquendo is the founder and co-managing partner at Oquendo Deraco, PLLC and was previously associated with Davidoff Malito & Hatcher, LLP, Oquendo Ramirez Zayas Torres & Martinez, LLP, LeBoeuf Lamb Greene & MacRae, LLP (Dewey LeBoeuf) and with Kalkines Arky Zall & Bernstein, LLP (Manett Phelps & Phillips). Mr. Oquendo has over 33 years' experience as a business transactional and commercial litigation attorney with a special focus on business, commercial and real estate litigation, commercial and real estate transactions, commercial landlord/tenant matters (leases and litigation), special needs/affordable housing development/tax credit financing, business finance and lending, business contracts, employment law, entertainment, intellectual property licensing and litigation, hospitality and restaurants, nonprofit/tax exempt organizations, public and quasi-public governmental agencies and government relations/public affairs. Mr. Oquendo is a graduate of Rutgers University School of Law. Mr. Oquendo is admitted to practice law in the State of New York, the US Supreme Court, the US District Court, and the Southern District of New York (SDNY), Eastern District of New York (EDNY), and Northern District of New York (NDNY). Mr. Oquendo is a member of the Board of Directors of Latino Justice/Puerto Rican Legal Defense and Education Fund and is a Regent Emeritus having served as a member of the New York State Board of Regents from 1998-2003.

Tina M. Wells

Ms. Wells is a partner in the firm of Trolman Glaser Corley & Lichtman, PC. She is a graduate of Western New England School of Law and Syracuse University, and she is admitted to practice law in New York and Massachusetts. She is a member and past president of The Bronx County Bar Association, co-chair of the Civil Courts Committee and member of New York State Trial Lawyers Association. Ms. Wells has served on the Grievance Committee since 2019 and was appointed Vice-Chair of the Committee in 2022.

Milton L. Williams, Jr.

Mr. Williams is a former federal prosecutor and a deputy general counsel with deep experience in white collar criminal and regulatory matters, employment law, litigation, and advisory work representing corporations, in addition to complex commercial litigation. During his distinguished career, he has tried more than 56 cases – both civil and criminal – to verdict. Prior to joining Walden Macht & Haran, LLP, Mr. Williams was a partner at a nationally recognized law firm where he handled white collar matters. He also litigated discrimination claims, restrictive covenant, Dodd-Frank, and Sarbanes-Oxley retaliation

claims, as well as Securities and Exchange Commission and Internal Revenue Service whistleblower claims on behalf of employees. Previously, he served as Deputy General Counsel and Chief Compliance Officer at Time Inc., where his responsibilities included internal investigations, compliance, the Foreign Corrupt Practices Act (FCPA), the Office of Foreign Assets Control (OFAC), and Sarbanes-Oxley, as well as intellectual property, privacy, data security, and other cutting-edge areas. He also litigated a variety of employment law matters on behalf of the company concerning race, age, disability, and gender discrimination; restrictive covenants; and independent contractor litigation. Earlier in his career, Mr. Williams was an Assistant United States Attorney in the US Attorney's Office (USAO) for the SDNY. His last assigned unit in the USAO was the Securities and Commodities Fraud Force. Mr. Williams also served as an Assistant District Attorney (ADA) in the Manhattan DA's office.

MEMBERS

Robert M. Abrahams

Mr. Abrahams is of counsel to Schulte Roth & Zabel, LLP. Mr. Abrahams concentrates his practice in complex commercial litigation, including securities, real estate, trusts and estates, partnership disputes, and defending claims brought against lawyers and law firms. For many years he headed his firm's litigation department and was a member of the firm's executive committee. Mr. Abrahams has tried more than 100 civil cases and arbitrations and has recently served as an arbitrator appointed by the International Chamber of Commerce. He is listed in Benchmark Litigation: The Definitive Guide to America's Leading Litigation Firms & Attorneys ("National Star" in securities litigation), Best Lawyers in America, The Legal 500 US, New York Super Lawyers, Who's Who in America and Who's Who in the World. Mr. Abrahams is the author of the "Commercial Real Estate" chapter of Business and Commercial Litigation in the Federal Courts (Thomson West, 2010-2016) and the "Document Discovery" chapter of Commercial Litigation in New York State Courts (Thomson West and the New York County Lawyers' Association, 2011- 2015). Mr. Abrahams is a member of the Disciplinary Committee for the First Department. He received his BA from Hobart College and his JD, with distinction, from Hofstra University School of Law, where he was editor-in-chief of the Hofstra Law Review.

Marijo C. Adimey

Ms. Adimey is a partner with the law firm of Gair Gair Conason Rubinowitz Bloom Hershenhorn Steigman & Mackauf (GGCRBHS&M). She has devoted her entire legal

career to litigating on behalf of those who have suffered immeasurable loss from a catastrophic injury or death of a loved one. Her empathetic approach toward her clients, remarkable trial skills, and relentless pursuit of justice have made her a prominent attorney in the areas of personal injury, wrongful death, and medical malpractice. Recently named one of the “Top Women’s Litigators” in New York by Super Lawyers, Ms. Adimey quickly became a formidable force of the GGCRBHS&M team after joining in 2014, obtaining several multi-million-dollar verdicts and settlements on behalf of her clients. Her career began as an ADA in Bronx County, where she prosecuted cases on behalf of victims of horrific crimes. There, she became an experienced trial attorney, trying dozens of felony and misdemeanor trials to verdict. Prior to joining GGCRBHS&M, Ms. Adimey had the privilege of representing individuals who have had the unfortunate experience of being the victim of medical malpractice or who have suffered serious physical injury or death in an accident. She continued her zealous representation in 2014 when she joined GGCRBHS&M, whereat her exceptional advocacy and litigation skills paid off in 2017, when she became a partner of the firm. Since 2015, Ms. Adimey has been consistently recognized by her peers each year for inclusion in *The Best Lawyers in America* and *New York Magazine’s* “Best Lawyers” in New York in the specialties of medical malpractice and personal injury. She holds an “AV” rating (highest rating) from the Martindale-Hubbell Law Directory, one of the oldest and best-known peer review ratings in the US for both legal and ethical standards. Her advocacy skills and dedication to her clients were recognized early in her career, when she was selected by her peers for inclusion in the *Super Lawyers 2013: Rising Stars*, an honor reserved for those lawyers who exhibit excellence in practice and published in *The New York Times*. She has since been selected as a “Super Lawyer” every year. She has been awarded the “Client Distinction Award” issued by Martindale-Hubbell, an honor made possible by the clients she served and awarded to less than 1% of the 900,000+ attorneys listed in Martindale-Hubbell. Ms. Adimey was appointed by the Administrative Judge for Civil Matters, First Judicial Department, as an attorney member of the Medical Malpractice Advisory Committee for the Supreme Court, New York County. She was also selected to serve a two-year term on the Judiciary Committee of the NYCBA, a committee which evaluates judges for appointment, reappointment, election, or reelection to the bench on the city, state, and federal level, and makes recommendations for approval. For the past three years, Ms. Adimey has served as a board member of the New York State Trial Lawyers Association, where she also sits on the Medical Malpractice and Labor Law Committees. She is a lecturer for the NYSBA, and is admitted to the New York and New Jersey Bar, as well as the SDNY, EDNY, NDNY, and the District of New Jersey.

Erica Barrow

Ms. Barrow is a senior associate at the firm of Baker & Hostetler LLP and a member of the commercial litigation and securities litigation groups. She is a graduate of Fordham Law School and Fordham College at Lincoln Center. She is admitted to practice law in New York and New Jersey, the U.S. Court of Appeals, Second Circuit, and other federal courts. Ms. Barrow is a member of the New York State Supreme Court, Appellate Division, Character and Fitness Committee and an active member of the NYSBA, Commercial and Federal Litigation Section and the National Asian Pacific American Bar Association. Ms. Barrow regularly takes a leadership role in the Diversity and Inclusion and Women's Committee groups at Baker & Hostetler LLP.

Peter A. Bellacosa

Mr. Bellacosa joined Phillips Lytle as a litigation partner resident in its NYC and Albany offices in June 2018. Prior to that, he was a partner in the litigation department of Kirkland & Ellis for over 21 years and began his career as an associate in the litigation department of Milbank Tweed Hadley & McCloy. He concentrates his practice in the areas of product liability, mass torts, class action defense, ERISA, securities, and commercial disputes. He also has extensive experience with criminal and regulatory investigations, as well as handling matters in state and federal trial and appellate courts, and in arbitrations. He has represented a diverse group of leading US and international companies in complex, high-stakes disputes. Mr. Bellacosa has complemented his private law practice with significant *pro bono publico* service, including serving by appointment to highly sensitive public boards with wide-ranging duties and responsibilities by Governors Pataki and Patterson and the New York Court of Appeals. He has served on the Board of Trustees of the New York State Lawyers' Fund for Client Protection since 2009 and also serves as its Treasurer. He served as a Member of the Appellate Division, First Department Disciplinary Committee from 2008-2014 and was re-appointed to the Committee in 2020. He is a graduate of Georgetown University (1985) and St. John's University School of Law (1988) and is a member of the NYSBA, NYCBA, and the ABA.

Steven Benathen

Mr. Benathen is a Staff Attorney in the Criminal Defense Practice of The Bronx Defenders, a holistic public defense office located in the South Bronx. He previously served as Principal Law Clerk to the Hon. Lizbeth González and Assistant Law Clerk to the Hon. Ellen Gesmer, Associate Justices of the New York State Appellate Division, First Department. He has also served as Appellate Counsel with the Center for Appellate Litigation, and, briefly, as an associate attorney at a boutique litigation firm in NYC. He is

currently Co-Chair of the NYCLA Appellate Courts Committee. He received his J.D. magna cum laude from the University of Illinois College of Law and his B.S. magna cum laude with honors from New York University.

Eleazar F. Bueno

Mr. Bueno is currently the Chair of the Community Board 12 Manhattan of The Chamber of Commerce of Washington Heights and Inwood, and JPD for the Arts and Education Foundation. He is a graduate of The University of Central Florida and CUNY on Liberal Arts and Public Administration. Mr. Bueno is a business owner and a seasoned results driven professional with exceptional skills in problem-solving, project management, constituent services, intergovernmental affairs, regulatory compliance, and oversight with extensive experience leading complex organizations and large-scale initiatives in fast paced environments. In addition, he has a proven record of developing cross-sectoral strategic partnerships to improve service delivery and impact using practical, bilingual oral and written communication skills, stakeholder engagement, community networks, and a public service ethos.

John P. Buza

Mr. Buza is a partner at Konta Georges and Buza, PC. Upon graduating from law school, Mr. Buza served as a prosecutor in the New York County DA's Office from 2008 through March of 2014 when he entered private practice. Mr. Buza specializes in defending those accused of crimes on the state and federal level as well as representing individuals and corporations being investigated by the government.

Rev. Reyn Cabinte

Rev. Cabinte is the Senior Pastor of Uptown Community Church in Washington Heights. He planted Uptown in 2008, previously serving Emmanuel Presbyterian Church (Morningside Heights) and Church planting Fellow at Redeemer Presbyterian Church. Rev. Cabinte is a founding board member of Viva Uptown, a church-based collaborative non-profit working for the renewal of northern Manhattan. He is also the Manhattan Catalyst for Redeemer City to City, a global urban missions organization. Prior to the ministry, he worked at CBS News' 60 Minutes, served as a writer for economic development NGO World Vision, and was once captain of the men's swim team at Columbia University. He has two boys with his wife, Esther.

Miguelina M. Camilo

Ms. Camilo is currently Counsel to Speaker Carl E. Heastie of the New York State Assembly. Prior to joining the Assembly, she served as Associate Counsel to the NYC Board of Elections. She currently serves as the President of the Bronx Chapter of the 100 Hispanic Women. She previously served as chapter President of the Bronx Women's Bar Association and President of the Dominican Bar Association. She earned a juris doctorate from New York Law School and a bachelor's degree from New York University.

Hon. James M. Catterson

Judge Catterson is a partner at Pillsbury Winthrop Shaw Pittman LLP, specializing in commercial litigation and appellate practice. Prior to Joining Pillsbury, Judge Catterson was a partner at Arnold & Porter and Kaye Scholer. He previously served as a Justice of the Supreme Court, first on the trial bench in Riverhead, Suffolk County and then a decade on the Appellate Division, First Department. He is a graduate of St. John's Law School and Colgate University.

Sylvia F. Chin

Ms. Chin is partner/of counsel in the firm of White & Case, LLP. She has considerable experience in corporate and commercial financing with an emphasis on asset-based financing transactions. She graduated from New York University and Fordham University School of Law. After graduation, she clerked for Hon. Lawrence W. Pierce in the US District Court of the SDNY. She is an adjunct professor at Fordham University School of Law. She also serves as Chair of the First Judicial District of the NY Bar Foundation, President of the Asian American Law Fund of New York, a Board Chair of Stichting to Promote Women's World Banking, Diversity Officer of the ABA Business Law Section, chair of the ABA Business Law Section Pro Bono Committee and a trustee of the Fordham Law Alumni Association. She is a member of the American Law Institute, the ABA Fund for Justice and Education, the ABA Standing Committee on Pro Bono and Public Service, the ABA Legal Opinions Committee, the Tribar Opinions Committee, and the Association Advisory Board of the Working Group on Legal Opinions. She also served as President of the American College of Commercial Finance Lawyers, President of the American College of Investment Counsel, President of the Asian ABA of New York, President of the NAPABA Law Foundation, Board Secretary of Women's World Banking, Chair of the ABA Business Law Section Diversity and Inclusion Committee, Treasurer of the National Asian Pacific ABA, a Director of the New York County Lawyers Association and was a representative to the NYSBA House of Delegates. Her awards include NYCLA's 2021 Pro Bono Award, Feerick Center 2020 Spirit of Service Award, the Jean Allard Glass Cutter

Award of the ABA Business Law Section, the CLEO Legacy Diversity Award, AABANY's Norman Lau Kee Trailblazer Award, Leonard F. Manning Achievement Award from Fordham Law Review, the NAPABA Northeast Region Trailblazers Award, the Fordham Law Women Distinguished Alumna Award and the Pace Law School AALSA Achievement Award. She has been listed in the *Guide to the World's Leading Structured Finance and Securitization Lawyers*, *Euromoney's Women in Business Law*, and *New York Metro Super Lawyers*.

Catherine A. Christian

Ms. Christian is a partner at Liston Abramson LLP. She was formerly the Chief of the New York County DA's Office's Elder Abuse Unit and Special ADA for External Affairs. She has also served as a member of the executive staff of the Office of the Special Narcotics Prosecutor for NYC and was principal law clerk for the Hon. Rosalyn Richter. She is an active member of several bar associations and has served in various leadership roles, including, Vice President of the First Judicial District of the NYSBA and President of the New York County Lawyers' Association.

Anta Cisse-Green

Ms. Cissé-Green is Senior Vice Chancellor for Legal Affairs & General Counsel for The State University of New York Office of General Counsel. As General Counsel, Ms. Cissé-Green serves as the chief legal officer to the SUNY Board of Trustees, the Chancellor, System Administration, and the presidents of the state-operated campuses. Prior to SUNY, she served as Associate General Counsel and Director of Legal Operations at NYU Langone Health with primary responsibility for advising the Office of Development and Alumni Affairs on a variety of fundraising and tax-related legal matters including drafting and negotiating agreements for gifts and bequests, administration of bequests from trusts and estates, not-for-profit legal and taxation issues and general contracting for fundraising events and activities for NYU Langone Hospitals and the NYU School of Medicine. Ms. Cissé-Green has been awarded various accolades and honors in connection with her work in the legal profession. In addition to being named in the 2021 City & State's Law Power 100, she was an honoree in the Crain's 2019 Notable Women of Law, and named by the New York Law Journal as a "Lawyer Who Leads By Example", in recognition of her many years of commitment to providing pro bono legal services to underrepresented New Yorkers; named to the National Black Lawyers Top 100 Attorneys; and as a New York Metro Area Rising Star by Super Lawyers in the area of tax and estate planning. Ms. Cissé-Green is an active member of her community in her role as President of the Metropolitan Black Bar Association.

Susan M. Cofield

Prior to her retirement, Ms. Cofield was employed with the New York Department of Education for over 35 years. Over the course of her career with the department, she served in a number of positions including School Social Worker, District Director of Student Support Services, Citywide Director of Guidance, Executive Director of Manhattan Enrollment, and Deputy Chief Executive of the Office of Enrollment. Ms. Cofield graduated from New York University (BA cum laude) and Columbia University School of Social Work (MS with Distinction). She also received an Educational Administration and Supervision Certificate from The City College of New York.

Robert Stephan Cohen

Mr. Cohen is a Senior Partner at Cohen, Clair, Lans, Greifer, Thorpe & Rottenstreich, LLP. His area of concentration is in complex family law matters. Prior to his present affiliation, he was a partner at Morrison Cohen LLP where he was also the Managing Partner and Chair of the firm's Executive Committee. He has been the lead lawyer in some of the most important equitable distribution and custody matters in New York and represents individuals in significant matters outside New York including in California, Connecticut, Florida, Georgia, Illinois, Missouri, New Jersey, Virginia and jurisdictions outside the United States. He has lectured in the United States, Europe and Asia and has been, for the past 20 years, an Adjunct Professor at the University of Pennsylvania School of Law. He is the author of *Reconcilable Differences* published by Simon & Schuster and has been recognized by *The New York Times* as one of the most important divorce lawyers in the United States. He has been profiled by *The New York Times* and the *Wall Street Journal*, *Business Insider* and *The Financial Times*. In 2016, the former Governor Andrew Cuomo named Mr. Cohen Chairperson of the Judicial Screening Committee of the First Judicial Department, which Committee he has served on since 2012, and also designated him as a member of the State Judicial Screening Committee. In 2016, he was also appointed as Chairperson of the Supreme Court's Matrimonial Committee, a position he currently holds. Mr. Cohen is a member of The American College of Family Trial Lawyers and a Fellow of the American Academy of Matrimonial Lawyers. His biography appears annually in *The Best Lawyers in America*, *Who's Who in the World*, *Who's Who in America*, *Who's Who in American Law*, *Best Lawyers in New York* and *Super Lawyers*. He attended Alfred University where he is presently a trustee and Fordham University where he was an editor of the *Law Review*. He was an officer in the Judge Advocate General's Corp and has completed marathons in both the United States and Europe.

William F. Dahill

Mr. Dahill is a founding partner at Coviello Weber & Dahill LLP, where he focuses his practice on employment litigation and complex commercial litigation. Areas of focus include employment counseling, securities industry litigation, payment processing disputes, post-sale transaction disputes, secured lending disputes, partnership disputes and shareholder disputes. Mr. Dahill appears regularly in Federal and State Courts as well as arbitral fora. Mr. Dahill is admitted to the bar in the States of New York and Connecticut, as well as to the bars of the SDNY, EDNY, and the Courts of Appeals for the Second and Fifth Circuits. He is an active member of the Fordham Law Alumni Association, the Network of Bar Leaders, Federal Bar Association – SDNY Chapter, and sits on the Board of Directors for Notre Dame High School, West Haven Connecticut, of which he is an alum. Mr. Dahill received his JD from Fordham University School of Law, cum laude, in 1991, where he served as Managing Editor of the Moot Court Board. Mr. Dahill received his BA in Architecture from Columbia University in 1984.

Lissette A. Duran

Ms. Duran is a Senior Associate at Paul, Weiss, Rifkind, Wharton & Garrison LLC in New York in the Sustainability & Environmental, Social and Governance (“ESG”) Advisory Practice. Ms. Duran has extensive experience advising clients on their ESG efforts, with a focus on internal investigations, racial equity audits and assessments, and development of HR and DEI policies and disclosures. Prior to joining the ESG practice, she was a litigation associate specializing in complex litigation and regulatory defense, representing leading companies in finance, oil and energy, and technology. Ms. Duran is also very active outside of work. She is a Deputy Regional President for HNBA Region II, a member of the Lideres Board of Latino Justice PRLDEF, and a member of the Board of the Dominican Women’s Development Center. Ms. Duran earned her B.A. from the University of Pennsylvania and her J.D. from Columbia Law School. After graduation, she clerked for Judge Edgardo Ramos at the U.S. District Court of the SDNY.

Virginia Goodman Futterman

Ms. Futterman, a graduate of St. John’s University School of Law, is an equity partner at London Fischer LLP, heading a Litigation Team dedicated to defending complex and high-profile labor law/construction and premises liability matters. Ms. Futterman has also served as an appointed Federal Court mediator for almost 20 years in the SDNY and EDNY with primary focus on employment/discrimination cases. Outside the legal arena Ms. Futterman currently serves as President of her co-op board, continuing a long history of community commitment, including 20 years as an active volunteer at the New York Junior League.

Mark S. Gottlieb

Mr. Gottlieb is MSG's team leader in the Business Valuation, Forensic Accounting & Litigation Support Practice based in NYC. As a credentialed expert, he specializes in matters including shareholder disputes, business divorces, economic damages, post-merger and acquisition disputes, matrimonial actions, and a cornucopia of forensic accounting and fraud engagements. These financial investigations often involve determining the value of closely-held businesses, alleged asset misappropriation, asset tracing, alleged financial misstatement fraud, and the investigation into a company's accounting practices. Mr. Gottlieb and his team conduct complex analyses concerning the flow of funds and examination of bank statements and accounting ledgers, which often requires record reconstruction. Mr. Gottlieb's experience emphasizes the application of the professional standards required in such matters, including whether the subjects' financial statements were prepared in accordance with Generally Accepted Accounting Principles (GAAP). Many of these complex litigation engagements stem from the alleged fraud, alleged breaches of representations, warranties, and other contract claims. Mr. Gottlieb is frequently appointed by the court to provide these services. He is also an experienced expert witness, author, and lecturer.

Keisha-Ann G. Gray

Ms. Gray is a distinguished trial lawyer with over 20 years of experience in federal government as a former Assistant United States Attorney, and private sector as a Big Law partner. She is a partner in the Labor & Employment Department of Proskauer Rose LLP, where she litigates claims of discrimination, harassment, and retaliation, and she is frequently called upon by *Fortune 50* companies and major industry leaders to conduct high-profile workplace investigations. Ms. Gray received her BA from The University of Pennsylvania and her JD from New York University School of Law. She is admitted to practice in New York, the US Court of Appeals for the First and Second Circuits, the US District Courts for the SDNY and EDNY, and the District Court for the District of Puerto Rico. Ms. Gray also serves on the Board of Directors for the Eastern District Association, is the co-Chair of the Employment Litigation Committee of the Federal Bar Council, and frequently speaks and lectures on trial and litigation practice.

C. Willem Houck

Mr. Houck is an executive level proven innovator in blue chip companies, as well as a successful investor and operator in early and growth stage healthcare and technology businesses. Known for his passionate and encouraging leadership approach to build high

performance teams, Mr. Houck enjoys an international reputation for finding and extracting value from new products and business models. Most recently, he advised and later became CEO of DEARhealth, a UCLA spin-out of doctors and scientists that help other healthcare workers do all they can to manage people with chronic conditions. DEAR has proven results and science to back up its claims. Mr. Houck joined to accelerate the commercialization of the company now that its product is ready and CE certified as one of the first in the world. Earlier, he identified the market opportunity in the US for automated and personalized consumer healthcare fulfillment services and founded Daklapack US. Allying with FedEx and Veritiv, he signed multi-year contracts with a renowned \$400M Silicon Valley microbiome AI company, as well as a \$1bn Nasdaq listed immune-assays healthcare solutions company. He co-founded the Health Care Financial Exchange, a market-driven healthcare payment system, creating competition through transparency in the opaque Healthcare market. Founder of Girasol NY, a forward looking and pioneering early-stage technology company specializing in medical devices, healthcare business innovation and database technology, he drives the success of the companies he invests in by negotiating strategic alliances and providing executive leadership to identify and introduce new products, expanding global markets and taking them to the next level to drive strong contributions to top-line revenues and profits. Highlights include NICO-lab, an AI assisted acute care diagnostic company; iValue UAB, developer of a biological pacemaker based on groundbreaking research by Columbia University Medical Center; and iDx Ventures, maker of ClariFlow, an affordable DIY early stage enlarged prostate detection kit. As the Chairman and CEO of Philips' global B2B board, Mr. Houck refocused the company to a customer driven organization, and he was an early leader of its activities in energy management and led its global technology incubators. At iFortress, he was recruited by a high-profile board to turn the business around in 18 months by renegotiating debt and signing significant new business. A lawyer by training with a bilingual MBA focused on strategic marketing from Hautes Etudes Commerciales (HEC) in Paris and several senior executive degrees from IMD and INSEAD, he's a proud dual citizen of the USA and the Netherlands, living in NYC with his wife and their daughter. Since 2014, he has been the volunteer chairman of The Netherland Club of New York, founded in 1903.

Jaipat S. Jain

Mr. Jain represents domestic and international technology and other clients in corporate, securities, and commercial transactions. His practice focuses on mergers and acquisitions of private business entities; private securities transactions; choice, organization and governance of business entities; data transfer and privacy; and a wide range of business

contracts that include software development, licensing of intellectual properties, employment law issues, distribution and supply agreement, asset-based lending, commercial mortgage lending, leasing and conveyance of commercial real estate, and international trade and trade financing, including complex letters of credit. Mr. Jain regularly assists clients in cross-border transactions, especially between India and the US. He also works with them for resolution of commercial disputes. In some cases, this involves managing the firm's litigation team in matters before state and federal courts and before domestic and international arbitration tribunals. He has also worked with US businesses for dispute resolution in India. Among other things, Mr. Jain is a Life Fellow of the American Bar Foundation; a member of the Board of Directors of the NYCBA; and a member of the editorial board of the ABA/ Bloomberg Law Lawyers' Manual on Professional Conduct. On a more private level, Mr. Jain is Honorary Trustee of International Mahavira Jain Mission (Siddhachalam), a nonprofit, and its former President and Vice-Chairman. Mr. Jain is a frequent speaker at business and law conferences in the US and abroad and has chaired several continuing legal education programs for the NYCBA.

Devika Kewalramani

Ms. Kewalramani is a partner and leader of Moses & Singer LLP's Law Firm Industry Practice. She also serves as the firm's general counsel. Ms. Kewalramani is a graduate of CUNY School of Law and St. Xavier's College, Kolkata University, India. She is admitted to practice law in New York and the U.S. District Court, SDNY. Ms. Kewalramani is chair of the Board of Directors of the NYCBA and is a former secretary of the Board, a former co-chair of the City Bar's Council on the Profession, and a former chair of the City Bar's Committee on Professional Discipline. She is a member of the International Board of Advisors of Jindal Global Law School, India, a member of the Editorial Board of The Practical Lawyer, and a former member of the Foundation Board of CUNY School of Law. Ms. Kewalramani is a former member of the NYSBA's 2020 Restarting the Economy Work Group, and a former member of the New York Commission on Statewide Attorney Discipline and she served as a co-chair of its Subcommittee on Transparency and Access. She is a member of the Attorney Grievance Committee for the First Judicial Department.

Amy L. Legow

Ms. Legow graduated with honors from Tufts University in 1980 with a BA in Social Psychology. After graduating from Cardozo Law School in 1983, she spent two years as an associate at the O'Melveny & Myers Law Firm in Los Angeles. Upon returning to New York in 1985, Ms. Legow joined the Manhattan DA's Office, where she was assigned to

the Special Narcotics Prosecutor's Office. There, Ms. Legow specialized in long term investigations, rising to the position of Senior Investigative Counsel. Ms. Legow left the DA's Office in 1994, after which she served as a real estate manager from 1996-1997. In 1997, she became the Principal Court Attorney to the Honorable Leslie Crocker Snyder, where she remained until 1999, at which point Ms. Legow joined the New York State Organized Crime Task Force as Investigative Counsel. As an expert in long term investigations and electronic surveillance, she spent 12 years at the Organized Crime Task Force, from 2008-2011 as its counsel. In 2011, Ms. Legow was appointed to the position of Chief of the Investigations Bureau at the Richmond County DA's Office, where she remained until retiring in 2016. Currently, Ms. Legow serves on the New York Board of the American Jewish Committee, and on the Board of the Tri-State Maxed Out Women's PAC.

Arthur M. Luxenberg

Mr. Luxenberg is a member of the Law Firm of Weitz & Luxenberg, PC. He is a graduate of The Cardozo School of Law and Yeshiva University. Mr. Luxenberg is admitted to practice law in New York, The US Court of Appeals, Second Circuit, and other federal courts. Mr. Luxenberg is the Former first Vice President & Executive Committee Member and Member of the Board of Directors of the New York State Trial Lawyers Association. He is also a Member of the Board of Directors and Executive Committee of Yeshiva College, former President of the North Shore Hebrew Academy of Great Neck, New York, and Chairman of the United Soup Kitchens in Israel.

Eve Rachel Markewich

Ms. Markewich is a member of Markewich and Rosenstock, LLP, a Manhattan law firm. Her practice is devoted solely to litigation, including business litigation and trusts and estates litigation. Markewich and Rosenstock has been recognized in Best Law Firms, and Ms. Markewich has been designated by Super Lawyers and Best Lawyers; she is AV rated by Martindale-Hubbell. Ms. Markewich was educated at the Dalton School, Harvard College and Columbia Law School.

Scott E. Mollen

Mr. Mollen is a highly experienced commercial litigation partner at Herrick, Feinstein, LLP. He regularly advises prominent corporations, financial institutions, public officials and real estate investors and lenders in litigation, mediation, arbitration, and negotiations. Mr. Mollen has also been a court-appointed receiver for properties in and outside of NYC and has served as a Special Master in the NYS Supreme Court. He was appointed by the

Chief Judge of the NY Court of Appeals to the NYS Supreme Court Commercial Division Advisory Council. He has also served on the Mayor's Advisory Committee on the Judiciary and currently serves on the NYC Bar Association Judiciary Committee. Mr. Mollen has helped lead the Anti-Defamation League's lobbying effort to get New York State's Hate Crimes Law enacted. For more than three decades, he has authored Realty Law Digest, a weekly column in the *New York Law Journal* that analyzes real estate case law. Over that span, Mr. Mollen has authored more than 1,500 articles on issues such as development, construction, finance, joint ventures, condominiums, cooperatives, brokerage, zoning, foreclosure, condemnation, environmental issues, and landlord/tenant law.

Christopher Morel

Mr. Morel is a litigation associate at Cravath Swaine & Moore LLP. He received his BA degree magna cum laude in 2015 from Fordham University, where he majored in Political Science and was elected to Phi Beta Kappa. At Columbia, from which he received his JD in 2018, he was a Stone Scholar, an articles editor of the Law Review, and President of the Latino/a Law Students Association. Following his graduation, from August 2018 to August 2019, he served as a law clerk to the Honorable Margo K. Brodie, US District Court for the EDNY (Brooklyn, NY). From September 2019 to September 2020, he served as a law clerk to the Honorable Julio M. Fuentes, US Court of Appeals for the Third Circuit (Newark, NJ). Mr. Morel is admitted to practice law in New York and in the SDNY and EDNY.

Elliot Moskowitz

Mr. Moskowitz is a partner in Davis Polk's Litigation Department, representing major financial institutions and creditors in connection with complex bankruptcies and reorganizations. He has played a key role in some of the most contentious proceedings in recent years with significant victories at both the trial and appellate level in courts around the country. He also has extensive experience representing corporate clients and professional firms in connection with a wide range of state and federal regulatory inquiries and civil litigation, including securities litigation and professional malpractice claims. Mr. Moskowitz has been recognized as a leading lawyer by numerous industry publications, including *Law360* (Rising Star), *Benchmark Litigation* (Future Star/New York) and *Turnarounds & Workouts* (Outstanding Young Restructuring Lawyer).

Vianny M. Paulino-Pichardo

Ms. Paulino-Pichardo is an experienced commercial litigator with over 10 years' experience litigating claims in federal and state courts as well as mediation and arbitration.

She is a former litigation shareholder of a mid-size New York law firm and former corporate associate of a large international law firm. She is currently a member of Beazley's Cyber and Executive Risk Group providing insurance coverage for Tech E&O, IP, media, advertising, cyber and privacy liabilities. Ms. Paulino-Pichardo has been recognized by Super Lawyers as a New York Metro Rising Star since 2015. She recently received the 2018 Hispanic National Bar Association's Top Lawyers under 40 award and Fordham LALSA's 2017 Andrew A. Rivera Alumni Achievement Award. Ms. Paulino-Pichardo has held various high-profile leadership roles including serving as President of The Dominican Bar Association representing the interests of Latino lawyers, judges, and law students in the US and as founder of The DBA's Women's Committee, Las Mariposas. She is also a past member of the Latino Justice PRLDEF's Líderes Board. She is currently a member of the Mayor's Advisory Committee on the Judiciary.

Virginia A. Reilly

A life-long New Yorker, Ms. Reilly is currently Of Counsel to the Law Offices of Neal Brickman, PC, focusing primarily on real estate transactional work and litigation support. Ms. Reilly received a BA from Fordham University (1976) and her JD from Washington and Lee University (1981). From 1981 to 1986, Ms. Reilly was an ADA for New York County under DA Robert Morgenthau. During her tenure as an ADA, Ms. Reilly was part of the Sex Crimes Unit under ADA Linda Fairstein. Since moving to private practice, Ms. Reilly has also served as an Arbitrator (Small Claims Court), a Guardian *Ad Litem* (Surrogate's Court), and has served on various local municipal and educational committees in northern Westchester County. Ms. Reilly is admitted to practice in New York State and the SDNY.

Michael Roberts

Mr. Roberts is a partner at Roberts & Roberts, a law firm which he started with his father upon graduation from law school. Mr. Roberts represents clients in state and federal matters with a focus on commercial litigation, employment litigation, landlord and tenant practice, and transactional real estate. Mr. Roberts is a graduate of Cardozo Law School (1979) and Columbia University.

Darren Rosenblum

Professor Rosenblum's scholarship focuses on corporate governance, in particular on diversity initiatives and remedies for sex inequality. They joined the Faculty of Law of McGill University as a Full Professor in August 2021, from the Elisabeth Haub School of Law at Pace University. They were appointed associate dean (graduate studies) in 2022. In

2018, they served as a Wainwright Senior Fellow at McGill Law, during which they taught a course on Sexuality, Gender and the Law. Professor Rosenblum clerked in the U.S. District Court of Puerto Rico (1996–1998), after which they practiced international arbitration at Clifford Chance, and at Skadden Arps (1998–2004). They wrote the first article of queer legal theory “Queer Intersectionality” (1994) and the first article on transgender prisoners “Trapped in Sing Sing” (2000). They have presented work on corporate board quotas in English, French, Spanish, and Portuguese. Notably, as a Fulbright Research Scholar in France, they performed a qualitative study on the French quota for women on corporate boards, which they presented at the French National Assembly in 2015.

Joanna Rotgers

Ms. Rotgers is the Chief Compliance Officer and Regulatory Counsel for Marsh US, a business of global professional services firm Marsh & McLennan Companies, Inc. She works in the Company's New York headquarters handling a variety of compliance, regulatory and legal matters. Previously, she handled complex litigation matters for the Company, with a focus on defending against professional liability/errors and omissions claims in the US, Canada, and other geographies globally. Before joining Marsh & McLennan, she worked in private practice as a commercial litigator. She holds a JD from the University of Iowa and a BA from Loyola University Chicago.

Beatrice Seravello

Ms. Seravello is a co-head and partner of the NewLaw practice at Baretz + Brunelle, a legal advisory firm. She has spent the greater part of her career serving AmLaw 100 firms in senior executive roles. Prior to that she was the Managing Director for International at the New York Stock Exchange. She is a graduate of Queens College.

Joshua Silber

Mr. Silber is a founding partner of Abend & Silber, PLLC, in Manhattan specializing in civil litigation with a focus on personal injury, medical malpractice and child sexual abuse cases. He has obtained many substantial verdicts and settlements for his clients during more than 25 years representing the injured in civil cases. Ms. Silber has been named to the NY “Super Lawyers” list as one of the top attorneys in New York in each year from 2011 through the current year. He is a dean of the New York State Trial Lawyer’s Institute and an executive board member of the New York State Trial Lawyers Association where he has served as co-chair of the Judiciary Committee for many years and has thereby served as chair of the screening panel for candidates to the New York Court of Appeals for the

seven most recent vacancies at that Court. In addition, he is a member of the Bronx County Bar Association and has been elected as a Life Fellow of the American Bar Foundation, an honorary organization of attorneys, judges, law faculty, and legal scholars who have been selected by their peers for outstanding achievements and dedication to the welfare of their communities and to the highest principles of the legal profession. Mr. Silber has frequently lectured on legal ethics, personal injury, and trial practice in New York and across the country. He received a bachelor's degree from the State University of New York College at Brockport in 1993 and is a member of the Brockport Foundation Board of Directors which oversees the investment and financial management of the college's endowment. He received his law degree, with honors, from the University of Miami in 1996. He is admitted to practice law in New York, New Jersey, and Florida, as well as the US District Courts in the EDNY, SDNY, Southern District of Florida and the District of New Jersey.

S. Yan Sin

Ms. Sin is an attorney at Schwartz Sladkus Reich Greenberg Atlas LLP, where she is an associate in the Matrimonial, Family & Reproductive Law Group. Ms. Sin was the associate law clerk for the Hon. Ellen F. Gesmer, Associate Justice, Appellate Division of the Supreme Court of New York, First Department, when Justice Gesmer was a judge in the Matrimonial Part of the Supreme Court of the State of New York, New York County. Subsequent to her clerkship, Ms. Sin practiced family law in a boutique matrimonial law firm. She has experience litigating divorce, custody, and support matters in Family Court and Supreme Court. She also has a background in immigration law with experience in family-based petitions and the naturalization process. She currently serves on the Board of Directors of the New York Women's Bar Association (NYWBA) where she is also co-chair of the Judiciary Committee. Ms. Sin is an active member of the Asian American Bar Association of New York (AABANY). She enjoys volunteering her time at AABANY's pro bono clinics and Justice for Our Neighbors' immigration legal clinics. A graduate of the University of Virginia and New York Law School, Ms. Sin lives in Manhattan and is active in the Chinatown community. She is conversant in Cantonese and loves yoga. Ms. Sin is admitted to practice law in New York and New Jersey.

Jeffrey S. Stillman

Mr. Stillman is founding partner of the Law Firm of Stillman & Stillman, PC in Bronx County which was established in 1998 and for the past 33 years has exclusively represented victims of accidents and has handled related insurance matters. He is a graduate of New York Law School and SUNY Albany. He is admitted to practice in New York and in the Federal courts and was recently admitted to the Bar of the United States Supreme Court.

Mr. Stillman is a Director of the New York State Trial Lawyers Association where he is former co-chair of the Automobile/Insurance committee and is current co-chair of the Privacy Protection/Runners committee and assists in the preparation of their yearly CLE on Legal Ethics. Additionally, he is a long -time member and former Director of the Bronx County Bar Association.

Hon. Milton A. Tingling

Justice Tingling is the New York County Clerk, Commissioner of Jurors and Clerk of Supreme Court. He is a retired New York State Supreme Court Justice. He is the first former jurist to hold these three positions in the history of New York State. He is the first and only African American to be a County Clerk and Clerk of Supreme Court and the first African American Commissioner of Jurors in the history of New York State. He is a graduate of North Carolina Central University School of Law and Brown University. He sits on the First Department Character and Fitness Committee and is a member of the NYCBA, New York County Lawyers' Association, and the Metropolitan Black Bar Association. He is Chairperson of the Board of West Harlem Development Corporation and Community League of The Heights. In addition, he sits on the Executive Board of the Greater Harlem Chamber of Commerce and the City College President's Advisory Board.

Lisa Vicens

Ms. Vicens is a partner in the firm Cleary Gottlieb Steen & Hamilton LLP. Based in the New York office, Ms. Vicens represents clients in internal and governmental investigations, and in complex litigation matters arising from cross-border disputes. Ms. Vicens received her J.D. from the New York University School of Law and a B.S. from Georgetown University. She is admitted to practice law in New York, the U.S. Court of Appeals for the Second Circuit, and the U.S. Supreme Court. Ms. Vicens is a board member of the Office of the Appellate Defender, board member of Her Justice, a member of the Vance Center Committee for Cyrus R. Vance Center for International Justice, and a member of the Committee on Civic Education for the U.S. Court of Appeals for the Second Circuit.

Terel R. Watson

Mr. Watson currently serves as an ADA with the New York County DA's Office. He also spent a brief time as an associate with a civil litigation firm on Wall Street. Mr. Watson has investigated and tried numerous serious violent and white-collar felonies in New York Supreme Court. He is licensed to practice law in New York State, SDNY, and EDNY, and serves as an adjunct professor at the NYC College of Technology where he teaches a

seminar in legal studies. Mr. Watson also serves as the Co-Director of the Criminal Prosecution Clinic at New York Law School. Mr. Watson is a graduate of the Benjamin N. Cardozo School of Law, where he focused his studies on areas of constitutional law, litigation, and civil rights. While in law school Mr. Watson was a member of the Moot Court Honor Society and interned for now-retired SDNY Judge Ronald L. Ellis. Currently, he sits on numerous boards at New York City College of Technology and advises their Law and Paralegal Studies Program. He is also an active member of The NYCBA and sits on their Education and the Law Committee.

Judith E. White

Before becoming a partner at Lee Anav Chung White Kim Ruger & Richter, LLP, where she founded the Matrimonial Department, Ms. White was a founding Member of Garr & White, PC. Ms. White also worked as the Principal Court Attorney to one of the Justices of the New York State Supreme Court, Matrimonial Part, for nine years. As a court attorney she had the unique opportunity to learn the practice of matrimonial law from the inside. Ms. White assisted in keeping abreast of all developments in the law, drafting decisions, and negotiating settlements. Following her tenure in the courts it was a natural progression for Ms. White to include mediation in her practice. She has successfully mediated countless divorce and separation agreements. She is listed as one of the Best Lawyers of America since 2010 and has been recognized as one of the Top Lawyers in the New York, New Jersey, and Connecticut areas for 2010 to the present, one of the top ten women lawyers in the New York Metro Area since 2018, and Top 50 Women Attorneys in NY since 2014-18 by both The New York Times and New York Magazine. She has received an AV Rating for Legal Abilities and Ethical Standards in the Martindale Hubbell Listing. She has also served as a moot court judge for New York Law School. While Ms. White enjoys her work with private clients, she has maintained a strong commitment to public service. In 2007, under the auspices of the NY CO Women's Bar Association, she co-founded "The Matrimonial Project," the only completely *pro bono* matrimonial legal service in New York State. She and co-chair were awarded the Hannah Cohen award for *pro bono* work in 2016. Before attending law school, she interned as a legislative assistant to a US Congressman and worked for the Environmental Protection Agency. While in law school Ms. White continued her dedication to public service by working *pro bono* with the Vietnam Veterans of America Legal Services, representing former servicemen and women in Administrative Hearings. Following law school, she worked as a staff attorney for the NYC Legal Aid Society in the Criminal Defense Division where she tried over fifty felony and misdemeanor cases.

Toby R. Winer

Ms. Winer is currently a financial consultant and has held interim CFO and senior administrative positions for multiple organizations including the ACLU, Yeshiva University, International Planned Parenthood/Western Hemisphere Region, and Al Jazeera America. Prior to consulting, Ms. Winer was the Executive Vice President and CFO of Pace University. Before joining Pace, she held key financial leadership roles at Baruch College, the University of California, Vanderbilt University and Comp-U-Card International, Inc., where she successfully transitioned the firm from a privately held to a publicly traded company. Ms. Winer is a Certified Public Accountant (inactive). She received her MBA from Columbia University Graduate School of Business and her BA in Mathematics at Carnegie Mellon University.

Mark C. Zauderer

Mr. Zauderer is a prominent trial lawyer and partner in Ganfer Shore Leeds & Zauderer, LLP, in New York City. He served by appointment of Chief Judge Judith S. Kaye as Chair of New York's Commission on the Jury; as a member of the Chief Judge's Task Force that established New York's Commercial Division; and is currently a member of the Chief Judge's Commercial Division Advisory Council. He also currently serves as a referee with all the powers of a Supreme Court judge, to oversee litigation and the wind-up of a major law firm. Mr. Zauderer is a past President of the Federal Bar Council and is a former Chair of the Commercial and Federal Litigation Section of the NYSBA. He is a member of the Governor's Judicial Screening Committee for judges applying for appointment to the Appellate Division, First Department, and also a member of the Advisory Committee on Civil Practice to the Chief Administrative Judge, which drafts the CPLR, and is a member of the First Department Grievance Committee. In 1995, Mr. Zauderer presented to the House of Delegates of the NYSBA the civility rules that are essentially those that are now in effect in New York State. Mr. Zauderer frequently lectures on legal issues and frequently comments on legal issues both in print and on television.

THE DISCIPLINARY PROCESS

Complaints, Investigations, and Dismissals

The disciplinary process usually commences with the filing of a complaint with the AGC against an attorney, who is referred to as a “respondent.” Complaints typically come from clients but may also come from other attorneys and members of the public at large. Investigations may also be authorized by a Committee acting *sua sponte*. All disciplinary investigations and proceedings are confidential, pursuant to Judiciary Law 90(10), until the Court publicly disciplines a respondent or issues an unsealing order, upon “good cause being shown.”

All complaints are date-stamped, numbered, and entered into the AGC’s database system, which generates a report of the respondent’s disciplinary history. Each matter is screened by a staff attorney (screening attorney), who makes a preliminary recommendation regarding jurisdiction to determine if the complaint should be referred to another public agency or grievance committee. If it appears that there is no misconduct, but there has been a breakdown in communication between the lawyer and the client, the AGC may refer the matter for mediation to a mediation panel of the New York County Lawyers’ Association, the Association of the Bar of the City of New York, or the Bronx County Bar Association. The screening attorney may also recommend rejection of a complaint for any one of several reasons, e.g., the complaint lacks merit, seeks legal advice, is an attempt to collect a debt, or involves a fee dispute. A mandatory mediation/arbitration program exists to deal with fee disputes in civil and matrimonial matters, where the amount in dispute is between \$1,000 and \$50,000. If the complaint involves the same substantial and material allegations that will be decided in pending litigation, the AGC may defer the matter pending resolution of the litigation, which may result in a judgment binding on the respondent.

If it appears from the complaint that a respondent may have engaged in serious professional misconduct, the screening attorney brings the matter to the attention of the Chief Attorney for direct assignment to a staff attorney. If the misconduct appears to be very serious, e.g., conversion of escrow funds, investigation of the matter is expedited. During the initial screening, a matter may also be directly assigned to a staff attorney investigating other complaints involving the same respondent.

The Chief Attorney approves all “first screening” dismissal recommendations made by the screening attorney. If a matter is not dismissed following the initial screening, a paralegal sends the complaint to the respondent for an answer to the allegations. Thereafter, the

paralegal may forward the answer to the complainant for a reply. The paralegal then refers the file to the initial screening attorney who performs a “second screening” or further evaluation of the complaint, answer, and reply. On second screening, the screening attorney may recommend dismissal of the complaint for a variety of reasons.

A matter that warrants additional investigation is forwarded by the screening attorney to the Chief Attorney for review and assignment to a staff attorney. The assigned staff attorney may obtain further documentation using subpoenas when necessary, may interview witnesses including the complainant, and may question the respondent on the record and under oath (examination under oath, deposition).

When the investigation is complete, the staff attorney makes a recommendation to the Committee members for dismissal, or the imposition of a Letter of Advisement (non-disciplinary), Letter of Admonition (private discipline), or formal disciplinary proceedings against the respondent which could result in public discipline. The staff attorney’s supervisor (a deputy chief attorney) and the Chief Attorney review all recommendations before they are submitted to the Committee members. One of the volunteer Committees must approve all post-investigation recommendations by a majority vote of those present at a monthly meeting (a quorum of two-thirds of the members is required to conduct business). When matters are dismissed on the merits, the closing letter to the complainant includes a brief explanation of the reason for the dismissal and indicates the complainant’s right to request reconsideration of the dismissal within 30 days.

Letters of Advisement [22 NYCRR 1240.2(i)]

The AGC issues a Letter of Advisement (Advisement) when an investigation reveals that a respondent has engaged in conduct requiring comment that, under the facts of the case, does not warrant the imposition of discipline. An Advisement is confidential, and does not in itself constitute discipline, but may be considered by the Committee or the Court in determining the action to be taken or the discipline to be imposed upon a subsequent finding of misconduct.

Letters of Admonition [22 NYCRR 1240.2(b)]

The AGC issues a Letter of Admonition (Admonition) when an investigation reveals that a respondent has violated New York’s Rules of Professional Conduct (Rules¹), but not

¹ The Rules, which became effective April 1, 2009, were promulgated by a Joint Order of the Appellate Divisions of the State of New York, dated December 30, 2008, and signed by the

seriously enough to warrant a formal disciplinary proceeding, pursuant to 22 NYCRR 1240.7(d)(2)(v). For example, an Admonition may be issued if a respondent neglected only one legal matter and there were mitigating factors, whereas formal disciplinary proceedings would likely be commenced if multiple issues of neglect are alleged.

Although it is private and remains confidential, an Admonition is a finding of professional misconduct and becomes a part of the respondent's permanent disciplinary record. The Admonition may be considered in determining the action to be taken or the discipline to be imposed upon a subsequent finding of misconduct against a respondent. When the AGC proposes to issue an Admonition, the respondent is afforded an opportunity to appear before the Committee to seek reconsideration. After an Admonition is issued, the respondent may file a motion with the Court to vacate it.

Applications to the Appellate Division

Public discipline requires an order of the Court. The AGC applies to the Court by motion or petition which includes the record of the disciplinary proceeding and the Court action requested. When the Court imposes a public sanction, it issues an order and a written opinion which is almost always published in the New York Law Journal and is otherwise public.² The order imposes a public sanction ranging from a public censure (no suspension) or short suspension to disbarment (seven-year bar from practicing). The Court may also impose a private sanction, dismiss a matter, or remand it back to the AGC for further proceedings.

Formal Disciplinary Proceedings [22 NYCRR 1240.7(d)(2)(vi)]

The Committee members authorize a formal disciplinary proceeding when there is probable cause that a respondent engaged in professional misconduct warranting the imposition of public discipline, and that such discipline is appropriate to protect the public, maintain the integrity and honor of the profession, or deter others from committing similar misconduct.

Presiding Justice of each of the four departments. These Rules replaced the Lawyer's Code of Professional Responsibility, previously referred to as the "Disciplinary Rules."

² If the Court imposes public discipline, the record of proceedings is available for public inspection at the First Department Committee on Character and Fitness located at 41 Madison Avenue, 26th Floor, New York, New York 10010.

A staff attorney's recommendation that formal proceedings be filed against a respondent must be based on a demonstration of professional misconduct reviewed by a deputy chief attorney and approved by the Chief Attorney and the Committee members. Upon approval, the AGC serves the respondent with a petition in which it requests that the Court sustain the charges or, if there are factual or legal issues in dispute, to appoint a referee to hear the charges.³ Within 20 days after service of the respondent's answer or, if applicable, a reply, the AGC must file with the Court a "Statement of Disputed and Undisputed Facts." The respondent has 20 days to respond. In the alternative, within 30 days after service of the answer or, if applicable, a reply, the parties may file a Joint Stipulation of Disputed and Undisputed Facts or a statement that the pleadings raise no issue of fact requiring a hearing, pursuant to 22 NYCRR 1240.8(a)(2). At any time after the filing of the petition, the parties may file a joint motion with the Court requesting the imposition of "Discipline by Consent," to avoid a hearing, pursuant to 22 NYCRR 1240.8(a)(5). The motion must outline the agreed upon discipline to be imposed, which may include monetary restitution authorized by Judiciary Law 90(6-a), and the respondent's affidavit conditionally admitting the acts of professional misconduct.

Under the Court's rules, respondents have the right to appear, to be represented by counsel, to cross-examine staff witnesses, and to present their own witnesses and exhibits. The proceedings before the referee are transcribed, and are conducted in two separate parts, liability hearing and sanction (mitigation and aggravation evidence) hearing. A referee cannot proceed with a sanction hearing until the referee indicates that at least one charge will be sustained. A referee makes a finding on the charges shortly after the end of the liability hearing. The referee usually asks the parties to submit memoranda regarding liability and sanction. When the hearing (liability and sanction) is concluded, the referee is required to file with the Court a written "Report and Recommendation" containing findings of facts, conclusions of law, charges sustained or dismissed, and a recommendation as to sanction (referee's Report). The AGC or the respondent may file a motion with the Court to confirm or disaffirm the referee's Report. See NYCRR 1240.8(b).

³ Hearings before Referees are normally closed to the public, except in rare cases when a respondent waives confidentiality. The Referees conduct hearings like trials, taking testimony and receiving exhibits in accordance with the rules of evidence. The Referees have broad discretion as to what is considered relevant and admissible evidence. A transcript is made of the entire proceeding.

Collateral Estoppel

Rather than pursue formal charges, in an appropriate case, the AGC may file a motion with the Court applying the doctrine of collateral estoppel, seeking an order finding a lawyer guilty of violating the Rules solely on the basis of prior civil or criminal court decisions without a further hearing. The Court may grant such a motion where the findings and issues in the prior action are identical to the disciplinary issues against the respondent and where a respondent has had a full and fair opportunity to litigate in the prior proceeding. In such cases, a hearing is held before a referee on the issue of sanction only and the AGC or the respondent files a motion with the Court to confirm or disaffirm the referee's Report.

Interim Suspensions [22 NYCRR 1240.9]

Under certain circumstances, the Court may suspend a respondent from practice on an interim basis upon the AGC's motion. Such a finding may be based upon the respondent's default in responding to a petition or subpoena to appear for a formal interview, the respondent's admissions under oath of professional misconduct, the respondent's failure to comply with a lawful demand of the Court or the AGC, the respondent's willful failure to pay money owed to a client (which debt is demonstrated by an admission, judgment, or other clear and convincing evidence), or other uncontroverted evidence of professional misconduct.

Resignations [22 NYCRR 1240.10]

A respondent may apply to resign from the practice of law, while an investigation or proceeding is pending, by submitting to the Court an application admitting the nature of the charges or the allegations under investigation. When the matter includes allegations that the respondent has willfully misappropriated or misapplied money or property in the practice of law, the respondent must consent to the entry of an order to make monetary restitution pursuant to Judiciary Law 90(6-a). If the Court accepts the resignation, the respondent is disbarred from practicing law for seven years, pursuant to Judiciary Law 90(2).

Diversion [22 NYCRR 1240.11]

When in defense or as a mitigating factor in an investigation or formal disciplinary charges, the respondent raises a claim of impairment based on alcohol or substance abuse, or other mental or physical health issues, the Court, upon application of any person or on its own motion, may stay the investigation or proceeding and direct the respondent to complete an appropriate treatment and monitoring program approved by the Court. When the Court considers diversion to a monitoring program, it considers the nature of the alleged

misconduct; whether the alleged misconduct occurred during a time period when the respondent suffered from the claimed impairment; and, whether diverting the respondent to a program is in the public interest.

Convictions [22 NYCRR 1240.12]

If an attorney is found guilty of any crime, the attorney must notify the grievance committee having jurisdiction within 30 days, pursuant to 22 NYCRR 1240.7(a)(2). The AGC must file a motion directly with the Court when an attorney has been convicted of a felony or “serious crime.” An attorney who is convicted of a felony in New York, or an analogous felony in another state or federal jurisdiction, ceases to be an attorney by operation of law, pursuant to Judiciary Law 90(4-a), and the AGC must apply to the Court to have the attorney’s name stricken from the roll of attorneys in New York. In cases where the Court, on the AGC’s motion, has determined that a lawyer has been convicted of a crime which is not analogous to a New York felony, but is a serious crime under New York’s Judiciary Law 90(4)(d), the Court assigns the case to a referee to hear the matter. Thereafter, the AGC or the respondent files a motion with the Court to confirm or disaffirm the referee’s report. Serious crime cases result in the same range of sanctions imposed in other formal disciplinary proceedings.

Reciprocal Discipline [22 NYCRR 1240.13]

The AGC is required to file an application with the Court if an attorney has been found guilty of an ethical violation in another jurisdiction and “reciprocal discipline” is warranted. An attorney that is subject to the jurisdiction of the First Department, pursuant to 22 NYCRR 1240.7(a)(2), is required to notify the Court and the AGC if discipline is imposed on the attorney by a foreign jurisdiction. The Court may discipline the attorney for the misconduct committed in the other jurisdiction unless it finds that the procedure in the foreign jurisdiction deprived the respondent of due process, that there was insufficient proof that the respondent committed the misconduct, or that the imposition of discipline would be unjust.

Incapacity [22 NYCRR 1240.14]

If an attorney suffers from a mental disability or condition, alcohol or substance abuse, or any other condition that renders him/her incapacitated from practicing law, the AGC or the attorney may apply to the Court for a determination that the attorney is incapacitated from practicing law. Applications by the attorney must include medical proof demonstrating the incapacity. In such cases, the Court may appoint a medical expert to examine the attorney and render a report. When the Court finds that an attorney is incapacitated, it enters an

order immediately suspending the attorney from practicing and may stay the pending disciplinary proceeding or investigation.

Upon application by the AGC that includes a judicial determination that an attorney needs involuntary care or treatment in a facility for the mentally disabled, or is the subject of an order of incapacity, retention, commitment, or treatment pursuant to the Mental Hygiene Law, the Court may enter an order immediately suspending the attorney from the practice of law.

Reinstatements [22 NYCRR 1240.16, 1240.17]

Upon motion of a respondent who has been disbarred or suspended, the Court may issue an order reinstating such respondent upon the respondent's showing, by clear and convincing evidence, that the respondent has complied with the disbarment order, the suspension order, or the order which removed the respondent from the roll of attorneys; the respondent has complied with the rules of the Court, and has the requisite character and fitness to practice law; and that it would be in the public interest to reinstate the respondent to the practice of law. A suspended respondent may apply for reinstatement after the expiration of the period of suspension or as otherwise directed by the Court, except that respondents suspended for a fixed term of six months or less may apply for reinstatement 30 days prior to the expiration of the term of suspension. A disbarred respondent may apply for reinstatement to practice after the expiration of seven years from the entry of the order of disbarment.

REPRESENTATIVE CASES

Although the AGC, in conjunction with the Committee, engages in multiple functions in a confidential manner that do not result in public discipline, many matters become public when the Court acts on motions made by the AGC. In 2022, the Court publicly disciplined 60 lawyers as follows: 22 disbarments, four resignations by attorneys facing charges (equivalent to disbarment), 29 suspensions, and five public censures.

The Court also suspended 2,605 attorneys under after the AGC filed a motion to suspend the attorneys who failed to re-register and pay biennial registration fees.⁴

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 or acts 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 involves the theft or misappropriation of money belonging to clients. The Court has repeatedly stated that the intentional conversion of money that an attorney holds as a fiduciary or for a client requires disbarment, except in rare cases where there are exceptional mitigating circumstances. In such cases, the AGC will seek an immediate suspension of an attorney if there is sufficient evidence to justify the motion because such misconduct immediately threatens the public interest. In addition, the AGC will seek the suspension of an attorney who fails to cooperate in answering a complaint or does not comply with lawful demands for information or records. In 2022, the Court suspended 10 attorneys on an interim basis pending resolution of the charges against them in the following cases: *Matter of Lissa G. Luke*, 203 AD3d 27; *Matter of Francisco E. Ulloa*, 204 AD3d 1; *Matter of Oleg Vinnitsky*, 204 AD3d 134; *Matter of Kiran Meettook*, 206 AD3d 9; *Matter of Luke D. Lynch*, 206 AD3d 70; *Matter of John N. Iannuzzi*, 207 AD3d 105; *Matter of Pamela D. Hayes*, 208 AD3d 185; *Matter of Michael M. Strage*, 209 AD3d 106; *Matter of Steven J. Kwestel*, 211 AD3d 123; and *Matter of A. Grant McCrea*, 211 AD3d 167.

⁴ [Mass Suspension \(2022-04014\)PC-New.pdf \(nycourts.gov\)](#)

Disbarments

In 2022, the Court disbarred 22 attorneys. Four attorneys were disbarred following petitions for reciprocal discipline: *Matter of Nicholas G. Karambelas*, 203 AD3d 75; *Matter of Stuart R. Blatt*, 205 AD3d 115; *Matter of Elizabeth Vila Rogan*, 208 AD3d 22; and *Matter of William D. Outman, II*, 209 AD3d 42. One attorney was disbarred after he engaged in the practice of law while under suspension: *Matter of Justin Levine*, 212 AD3d 55, and two interimly-suspended attorneys received disbarments pursuant to 22 NYCRR 1240.9(b), when they failed to write to the AGC or Court to request a hearing or reinstatement within six months of the interim suspension: *Matter of Justin A. Greenblum*, 207 AD3d 101, and *Matter of Stephen L. Fox*, 209 AD3d 137. The Court struck the names of 12 attorneys after felony convictions: *Matter of Mitchell H. Kossoff*, 204 AD3d 167; *Matter of Paul Oliva Paradis*, 205 AD3d 88; *Matter of Christopher John Ahern*, 205 AD3d 196; *Matter of Jeffrey A. Sterling*, 205 AD3d 201; *Matter of Julius S. Reich*, 206 AD3d 22; *Matter of Jaeson L. Birnbaum*, 206 AD3d 122; *Matter of Timothy F. Cobb*, 209 AD3d 92; *Matter of Gerald S. Migdol*, 209 AD3d 99; *Matter of Colinford King Mattis*, 211 AD3d 34; *Matter of Urooj Rahman*, 211 AD3d 61; *Matter of Albert O. Grant*, 212 AD3d 38; and *Matter of Kenneth Schneider*, 212 AD3d 116. Finally, three attorneys were disbarred after formal charges: *Matter of Dennis A. Schuman*, 210 AD3d 5; *Matter of Angel Antonio Castro, III*, 210 AD3d 107 and *Matter of Owolabi M. Salis*, 212 AD3d 7.

Disciplinary Resignations

An attorney is permitted to resign from the bar during an investigation by the AGC, or after the filing of charges, if the attorney submits an affidavit, pursuant to 22 NYCRR 1240.10, acknowledging that the attorney knows the nature of the potential charges and cannot defend against them. A resignation is the equivalent of disbarment. In 2022, the Court accepted four resignations under 22 NYCRR 1240.10, and ordered their names stricken from the roll of attorneys: *Matter of Mark J. Heller*, 204 AD3d 125; *Matter of Marc A. Palladino*, 206 AD3d 54; *Matter of Sidney Baumgarten*, 206 AD3d 145; and *Matter of Jonathan Bruce Fisher*, 210 AD3d 1.

Suspensions as Discipline

A suspension can be ordered by the Court as discipline and to protect the public. The Court imposes suspension for conviction of “serious crimes,” as defined in Judiciary Law 90(4)(d), for reciprocal discipline, and for misconduct. In 2022, the Court suspended 17 attorneys for periods ranging from three months to three years: *Matter of Edward A. Schneider*, 203 AD3d 34; *Matter of Wayne F. Crowe*, 204 AD3d 5; *Matter of Yoram Keinan*, 204 AD3d 27; *Matter of Oleh R. Tustaniwsky*, 204 AD3d 162; *Matter of Daniel*

B. Kamensky, 205 AD3d 131; *Matter of Michael D. Stewart*, 206 AD3d 58; *Matter of Sara Alpert*, 206 AD3d 63; *Matter of Pamela S. Roth*, 207 AD3d 150; *Matter of Michael Faillace*, 208 AD3d 77; *Matter of Laura M. Rys*, 208 AD3d 83; *Matter of Ross Alan Willner*, 209 AD3d 47; *Matter of Lisa A. Wellman*, 209 AD3d 53; *Matter of Mehmet Arda Beskardes*, 209 AD3d 85; *Matter of Marc A. Seedorf*, 210 AD3d 10; *Matter of Joseph J. McClain*, 211 AD3d 16; *Matter of Andrew R. Corcoran*, 211 AD3d 28; and *Matter of Aaron D. Frishberg*, 211 AD3d 161.

Suspensions for Medical Disability

The Court's rules provide that an attorney may be suspended if judicially declared incompetent or if the Court concludes that the attorney is incapacitated from continuing to practice law. Pursuant to 22 NYCRR 1240.14(b), any pending disciplinary proceedings against the attorney shall be held in abeyance after the Court decides that the attorney is incapacitated to practice law. In 2022, the Court suspended two attorneys on these grounds: *Matter of Lavi S. Soloway*, 203 AD3d 187, and *Matter of Lucille A. Roussin*, 208 AD3d 174.

Public Censures

The least severe form of public discipline that the Court may impose is a censure (*see* 22 NYCRR 1240.2[c]). In 2022, the Court issued public censures in five cases: *Matter of Ilya Novofastovsky*, 204 AD3d 15; *Matter of Jeffrey D. Marks*, 204 AD3d 129; *Matter of Asel Mukambetova*, 204 AD3d 158; *Matter of Michael A. Blickman*, 208 AD3d 28; and *Matter of Andrew H. Freifeld*, 210 AD3d 39.

Reinstatements

Judiciary Law 90 and rule 22 NYCRR 1240.16 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 file an application for reinstatement pursuant to 22 NYCRR 1240.16(d). An attorney who has been suspended for a period of more than six months may apply to the Court for reinstatement upon the expiration of the period of suspension. An attorney who has been disbarred, or stricken from the roll of attorneys, may not apply for reinstatement until the expiration of seven years from the effective date of disbarment. In 2022, the Court granted 11 petitions for reinstatement after the respondent received discipline. The Court denied 3 reinstatement petitions.

Dishonored Check Investigations

Staff attorney Kevin P. Culley screens all complaints which the AGC receives, pursuant to the dishonored check reporting rule 22 NYCRR 1300; he also investigates and prosecutes other matters involving allegations of professional misconduct. Mr. Culley coordinates all necessary contacts with banking institutions and the Lawyers' Fund for Client Protection, supervises staff investigators in obtaining required banking and bookkeeping records, and recommends the disposition of the dishonored check matters. He has also delivered several presentations about proper escrow management at Continuing Legal Education courses.

Immigration Complaints

Staff attorney Jun Hwa Lee screens all immigration matters; she also investigates and prosecutes other matters involving allegations of professional misconduct. She coordinates the AGC's efforts with other agencies that target immigration fraud, and she supervises the AGC's use of immigration "Special Counsels" appointed by the Court to assist in our investigations. Ms. Lee participates in a task force called Protecting Immigrants New York (PINY) and speaks at various Continuing Learning Education courses regarding immigration matters.

PUBLIC DISCIPLINE CASES

Several of the cases prosecuted by staff attorneys which became a matter of public discipline in 2022 are reviewed below:

Matter of Jeffrey D. Marks, 204 AD3d 129 (1st Dept 2022)

(Public censure.) On March 15, 2022, the Court granted the AGC's motion which sought reciprocal discipline against Marks and publicly censured him, pursuant to 22 NYCRR 1240.13. The Court's imposition of discipline was premised upon a March 13, 2019, order from the Supreme Court of New Jersey which similarly censured Marks based on, *inter alia*, his failure to safeguard client funds held in escrow/commingling and his failure to maintain required bookkeeping records pertaining to his escrow account. (Staff Attorney Sean A. Brandveen)

Matter of Pamela D. Hayes, 208 AD3d 185 (1st Dept 2022)

(Interim suspension.) Following the Committee's investigation of a dishonored check from respondent's IOLA account, the Court granted the Committee's motion for Hayes's immediate suspension based upon uncontroverted evidence of her bank records, deposition testimony, and written submissions to the Committee demonstrating that she had repeatedly invaded and converted to her own use a purchaser's down payment which she deposited into her escrow account. In granting the Committee's motion, the Court rejected respondent's claim that the dishonored check was attributable to complications with the real estate transaction at issue and a bookkeeping related error on her part and noted that respondent did not provide credible corroborating evidence to support her assertions at her deposition that the withdrawals were properly made on her client's behalf. (Staff Attorney Kevin P. Culley)

Matter of Dennis A. Schuman, 210 AD3d 5 (1st Dept 2022)

(Disbarment.) Respondent, an experienced personal injury practitioner, was charged with misappropriating and converting client settlements of several matters to his personal use and failing to honor liens in favor of a litigation financing company, Global Financial, which gave cash advances to several clients against their recoveries in those matters, as well as a workers compensation insurer which paid out benefits for another client's job-related injuries. The Charges alleged that respondent engaged in additional dishonest conduct by misleading Global about the nature and status of his clients' claims, some of which had been settled and falsely testifying at an examination under oath before the Committee that he satisfied Global's security interest one of the client matters when in fact

he disbursed the funds without paying Global, which conduct also prejudiced the administration of justice. The Charges were sustained in their entirety after respondent failed to appear or interpose and Answer to the Committee's Petition. Respondent then failed to appear at a subsequent hearing on sanction as directed by the Court or make any written submission to the referee or the Court, despite being granted numerous adjournments and extensions. The Court ordered respondent disbarred. (Staff Attorney Kevin P. Culley)

Matter of Owolabi M. Salis, 212 AD 3d 7 (1st Dept 2022)

(Disbarment.) After a New York County jury acquitted Salis of charges related to his immigration law practice, the Department of Homeland Security referred his conduct to the AGC. This resulted in disciplinary charges alleging, *inter alia*, the fraudulent filing with the USCIS of hundreds of visa petitions and adjustment of status applications; attempts to disguise involvement in USCIS filings; and persistent flouting of attorney advertising restrictions. The court-appointed referee presided over a two-day liability hearing. Respondent was held liable on all the AGC's charges and thus in violation of Rules of Professional Conduct 3.1, 3.3(f), 7.1(a)(1), 7.1(f), 8.4(c), 8.4(d), and 8.4(h). A sanction hearing was scheduled by the referee, but Salis absented himself. Thereafter, Salis was offered a second chance to appear at a sanction hearing; he did not avail himself of the opportunity. The referee recommended the defiant Salis' disbarment. The Court granted the AGC's motion to affirm both the referee's findings of liability and his recommendation of disbarment. (Staff Attorney Kevin M. Doyle)

Matter of Francisco E. Ulloa, 204 AD3d 1 (1st Dept 2022)

(Interim suspension.) The Court granted the AGC's motion for Ulloa's immediate suspension based on his failure to respond to a complaint. That complaint alleged neglect in connection with representation Ulloa allegedly undertook while already suspended for failure to file registrations and pay biennial registration fees. With the Court's earlier permission, the AGC, having made extensive efforts to contact Ulloa, served notice of its motion by publication in the New York Law Journal. (Staff Attorney Kevin M. Doyle)

Matter of Michael Faillace, 208 AD3d 77 (1st Dept 2022)

(Two-year suspension.) Faillace, principal of Michael Faillace & Associates, P.C., represented plaintiffs in wage and hour cases arising under the Fair Labor Standards Act. His clients often complained that they were denied overtime or proper wages. On December 30, 2020, the Committee on Grievances (COG) for the U.S. District Court for the SDNY served Faillace with charges alleging that from 2007 to 2019, he underpaid

clients' monies to which they were entitled in violation of court orders. For example, in one case in which he represented 13 plaintiffs, the court specifically rejected the firm's request for attorney fees of 40% of the settlement amount and ordered costs and fees of one-third of the settlement or \$205,024.46. Faillace disregarded the court order and transferred \$280,259.58 into the firm's business account, thereby depriving his clients of more than \$75,000 to which they were entitled. He was also charged with making misrepresentations in connection with the COG's investigation into the allegations. On October 8, 2021, Faillace admitted to all of the charges, expressed remorse, agreed to take certain remedial steps, and consented to a two-year suspension. By order dated November 8, 2021, the Southern District suspended Faillace for two years. The AGC moved for reciprocal discipline, and on June 30, 2022, our Court granted the motion and suspended Faillace for two years. (Deputy Chief Attorney Naomi Goldstein)

Matter of Andrew H. Freifeld, 210 AD3d 39 (1st Dept 2022)

(Public censure.) When Freifeld's wife commenced divorce proceedings against him, Freifeld alleged that the special referee who issued the decision on their financial trial fixed the divorce to suit his ex-wife's counsel. When Freifeld failed to timely appear for a scheduled hearing before the special referee, he repeatedly accused her of interrupting him. He also wrote letters which described the special referee as "corrupt, a cheater and biased," and sent copies of the correspondence to all the NY Supreme Court justices. Freifeld admitted that he engaged in undignified and discourteous conduct before a tribunal, and in conduct prejudicial to the administration of justice, and he greatly regrets the comments he made in his letters to the justices. In light of his remorse, the Court accepted the AGC's and Freifeld's joint motion for discipline and publicly censured Freifeld on October 6, 2022. (Deputy Chief Attorney Naomi Goldstein)

Matter of Laura M. Rys, 208 AD3d 83 (1st Dept 2022)

(One and a half-year suspension.) In 2016, the Supreme Court of New Jersey (SCNJ) imposed a temporary suspension upon Rys because she failed to pay a fee arbitration award; the SCNJ also suspended her for six months beginning in January 2020, and for one year, effective August 1, 2020. Rys failed to report her suspensions to the NY disciplinary authorities, and by letter dated January 12, 2022, the Office of New Jersey Ethics advised the AGC of the suspensions and of Rys' prior disciplinary history in that state. The allegations against her included, *inter alia*, failure to maintain an attorney trust account, practicing law in NJ when she was ineligible to do so, and failure to file an affidavit of compliance. The AGC sought to impose reciprocal discipline, and the Court suspended

Rys for one and one-half years, effective August 26, 2022. (Deputy Chief Attorney Naomi Goldstein)

Matter of Stuart R. Blatt, 205 AD3d 115 (1st Dept 2022)

(Disbarment.) In 2019, the Maryland Court of Appeals disbarred Blatt for misappropriation of client funds. As Blatt's actions would also constitute misconduct if committed in New York, disbarment was the appropriate commensurate sanction. (Staff Attorney Peter H. Hertzog)

Matter of Jonathan B. Fisher, 210 AD3d 1 (1st Dept 2022)

(Disciplinary resignation.) Fisher resigned from the practice of law after the AGC investigated allegations that he willfully misappropriated escrow funds in the sum of \$600,000. Fisher attested that he made full restitution to the client before the commencement of the investigation. As the Court holds that intentional misappropriation of client funds warrants disbarment absent extremely unusual mitigating circumstances, the Court accepted Fisher's resignation. (Staff Attorney Peter H. Hertzog)

Matter of Oleg Vinnitsky, 204 AD3d 134 (1st Dept 2022)

(Interim suspension.) In 2019, the AGC received two separate complaints alleging that Vinnitsky, as sellers' counsel in real estate transactions, took the buyers' deposits on separate properties, failed to provide them with contracts of sale, and did not refund the deposits. Due to Vinnitsky's repeated failure to comply with the AGC's investigation of the complaints, as well as his delinquent attorney registration, the Court suspended him until further notice. (Staff Attorney Peter H. Hertzog)

Matter of Christopher John Ahern, 205 AD3d 196 (1st Dept 2022)

(Disbarment.) On May 12, 2022, the Court struck Ahern's name from the roll of attorneys and counselors-at-law. Ahern's disbarment arose from his pleading guilty, on July 5, 2016, in the US District Court for the SDNY, to making and presenting false, fictitious, and fraudulent claims to the United States in violation of 18 USC 287, a felony. At the plea proceeding, Ahern admitted that he knowingly falsified 13 tax returns and submitted them to the government for payment, the submitted returns were false because the taxpayers were given an education credit that they were not entitled to receive, and Ahern knew that his conduct was wrong and illegal. Ahern's criminal conduct deprived the United States Treasury of approximately \$4.7 million and resulted in his receipt of approximately \$1.5 million in fees from clients. The Court found that Ahern's conviction satisfied the elements of Penal Law 175.35 – offering a false instrument for filing in the first degree – a Class E

felony in NY. Ahern reported his conviction more than four years after he entered his guilty plea. The Court's order striking Ahern's name was thus *nunc pro tunc* to July 5, 2016. (Staff Attorney Kelly Latham)

Matter of Luke D. Lynch, 206 AD3d 71 (1st Dept 2022)

(Interim suspension.) On May 31, 2022, the Court suspended Lynch on an interim basis from the practice of law, pursuant to 22 NYCRR 1240.9(a)(2) and (5), based on his admissions under oath and other uncontroverted evidence of professional misconduct that immediately threatened the public interest. Lynch was the sole equity partner and principal of the now defunct law firm known as D'Amato & Lynch, LLP (Firm). In October 2018, the Firm deposited into its operating account a settlement check for \$1,000,000, issued from First Mercury Insurance Company for payment of a settlement to a third-party plaintiff. The settlement funds were then depleted through a series of improper transactions and, to date, have still not been paid to the rightful recipient. An audit of the Firm's accounts further uncovered three additional settlements amounting to \$1,820,000, which were commingled with Firm funds. During the relevant period that the settlement funds were commingled and misappropriated, Lynch entirely relied on an in-house non-attorney comptroller and outside accountants to review all of the Firm's accounts. Lynch did not have access to, nor did he use the Firm's cloud-based bookkeeping system, he did not regularly review the Firm's bookkeeping records, and he did not personally audit or reconcile the Firm's accounts. The Court found that the circumstances in this matter satisfied the requirements for imposition of an interim suspension, noting that Lynch breached his fiduciary duty to protect client and third-party funds in the Firm's possession, failed to properly monitor and oversee the Firm's operating and escrow accounts, and failed to supervise the maintenance of those accounts, resulting in the commingling of approximately \$2,800,000 in third-party funds and the misappropriation of \$1,000,000 in settlement funds. (Staff Attorney Kelly Latham)

Matter of Wayne F. Crowe, 204 AD3d 5 (1st Dept 2022)

(Three-month suspension.) Crowe engaged in conduct prejudicial to the administration of justice when he offered to refund clients' fees in exchange for withdrawal of their disciplinary complaints filed against him. He also neglected legal matters, failed to communicate with a client, failed to act with reasonable diligence and promptness, and failed to promptly refund an unearned legal fee. The Court found that Crowe's misconduct affected five separate clients over a period of two years. The Court also found that he was previously advised against engaging in *quid pro quo* behavior when he made a similar

refund offer to a client after she filed a disciplinary complaint against him. The Court suspended Crowe for three months. (Staff Attorney Jun H. Lee)

Matter of Asel Mukambetova, 204 AD3d 158 (1st Dept 2022)

(Public censure.) Mukambetova violated 22 NYCRR 1200.0 Rules 8.4(e)(1) and (h) by threatening to report her client to the immigration authorities because the client publicly complained about her online. Mukambetova also implied that her status as an attorney would improperly influence the immigration authorities to deport the client and she knew that her threats would greatly affect the client. In consideration of mitigating factors, which included Mukambetova's mental health issues and her apology to her client, the Court granted the parties' joint motion for discipline by consent and imposed a public censure. (Staff Attorney Thomas M. Lee)

Matter of Sara O. Alpert, 206 AD3d 63 (1st Dept 2022)

(Six-month suspension.) The Court suspended Alpert for six months based on consent discipline wherein she admitted that she failed to perform work in immigration cases assigned to her as a law-firm associate, and that she engaged in dishonest conduct, including falsification of documents, to conceal her failure to perform the required work. (Deputy Chief Attorney Vitaly Lipkansky)

Matter of Sidney Baumgarten, 206 AD 3d 145 (1st Dept 2022)

(Disciplinary resignation.) The Court disbarred Baumgarten, who tendered his resignation and admitted that he could not successfully defend himself against allegations being investigated by the AGC that he had misapplied escrow funds. (Deputy Chief Attorney Vitaly Lipkansky)

Matter of Stephen L. Fox, 209 AD3d 137 (1st Dept 2022)

(Disbarment.) The Court disbarred Fox pursuant to 22 NYCRR 1240.9(b) because he neither responded to, nor appeared for, further investigatory or disciplinary proceedings – regarding checks issued from his IOLA account that were dishonored due to insufficient funds – within six months from the date of an order of interim suspension. Fox opposed the disbarment motion. (Deputy Chief Attorney Vitaly Lipkansky)

Matter of Yoram Keinan, 204 AD3d 27 (1st Dept 2022)

(One-year suspension.) On motion for Discipline by Consent, the Court suspended Keinan for one year based on his unauthorized diversion of funds to himself that were paid to him by his firm's clients. The funds should have gone to the firm, but, at the time of the

misconduct, Keinan wrongly believed that he had “some claim of right to the funds in question based on many hours of uncompensated work that he had performed for” the clients. In mitigation the Court found, *inter alia*, that Keinan had repaid the funds in question to his firm before the firm filed its complaint against him with the AGC. (Deputy Chief Attorney Vitaly Lipkansky)

Matter of Justin Levine, 212 AD3d 55 (1st Dept 2022)

(Disbarment.) The Court disbarred Levine for practicing law while suspended. The AGC discovered Levine’s unauthorized practice of law during its investigation of his application for reinstatement. He had originally been suspended for six months due to his misdemeanor conviction for bringing contraband into a correctional facility. (Deputy Chief Attorney Vitaly Lipkansky)

Matter of Ilya Novofastovsky, 204 AD3d 15 (1st Dept 2022)

(Public censure.) The Court publicly censured Novofastovsky based on consent discipline for his negligent misappropriation of escrow funds and failure to maintain the bookkeeping records required by rule 1.15(d) of the Rules of Professional Conduct. (Deputy Chief Attorney Vitaly Lipkansky)

Matter of Marc A. Palladino, 206 AD3d 54 (1st Dept 2022)

(Disciplinary resignation.) The Court disbarred Palladino after he submitted his resignation wherein he attested that he could not successfully defend himself against allegations being investigated by the AGC that he had misappropriated \$529,000 in funds from his law firm and a client. (Deputy Chief Attorney Vitaly Lipkansky)

Matter of Michael A. Blickman, 208 AD3d 28 (1st Dept 2022)

(Public censure.) On July 5, 2022, the Court granted the AGC’s motion for reciprocal discipline pursuant to 22 NYCRR 1240.13, predicated upon similar discipline which Blickman received in Indiana. The Indiana Supreme Court publicly censured Blickman for failing to provide competent representation [RPC 1.1] and engaging in conduct prejudicial to the administration of justice [8.4(d)] while serving as outside counsel for a private high school. The Court held that public censure was the appropriate sanction as it was commensurate with the discipline imposed in Indiana and in general accord with precedent involving arguable comparable misconduct. (Staff Attorney Norma I. Lopez)

Matter of Mark J. Heller, 204 AD3d 125 (1st Dept 2022)

(Disciplinary resignation.) Heller acknowledged that he was the subject of an investigation by the AGC concerning four matters. In a matrimonial matter, Heller confessed that he charged an excessive fee, failed to submit timely invoices, and failed to finalize the divorce judgment. He also admitted that the client in the matrimonial matter sued him for malpractice and breach of contract and obtained a judgment against him after trial in the amount of \$523,536.00 with interest, that he has not paid. As to the three other matters under investigation, Heller acknowledged that he failed to communicate with a client in a criminal matter, failed to provide a retainer agreement to a client in a criminal matter, and neglected a client's matter in a criminal case. Heller resigned after attesting that he could not successfully defend against any of the allegations under investigation. (Staff Attorney Elisabeth Palladino)

Matter of Justin A. Greenblum, 207 AD3d 101 (1st Dept 2022)

(Disbarment.) At the time of Greenblum's disbarment, he had an extant interim suspension for, *inter alia*, failure to comply with the AGC's inquiries and failure to comply with a judicial subpoena *duces tecum*. The disbarment was a result of Greenblum's failure to appear for further investigatory or disciplinary proceedings for more than six months after the date of his suspension. (Staff Attorney Orlando Reyes)

Matter of John N. Iannuzzi, 207 AD3d 105 (1st Dept 2022)

(Interim suspension.) The Court immediately suspended Iannuzzi until further order and pending further proceedings, based on, *inter alia*, evidence that he intentionally converted and/or misappropriated client and/or third-party funds. (Staff Attorney Orlando Reyes)

Matter of Steven J. Kwestel, 211 AD3d 123 (1st Dept 2022)

(Interim suspension.) Three days before being sentenced for failure to collect or pay over taxes, Kwestel applied to resign from the NY Bar for non-disciplinary reasons. His felony conviction rendered him ineligible for a non-disciplinary resignation, and the Court, who deemed his federal offense a serious crime, immediately suspended him until further order and pending further proceedings. (Staff Attorney Orlando Reyes)

Matter of Lissa G. Luke, 203 AD3d 27 (1st Dept 2022)

(Interim suspension.) The Court immediately suspended Luke until further order and pending further proceedings based on, *inter alia*, evidence that she failed to respond to the AGC's inquiries and failed to comply with a judicial subpoena *duces tecum*. (Staff Attorney Orlando Reyes)

Matter of Lucille A. Roussin, 208 AD3d 174 (1st Dept 2022)

(Medical suspension.) The Court immediately suspended Roussin based on evidence that she suffered from a medical condition which resulted in her inability to continue to practice law. (Staff Attorney Orlando Reyes)

Matter of Edward A. Schneider, 203 AD3d 34 (1st Dept 2022)

(Three-month suspension.) The Court granted the parties' joint motion for discipline by consent and suspended Schneider for three months based on his conditional admissions that he committed misconduct by neglecting a client matter, withdrew from a matter in a manner that caused foreseeable prejudice to the client, withdrew from a matter without permission by a tribunal, failed to reply to a client's reasonable requests for information, and failed to comply with the directives of an Admonition imposed by the AGC. (Staff Attorney Orlando Reyes)

Matter of Michael M. Strage, 209 AD3d 106 (1st Dept 2022)

(Interim suspension.) The Court immediately suspended Strage until further order of the Court due to his failure to respond to the petition of charges which alleged that he made false statements on an attorney registration form, wrongly disbursed funds subject to an attorney's charging lien, failed to keep proper records for an attorney escrow account, failed to comply with a judicial subpoena *duces tecum*, and failed to comply with an Admonition imposed by the AGC. (Staff Attorney Orlando Reyes)

Matter of Lavi S. Soloway, 203 AD3d 187 (1st Dept 2022)

(Medical suspension.) By motion dated June 16, 2021, the AGC moved for Soloway's immediate suspension from the practice of law pursuant to 22 NYCRR 1240.9(a) (1) and (3) based on his failure to answer two complaints and to appear for a deposition as directed by judicial subpoena. In August 2021, the Court granted the AGC's motion. Because Soloway's complained of misconduct and his failure to cooperate with the AGC's investigation were related to his health issues, the Court converted his interim suspension to a medical suspension under 22 NYCRR 1240.14(b) and stayed the pending proceeding against him. (Staff Attorney Yvette Rosario)

Matter of Ross A. Willner, 209 AD3d 47 (1st Dept 2022)

(Three-month suspension.) The Florida Supreme Court imposed a three-month suspension upon Willner for DUI-related misconduct, and the First Department saw fit to grant the AGC's motion for a commensurate reciprocal suspension in New York, pursuant to 22

NYCRR 1240.13. Further, Willner's failure to register and pay his biennial registration fee constituted an independent ground for his suspension per Judiciary Law 468-a. (Staff Attorney Yvette Rosario)

Matter of Mehmet Arda Beskardes, 209 AD3d 85 (1st Dept 2022)

(One-year suspension.) Beskardes admitted that the USCIS denied his client's visa application because he failed to timely respond to the USCIS's request for further evidence. Beskardes also failed to file a motion to reopen his client's case, used a nonrefundable fee provision in his retainer agreement, and represented his client while suspended from the practice of law in New York and Tennessee. The Court accepted the AGC's and Beskardes' joint motion for discipline by consent, and suspended Beskardes for one year, effective September 30, 2022. (Staff Attorney Remi Shea)

Matter of Aaron D. Frishberg, 211 AD3d 161 (1st Dept 2022)

(Six-month suspension.) Frishberg admitted that he neglected a legal matter, failed to provide competent representation, failed to act with reasonable diligence and promptness, and failed to properly communicate with his client, all in connection with his mishandling of his client's personal injury action. The Court granted the AGC's and Frishberg's joint motion for discipline by consent and suspended Frishberg for six months, effective December 29, 2022. (Staff Attorney Remi Shea)

Matter of Joseph J. McClain, 211 AD3d 16 (1st Dept 2022)

(One-year suspension.) McClain pleaded guilty to the misdemeanor crimes of simple assault and indecent exposure for a sexual assault which occurred prior to his admission to the bar. As his conduct adversely reflected on his fitness as a lawyer, the Court granted his and the AGC's joint motion for discipline by consent and suspended McClain for one year, effective November 28, 2022. (Staff Attorney Remi Shea)

Matter of Kiran Meettook, 206 AD3d 9 (1st Dept 2022)

(Interim suspension.) As Meettook failed to provide the bookkeeping records which the AGC repeatedly requested since November 2021 and failed to appear for a deposition as directed by judicial subpoena, the Court interinely suspended her, effective May 17, 2022. (Staff Attorney Remi Shea)

Matter of William D. Outman, II, 209 AD3d 42 (1st Dept 2022)

(Disbarment.) Outman consented to disbarment in the District of Columbia because he could not successfully defend against charges of reckless misappropriation. The Court

granted the AGC's motion for commensurate reciprocal discipline and disbarred Outman, effective August 23, 2022. (Staff Attorney Remi Shea)

Matter of Pamela S. Roth, 207 AD3d 150 (1st Dept 2022)

(Two-year suspension.) While working on a client's case, Roth wrote a dishonored \$210 check to the county clerk's office, which she did not replace until the clerk's office complained to the AGC. Roth also, *inter alia*, failed to inform a client of her change of address, failed to provide paperwork requested by the client, and failed to keep the client reasonably informed about the status of the matter. The Court thus granted the AGC's and Roth's joint motion for discipline by consent, and suspended Roth for two years, effective July 29, 2022. (Staff Attorney Remi Shea)

Matter of Oleh R. Tustaniwsky, 204 AD3d 162 (1st Dept 2022)

(Two-year suspension.) Tustaniwsky, who admitted that he violated California's Business and Professions Code by not filing reports in compliance with the conditions of his probation, voluntarily resigned from the California bar with charges still pending. In light of Tustaniwsky's resignation in California, the Executive Office for Immigration Review (EOIR) suspended him from practice before the Board of Immigration Appeals, the Immigration Courts, and the DHS for two years. As his misconduct in California would also constitute professional misconduct in NY, the AGC sought to impose reciprocal discipline on him. The Court granted the AGC's motion and suspended Tustaniwsky for two years, effective May 2, 2022. (Staff Attorney Remi Shea)

Matter of Angel A. Castro, III, 210 AD3d 107 (1st Dept 2022)

(Disbarment.) In 2018, Castro was retained to file a notice of appeal on behalf of a client and to obtain and evaluate trial transcripts. The client gave Castro a check for \$3,500 which was expressly earmarked to be used to pay for the transcripts. After depositing the check into his business account, Castro withdrew funds and used them to pay his business and personal expenses leaving a balance of \$70, but he never paid the reporter or obtained the transcripts. In a second matter, Castro surreptitiously recorded a court proceeding in a matrimonial trial without authorization by wearing eyeglasses containing a concealed camera. The Court found such conduct to be prejudicial to the administration of justice. In a third matter, Castro was found to have obtained a \$100,000 loan from a client in 2017 to start his law practice without advising the client that he should retain separate counsel when negotiating the terms of the loan agreement. (Staff Attorney Denice M. Szekely)

Matter of Albert O. Grant, 212 AD3d 38 (1st Dept 2022)

(Disbarment.) The Court disbarred Grant based upon a referee's recommended sanction after the Court deemed Grant to have committed a serious crime for his guilty plea to conspiracy to commit wire fraud and wire fraud for his involvement in a scheme in which victims paid advance fees for fraudulent standby letters of credit (SBLC) issued by fake banks. Grant acted as escrow agent in these transactions and accepted advance fees from the victims, which he immediately wired to his co-conspirators despite an agreement that he was not to wire the funds out of the account until the victim had received the SBLC. Grant also misappropriated \$316,699 in client funds from his attorney escrow account. As part of his conviction Grant was jointly and severally liable to make \$4.8 million in restitution to the victims of the SBLC scheme and to forfeit the \$160,000 he personally earned. The Court also found that Grant, who was under temporary/interim suspensions in New Jersey and New York, had violated the terms of those suspensions by engaging in the unauthorized practice of law, continuing to hold himself out as an attorney in good standing, and falsely representing in affidavits that he had complied with the terms of his New Jersey and New York suspensions. (Staff Attorney Denice M. Szekely)

Matter of Nicholas G. Karambelas, 203 AD3d 75 (1st Dept 2022)

(Disbarment.) The Court disbarred Karambelas as reciprocal discipline pursuant to 22 NYCRR 1240.13 based on his discipline in Maryland for the intentional misappropriation of estate funds. Karambelas had been retained in 1997 by a client to help her execute a codicil to her previously executed 1995 will, and to appoint Karambelas as co-personal representative along with the client's daughter. The client died, but Karambelas took no action for three years, at which point, in a petition to name the daughter as personal representative, he misrepresented that the client had died intestate. Over a two-year period, Karambelas misappropriated \$576,990.82 to pay for his own personal and business expenses, afterwards telling the estate's representative that the misappropriated funds had been lost in the 2008 stock market crash. (Staff Attorney Denice M. Szekely)

Matter of Colinford King Mattis, 211 AD3d 34 (1st Dept 2022)

Matter of Urooj Rahman, 211 AD3d 61 (1st Dept 2022)

(Disbarment.) On November 15, 2022, in companion decisions, the Court automatically disbarred Mattis and Rahman pursuant to Judiciary Law 90(4)(a) and (b) upon their federal felony convictions of conspiracy to commit arson and to make and possess an unregistered destructive device (18 USC 371, 844 i]; 26 USC 5861 [d], [f]), since those charges were essentially similar, in language and elements, to one or more felony offenses defined under New York law, including conspiracy to commit arson in the third degree (Penal Law

105.10 [1]; 150.10 [1]). The convictions arose out of Mattis and Rahman's guilty pleas stemming from their making and possessing a Molotov cocktail and using it to damage an unoccupied NYC police vehicle during a 2020 protest over the death of George Floyd. The disbarments were effective *nunc pro tunc* to June 2, 2022, the date of their conviction. (Staff Attorney Denice M. Szekely)

Matter of A. Grant McCrea, 211 AD3d 167 (1st Dept 2022)

(Interim suspension.) On November 29, 2022, the Court immediately suspended Grant for failure to comply with lawful demands from the AGC to answer a complaint which alleged that he neglected a client matter and failed to communicate with the client. Grant was aware of the investigation of the complaint and informed the AGC that he was living out of the country and no longer practicing law and unable to submit an answer due to a medical condition. Grant repeatedly failed to provide an answer to the AGC or proof of his medical condition over a period of more than two years. Grant had also failed to register and pay his OCA registration since the 2020-2021 biennial period. Grant consented to be served by email and mail with a motion by the AGC for immediate suspension pursuant to 22 NYCRR 1240.9(a)(3) and NY Judiciary Law 468-a, and he did not oppose or respond to the AGC's motion. (Staff Attorney Denice M. Szekely)

Matter of Lisa A. Wellman, 209 AD3d 53 (1st Dept 2022)

(Three-month suspension.) On August 23, 2022, the Court imposed reciprocal discipline on Wellman based on similar discipline which she had received in February 2021 in New Hampshire for her conduct on two separate client matters. In the first, Wellman did not confirm with her client that the proposed resolution to an issue in a parenting plan was acceptable before suggesting it to opposing counsel or requesting a continuance from the court, in violation of New Hampshire Rules of Professional Conduct 1.2(a) and 1.4(a). In the second matter, Wellman provided a client with a copy of a confidential report in a family court matter, in violation of a court order and New Hampshire Rule of Professional Conduct 3.4(c). The Court also considered Wellman's failure to notify New York of a public censure she had received from New Hampshire in 2018 for failure to inform another client that the client was on probation following her release from incarceration. (Staff Attorney Denice M. Szekely)

Matter of Jaeson L. Birnbaum, 206 AD3d 122 (1st Dept 2022)

(Disbarment.) The Court automatically disbarred Birnbaum, pursuant to Judiciary Law 90(4)(b), based upon his federal felony conviction, by guilty plea, to securities fraud. Birnbaum's conviction stemmed from his operation of two litigation funding firms that did

business in New York and New Jersey. Through these companies, Birnbaum sold investors the rights to recoveries of certain lawsuits that had already been pledged to other investors, transferred to other entities, or been concluded. Birnbaum used money raised by the two firms for personal purposes. To cover up his fraudulent activities, Birnbaum directed an employee to falsify books and records to make it appear that certain cases were available to be pledged as collateral to new investors, when in fact the matters had already concluded. (Deputy Chief Attorney Raymond Vallejo)

Matter of Timothy F. Cobb, 209 AD3d 92 (1st Dept 2022)

(Disbarment.) The Court automatically disbarred Cobb, pursuant to Judiciary Law 90(4)(b), based upon his conviction, by guilty plea, of the federal felony of wire fraud. Cobb's conviction stemmed from his ownership and operation of an entity through which he embezzled \$500,000 in investor funds which were supposed to have been put towards the creation of a fantasy football lottery game with several state lotteries. The Court found that the federal felony of which Cobb was convicted was "essentially similar" to the New York State felony of scheme to defraud in the first degree. (Deputy Chief Attorney Raymond Vallejo)

Matter of Andrew R. Corcoran, 211 AD3d 28 (1st Dept 2022)

(18-month suspension.) Pursuant to the doctrine of reciprocal discipline, under 22 NYCRR 1240.13, the Court suspended Corcoran from the practice of law for 18 months based upon discipline imposed by the Court of Appeals in Maryland. Specifically, Corcoran was found to have mismanaged his law firm's attorney trust account, including his negligent reliance on representations made by the principal owner of the firm's parent entity, concealment of material information from a client, and obfuscation of the status of payments to the client. (Deputy Chief Attorney Raymond Vallejo)

Matter of Daniel B. Kamensky, 205 AD3d 131 (1st Dept 2022)

(Six-month suspension.) The Court granted the joint motion for discipline by consent suspending Kamensky from the practice of law for six months, effective as of the date of his interim suspension. Specifically, Kamensky pleaded guilty to committing an act of bribery or extortion in connection with the federal bankruptcy laws. In mitigation, the Court considered that Kamensky had no disciplinary history and that there was no harm to the unsecured creditors to whom he owed a fiduciary duty. (Deputy Chief Attorney Raymond Vallejo)

Matter of Mitchell H. Kossoff, 204 AD3d 167 (1st Dept 2022)

(Disbarment.) The Court automatically disbarred Kossoff, pursuant to Judiciary Law 90(4)(b), based upon his conviction, by guilty plea, to the felonies of scheme to defraud and grand larceny in the first degree. Kossoff admitted that he defrauded multiple clients and others involved in client-related matters by falsely representing that certain funds would be held in escrow. He then intentionally stole those funds. Kossoff admitted that he stole more than \$1 million and caused the losses incurred by 35 individuals and entities. (Deputy Chief Attorney Raymond Vallejo)

Matter of Gerald S. Migdol, 209 AD3d 99 (1st Dept 2022)

(Disbarment.) The Court automatically disbarred Migdol, pursuant to Judiciary Law 90(4)(b), based upon his conviction, by guilty plea, to the federal felony of bribery. Migdol's bribery conviction stemmed from his entering into a *quid pro quo* agreement in 2019 with the former Lt. Governor of New York, Brian Benjamin, who was then a state senator, under which agreement Benjamin offered to obtain a \$50,000 state grant for a nonprofit, charitable organization operated by Migdol in exchange for Migdol giving him and procuring for him campaign contributions. (Deputy Chief Attorney Raymond Vallejo)

Matter of Paul O. Paradis, 205 AD3d 88 (1st Dept 2022)

(Disbarment.) The Court automatically disbarred Paradis, pursuant to Judiciary Law 90(4)(b), based upon his federal felony conviction of bribery in federally funded programs. Paradis' conviction arose from his simultaneous representation as special counsel to the Los Angeles Department of Water and Power (LADWP) and a ratepayer suing the utility in a class action lawsuit in the wake of a billing system debacle. Paradis secretly accepted a kickback of \$2.2 million from an outside Ohio attorney Paradis had recruited to supposedly represent the ratepayer client in a collusive lawsuit against LADWP. (Deputy Chief Attorney Raymond Vallejo)

Matter of Julius S. Reich, 206 AD3d 22 (1st Dept 2022)

(Disbarment.) The Court automatically disbarred Reich, pursuant to Judiciary Law 90(4)(b), based upon his conviction, by guilty plea, to manslaughter in the first degree, a class "B" felony. Reich admitted that he stabbed his wife multiple times, with the intent to cause serious physical injury, and caused her death. The Court also found that Reich engaged in professional misconduct by failing to timely report his conviction, which may be relevant to any future application for reinstatement. (Deputy Chief Attorney Raymond Vallejo)

Matter of Elizabeth Vila Rogan, 208 AD3d 22 (1st Dept 2022)

(Disbarment.) Pursuant to the doctrine of reciprocal discipline, under 22 NYCRR 1240.13, the Court disbarred Vila Rogan based upon discipline imposed by the Supreme Court of Georgia. Specifically, Vila Rogan, who forged the initials of a judge to a court order, entered a plea of *nolo contendere* to the misdemeanor crime of obstruction of officers, pursuant to the First Offender Act. Vila Rogan voluntarily surrendered her license to practice law in Georgia. (Deputy Chief Attorney Raymond Vallejo)

Matter of Kenneth Schneider, 212 AD3d 116 (1st Dept 2022)

(Disbarment.) The Court granted the joint motion for discipline by consent disbaring Schneider, effective as of the date of his interim suspension. Specifically, Schneider was convicted, in the United States District Court for the Eastern District of Pennsylvania, after a jury trial, of traveling in foreign commerce for the purpose of engaging in sex with a minor. Schneider was sentenced to 180 months in prison, three years of supervised release and directed to register as a sex offender. (Deputy Chief Attorney Raymond Vallejo)

Matter of Marc A. Seedorf, 210 AD3d 10 (1st Dept 2022)

(Three-year suspension.) The Court granted the joint motion for discipline by consent suspending Seedorf for three years, effective as of the date of his interim suspension. Specifically, Seedorf pleaded guilty to tax evasion, a federal felony, where he admitted that from 2009 through 2019 he knowingly and willfully evaded payment of a substantial part of his federal income taxes by various means, including by failing to file personal tax returns. Seedorf was sentenced to six months imprisonment, three years of supervised release and a fine of \$55,000. (Deputy Chief Attorney Raymond Vallejo)

Matter of Jeffrey A. Sterling, 205 AD3d 201 (1st Dept 2022)

(Disbarment.) The Court automatically disbarred Sterling, pursuant to Judiciary Law 90(4)(b), based upon his federal felony conviction of obstruction of justice. Sterling's conviction stemmed from his employment at the CIA where he was assigned to a classified project designed to undermine Iran's nuclear program. Among other things, Sterling was found to have shared classified information about the Iranian nuclear program with a reporter, which was published in a book. The Court found that Sterling's federal conviction was "essentially similar" to the New York felony of tampering with physical evidence. (Deputy Chief Attorney Raymond Vallejo)

Matter of Michael D. Stewart, 206 AD3d 58 (1st Dept 2022)

(Two-year suspension.) Pursuant to the doctrine of reciprocal discipline, under 22 NYCRR 1240.13, the Court suspended Stewart from the practice of law for two years based upon discipline imposed by the Florida Supreme Court. Specifically, Stewart was found to have neglected and failed to communicate with clients in six matters. In mitigation, the Florida Supreme Court found an absence of selfish motive and his full and free disclosure to the Florida Bar. (Deputy Chief Attorney Raymond Vallejo)

Appendix A: Committee Composition

Committee Members from January 1, 2022 through September 30, 2022

Committee 1

Abigail T. Reardon, Chair
Milton L. Williams, Jr., Vice Chair
Robert M. Abrahams
Marijo C. Adimey
Peter A. Bellacosa
Eleazar F. Bueno*
John P. Buza
Miguelina M. Camilo
Anta Cisse-Green
William F. Dahill
Keisha-Ann G. Gray
C. Willem Houck*
Arthur M. Luxenberg
Eve Rachel Markewich
Scott E. Mollen
Virginia A. Reilly
Darren Rosenblum
Joshua Silber
Hon. Milton A. Tingling
Judith E. White
Toby R. Winer*

Committee 2

Robert J. Anello, Chair
Ricardo E. Oquendo, Vice Chair
Rev. Reyn Cabinte*
Sylvia F. Chin
Catherine A. Christian
Susan M. Cofield*
Robert S. Cohen
Virginia Goodman Futterman
Mark S. Gottlieb*
Jaipat S. Jain
Devika Kewalramani
Amy L. Legow
Christopher Morel
Elliot Moskowitz
Vianny M. Paulino-Pichardo
Michael Roberts
Joanna Rotgers
Lisa Vicens
Terel R. Watson
Tina M. Wells
Mark C. Zauderer

*Lay member

Appendix A: Committee Composition

Committee Members from October 1, 2022 through December 31, 2022

Committee 1

Abigail T. Reardon, Chair
Milton L. Williams, Jr., Vice Chair
Robert M. Abrahams
Marijo C. Adimey
Erica Barrow
Peter A. Bellacosa
Eleazar F. Bueno*
John P. Buza
Miguelina M. Camilo
Anta Cisse-Green
William F. Dahill
Lissette A. Duran
C. Willem Houck*
Arthur M. Luxenberg
Scott E. Mollen
Virginia A. Reilly
Beatrice Seravello*
Joshua Silber S.
Yan Sin
Hon. Milton A. Tingling
Judith E. White

Committee 2

Robert J. Anello, Chair
Tina M. Wells, Vice Chair
Steven Benathen
Rev. Reyn Cabinte*
Hon. James M. Catterson
Catherine A. Christian
Susan M. Cofield*
Robert S. Cohen
Virginia Goodman Futterman
Mark S. Gottlieb*
Jaipat S. Jain
Devika Kewalramani
Amy L. Legow
Christopher Morel
Vianny M. Paulino-Pichardo
Michael Roberts
Joanna Rotgers
Jeffrey S. Stillman
Lisa Vicens
Terel R. Watson
Mark C. Zauderer

Appendix B: Office of the Chief Attorney: Attorneys

Chief Attorney

Jorge Dopico

Deputy Chief Attorneys

Angela Christmas

Naomi F. Goldstein

Vitaly Lipkansky

Raymond Vallejo

Staff Attorneys

Daniel Baek

Louis J. Bara

Sean A. Brandveen

Kevin P. Culley

Kevin M. Doyle

Peter M. Hertzog

Kelly A. Latham

Jun H. Lee

Thomas M. Lee

Norma I. Lopez

Norma I. Melendez

Elisabeth Palladino

Orlando Reyes

Christopher Ronk

Yvette A. Rosario

Remi E. Shea

Denice M. Szekely

Appendix C: Office of the Chief Attorney: Administrative Staff

Investigators

Nancy De Leon, Chief
Robert Murphy
Anthony Rodriguez

Paralegals

Joel A. Peterson, Chief
Tennille Millhouse
Grace Pajuelo
Reginald E. Thomas

Office Manager

Marcy Sterling

Computer Personnel

Mark Hernandez, Data Entry
Shayna LaPlante

Accountant

Martin Schwinger

Administrative Assistants

Lauren Cahill
Monique R. Hudson-Nlemchi
Donna M. Killian
Tina M. Nardelli
Celina M. Nelson
Clarissa Perez
Michael J. Ramirez
Sharon Ramirez
Natasha S. Solomon
Shaniyia Z. Thomas
Leonard Zarrillo

Appendix D:

PROFESSIONAL MATTERS CASELOAD REPORT

FIRST JUDICIAL DISTRICT, FIRST DEPT

REPORT PERIOD: 01/01/2022 - 12/31/2022

DATE: 10/02/2023

PROFESSIONAL MATTERS CASELOAD REPORT

I. PROFESSIONAL MATTERS¹ PROCESSED BY THE COMMITTEE

A. Matters Pending at Start of Report Period	<u>1,268</u>
B. New Matters During Report Period (see Part II, infra)	<u>7,869</u>
C. Closed Matters Reactivated During Report Period ²	<u>32</u>
D. Total Matters to be Processed During Report Period (A + B + C)	<u>9,169</u>
E. Total Matters Disposed of During Report Period (see Parts III - IV, infra)	<u>7,851</u>
F. Matters Pending at End of Report Period (I.D - I.E)	<u>1,318</u>

II. NEW MATTERS DURING THE REPORT PERIOD

A. Sua Sponte Investigations Authorized by Committee Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (a) (1) ³	<u>139</u>
B. Cases Referred by the Court for Examination Due to Reversal of a Criminal Conviction on the Ground of Ineffective Assistance of Counsel or Prosecutorial Misconduct	<u>0</u>
C. Matters Arising Under Judiciary Law § 90 (4) (c) and Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.12 (a)	<u>0</u>
D. Matters Arising Under Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.13 (d)	<u>0</u>
E. Matters Arising Under Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.9 ⁴	<u>0</u>
F. Motions for Reinstatement Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) §§ 1240.16, 1240.17 1240.22 (b)	<u>0</u>
G. Applications for Leave to Resign Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.22 (a)	<u>14</u>
H. Attorney Solicitation Filings Pursuant to Rules of Professional Conduct (22 NYCRR 1200.0) rule 7.3 (c) (1) ⁵⁸	<u>350</u>
I. Disciplinary History Letter Requests and Other Inquiries	<u>1,858</u>
J. All Other Complaints Filed or Transferred in Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (a) (1) or (2)	<u>5,508</u>
TOTAL NEW MATTERS	<u>7,869</u>

¹ The term "Matters" refers to individual files generated by complaint, inquiry or other filing at the Committee level and any one respondent may be the subject of multiple matters simultaneously.

² May also include closed matters which have become subject to Court review pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (e) or CPLR art 56.

³ May include Dishonored Check Reports pursuant to Rules of Appellate Division, All Departments (22 NYCRR) § 1300.1 (g).

⁴ Refers to a new Matter arising from an existing file where the respondent has failed to cooperate with the Committee investigation (§ 1240.9 [a] [1], [3]), or where the investigation has given rise to an admission by the respondent under oath (§ 1240.9 [a] [2]), or revealed that the respondent has willfully failed to paid money to a client (§ 1240.9 [a] [4]) or exposed uncontroverted evidence of the respondent's misconduct (§ 1240.9 [a] [5]).

PROFESSIONAL MATTERS CASELOAD REPORT

III. MATTERS DISPOSED OF BY CHIEF ATTORNEY

A. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) (i)	<u>1,084</u>
B. Matters Referred to Other Agencies Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) (ii)	<u>305</u>
C. Matters Transferred to Another Grievance Committee Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (a) (2)	<u>371</u>
D. Other ⁵	<u>2,583</u>
TOTAL DISPOSED OF BY CHIEF ATTORNEY	<u>4,343</u>

IV. MATTERS DISPOSED OF BY COMMITTEE

A. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (i) or (ii)	<u>457</u>
B. Issuance of a Letter of Advisement Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (iv)	<u>64</u>
C. Issuance of an Admonition Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (v)	<u>49</u>
D. Matters Referred to the Appellate Division for Action	
1. Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) §1240.8	
2. Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.9 (see Part II.E, supra)	
3. Pursuant to Rules for Attorney Disciplinary Matters(22 NYCRR) § 1240.10 (for Matters under investigation)	
4. Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.11	
5. Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.12	
6. Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.13	
7. Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.14	
TOTAL REFERRED TO APPELLATE DIVISION	<u>2,929</u>
E. Responsive Filings	
1. On Motions for Reinstatement Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) §§ 1240.16, 1240.17 and 1240.22 (b) (see Part II.E, supra)	<u>0</u>
2. On Applications for Leave to Resign Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.22 (a) (see Part II.F, supra)	<u>9</u>
3. On Motions for Court Review Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (e) (1) (ii) and (2) (see Part I.C and associated footnote, supra)	<u>0</u>
TOTAL RESPONSIVE FILINGS	<u>0</u>
TOTAL DISPOSED OF BY COMMITTEE	<u>3,508</u>

⁵ Includes acknowledgment of Attorney Solicitation Filings pursuant to Rules of Professional Conduct (22 NYCRR 1200.0) rule 7.3 (c) (1), the provision of disciplinary history letters upon request and other closed inquiries.

V. CASES⁶ PROCESSED BY THE APPELLATE DIVISION

PROFESSIONAL MATTERS CASELOAD REPORT

A. Cases Pending at Start of Report Period	<u>33</u>
B. Cases Initiated During Report Period ⁷	<u>336</u>
C. Cases Disposed of During Report Period (see Part VI, infra)	<u>327</u>
D. Cases Pending at End of Report Period (A + B - C)	<u>42</u>

VI. CASES DISPOSED OF BY THE APPELLATE DIVISION

A. Disbarments, including disciplinary resignation	<u>26</u>
B. Suspensions (Including Pursuant to Rules for Attorney Disciplinary Matters [22 NYCRR] §§ 1240.9 and 1240.14)	<u>30</u>
C. Censures	<u>6</u>
D. Dismissed	<u>0</u>
E. Reinstatements Granted	<u>131</u>
F. Reinstatements Denied	<u>3</u>
G. Non-disciplinary Resignations Granted	<u>46</u>
H. Non-disciplinary Resignations Denied	<u>1</u>
I. Other	<u>84</u>
TOTAL DISPOSED OF BY THE APPELLATE DIVISION	<u>327</u>

⁶ The term "Cases" refers to filings made at the Appellate Division level, is respondent-specific, and any such Case may encompass what was previously multiple Matters at the Committee level.

⁷ Includes Cases referred to the Appellate Division (see Part IV.D, supra), motions for reinstatement pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) §§ 1240.16, 1240.17 and 1240.22 (b) (see Part II.F, supra), applications for leave to resign pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.22 (a) (see Part II.G, supra), and motions for Court review pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (e) (1) (ii) and (2) (see Parts I.C and IV.E.3).

PROFESSIONAL MATTERS CASELOAD REPORT

VII. PRACTICE AREA STATISTICS

A. CRIMINAL LAW

1.New Matters During Report Period (see Part II, supra)	<u>1</u>	
	Pertaining to Prosecutors	<u>0</u>
	Pertaining to Defense Counsel	<u>0</u>
2.Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)	<u>1</u>	
	Pertaining to Prosecutors	<u>0</u>
	Pertaining to Defense Counsel	<u>0</u>
3.Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (v) and Cases Disposed of by the Appellate Division (see Part VI.A-VI.C, supra)	<u>0</u>	
	Pertaining to Prosecutors	<u>0</u>
	Pertaining to Defense Counsel	<u>0</u>

B. IMMIGRATION LAW

1.New Matters During Report Period (see Part II, supra)	<u>19</u>
2.Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)	<u>6</u>
3.Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (v) and Cases Disposed of by the Appellate Division (see Part VI.A-VI.C, supra)	<u>0</u>

C. FAMILY MATRIMONIAL LAW

1.New Matters During Report Period (see Part II, supra)	<u>0</u>
2.Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)	<u>0</u>
3.Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (v) and Cases Disposed of by the Appellate Division (see Part VI.A-VI.C, supra)	<u>0</u>

D. REAL PROPERTY

1.New Matters During Report Period (see Part II, supra)	<u>0</u>
2.Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)	<u>0</u>
3.Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (v) and Cases Disposed of by the Appellate Division (see Part VI.A-VI.C, supra)	<u>0</u>

PROFESSIONAL MATTERS CASELOAD REPORT

E. TRUSTS ESTATES

1.New Matters During Report Period (see Part II, supra)	<u>0</u>
2.Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)	<u>0</u>
3.Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (v) and Cases Disposed of by the Appellate Division (see Part VI.A-VI.C, supra)	<u>0</u>

F. COMMERCIAL LITIGATION

1.New Matters During Report Period (see Part II, supra)	<u>0</u>
2.Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)	<u>0</u>
3.Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (v) and Cases Disposed of by the Appellate Division (see Part VI.A-VI.C, supra)	<u>0</u>

G. OTHER CIVIL LITIGATION

1.New Matters During Report Period (see Part II, supra)	<u>5,641</u>
2.Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)	<u>2,643</u>
3.Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (v) and Cases Disposed of by the Appellate Division (see Part VI.A-VI.C, supra)	<u>2,987</u>

Appendix E: Budget for Fiscal Year 2022-2023

Attorney Grievance Committee Budget
Fiscal Year April 2022 – March 2023

	<u>Allocation</u>
Personal Service Total:	\$4,666,680
<u>Non-Personal Service:</u>	
Office Supplies	23,146
EDP Supplies	3,509
Postage	25,000
Legal Reference & Subscriptions	18,000
Miscellaneous Supplies and Materials	3,500
Travel	344
Equipment Rentals	24,262
Equipment Repairs	3,770
Printing	4,816
Telephones	1,000
Building and Property Services	1,000
Records Management Services	19,708
Professional Services – Expert Witnesses	750
Other Court Appointed Services	28,700
Other General Services	5,000
Professional Services Per Diem Interpreters	500
Transcript Costs	52,000
Non-Personal Service Total:	\$215,005
TOTAL BUDGET FISCAL YEAR 2022-2023	\$4,881,685

Appendix F: Complaint Form

(Rev. 7.30.2020)

ATTORNEY GRIEVANCE COMMITTEE

Supreme Court, Appellate Division
First Judicial Department
180 Maiden Lane, 17th Floor
New York, New York 10038
(212) 401-0800

JORGE DOPICO
Chief Attorney

Email Complaint and Attachments to: AD1-AGC-newcomplaints@nycourts.gov. In addition, please send **one copy** of your complaint and attachments **by regular mail** to the above address. (If you do not have a personal email account, please send two (2) complete sets of your complaint and all attachments. There may be a delay in processing your matter if it is not emailed. Please **do not** include any original documents because we are unable to return them.)

Background Information

Today's Date: _____

Your Full Name: (Mr. Ms. Mrs.) _____

Address: _____

City: _____ State: _____ Zip Code: _____

Cell Phone: _____ Business/Home Phone: _____

Email Address: _____

Are you represented by a lawyer regarding this complaint? Yes No If Yes:

Lawyer's Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Business Phone: _____ Cell Phone: _____

Attorney Information

Full Name of Attorney Complained of: (Mr. Ms. Mrs.) _____

Address: _____

City: _____ State: _____ Zip Code: _____

Business Phone: _____ Cell Phone: _____

Email Address: _____

Date(s) of Representation/Incident: _____

Have you filed a civil or criminal complaint against this attorney? Yes No If Yes:

If yes, name of case (if applicable): _____

Name of Court: _____

Index Number of Case (if known): _____

Have you filed a complaint concerning this matter with another Grievance Committee, Bar Association, District Attorney's Office, or any other agency? Yes No

If yes, name of agency: _____

Action taken by agency, if any: _____

Details of Complaint

Please describe the alleged misconduct in as much detail as possible including what happened, where and when, the names of any witnesses, what was said, and in what tone of voice, etc. Use additional sheets if necessary.

Complainant's Signature (Required): _____



ANDREA E. BONINA, ESQ.
Chair

State of New York
Grievance Committee for the
Second, Eleventh and
Thirteenth Judicial Districts

Renaissance Plaza
335 Adams Street – Suite 2400
Brooklyn, New York 11201-3745
(718) 923-6300

DIANA MAXFIELD KEARSE
Chief Counsel

MARK F. DEWAN
Deputy Chief Counsel

SUSAN KORENBERG
SUSAN B. MASTER
DAVID W. CHANDLER
SARA MUSTAFA

LISA M. McCABE
LAUREN R. COOPER
CONOR HARTNETT
MICHAEL D'AMBROSIO
Staff Counsel

September 22, 2023

Via email to: Melissa O'Clair - moclair@nysba.org

Richard M. Gutierrez, Esq.
New York State Bar Association
One Elk Street
Albany, New York 12207
Richlaw101@aol.com

Re: Annual Report on Attorney Discipline
in New York State for the Year 2022

Dear Mr. Gutierrez:


Attached please find the following information for inclusion in the Annual Report on Attorney Discipline in New York State for the Year 2022:

1. Copy of this Grievance Committee's Annual Statistics for 2022.
2. Case Summaries of cases decided by the Appellate Division, Second Department
3. List of staff names and titles.
4. List of Committee members.
5. Queens County Bar Association stats for 2022.
6. Richmond County Bar Association stats for 2022.

We are awaiting receipt of the Brooklyn Bar Association's statistics. When we receive same, we will forward them to you.

Should you have any questions, please do not hesitate to contact me.

DMK/kf
Attachments

Very truly yours,

Diana Maxfield Kears
Chief Counsel

ATTORNEY DISCIPLINARY ACTIVITIES
PERIOD COVERED (1/1/22 - 12/31/22) ANNUAL

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

A.	Matters Pending at Start of Period	1,090	
B.	New Matters During Period	<u>2,946</u>	
C.	Closed Matters Reactivated During Period	<u>6</u>	
D.	Total Matters to be Processed During Period (A+B+C)		4,042
E.	Total Matters Disposed of During Period		<u>2,339</u>
F.	Matters Pending at End of Period		<u>1,703</u>

II. MATTERS DISPOSED OF BY COMMITTEE:

		<u>CASES*</u>	<u>MATTERS**</u>
A.	Rejected as Failing to State a Complaint	<u>956</u>	<u>956</u>
B.	Referred to Other Disciplinary Committees	<u>295</u>	<u>295</u>
C.	Referred to Other Agencies	<u>7</u>	<u>7</u>
D.	Dismissed or Withdrawn	<u>87</u>	<u>87</u>
E.	Dismissed through Mediation	<u>0</u>	<u>0</u>
F.	Letter of Caution	<u>0</u>	<u>0</u>
F-1	Letter of Advisement	<u>126</u>	<u>127</u>
G.	Letter of Admonition	<u>23</u>	<u>90</u>
H.	Reprimand	<u>0</u>	<u>0</u>
I.	Referred to Appellate Division (Disc. Proc.)	<u>13</u>	<u>15</u>
J.	Other***	<u>760</u>	<u>760</u>
Total Disposed of During Period (Same as I E above)		<u>2,267</u>	<u>2,339</u>

III. CASES PROCESSED IN ALL COURTS:

A.	Cases Pending at Start of Period		<u>55</u>
	1. Disciplinary Proceedings****	<u>29</u>	
	2. Other*****	<u>26</u>	
B.	Cases Received During Period		<u>53</u>
	1. Disciplinary Proceedings	<u>14</u>	
	2. Other	<u>39</u>	
C.	Total to be Processed During Period		<u>108</u>

D. Cases Closed

1.	Disbarred	<u>8</u>	
2.	Disciplinary Resignations	<u>2</u>	
3.	Suspended*****	<u>6</u>	
4.	Censured	<u>2</u>	
5.	Privately Censured	<u>0</u>	
6.	Remanded to Grievance Committee	<u>2</u>	
7.	Discontinued	<u>0</u>	
8.	Dismissed	<u>0</u>	
9.	Reinstatement Granted	<u>2</u>	
10.	Reinstatement Denied	<u>6</u>	
11.	Non-Disciplinary Resignations	<u>10</u>	
12.	All other Dispositions	<u>12</u>	
13.	Total Closed		<u>50</u>

Total Cases Pending at End of Period 58

E.

1.	Disciplinary Proceedings	<u>25</u>
2.	Other	<u>33</u>

Dated: Brooklyn, New York
23-Jan-22

Respectfully Submitted,


Diana Maxfield Kearse
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.

SECOND DEPARTMENT

Second, Eleventh and Thirteenth Judicial Districts

2022

Joshua P. Benfey, admitted as Joshua Phillip Benfey 203 A.D.3d 116	Disbarred	Felony conviction – aggravated sexual assault of a victim less than 13 years old (NJ Stat Ann 2C:14-2[a][1]).
Emmanuel Onuaguluchi, a disbarred attorney	Reinstatement denied	
Trevor K. Rupnarain, admitted as Trevor Krishna Rupnarain, a disbarred attorney	Reinstatement denied	
Stephanie G. Reich, admitted as Stephanie Gayle Reich, a suspended attorney 204 A.D.3d 917	Reinstated	
Shimon A Rosenfeld 205 A.D.3d 147	Disbarred	Federal felony conviction – wire fraud (18 USC § 1343)
Leigh E. Sprague, a disbarred attorney	Reinstatement denied	
Gerald Hecht 206 A.D.3d 33	Disbarred	Reciprocal discipline – Connecticut
James Joseph Fournier 206 A.D.3d 38	Suspended 1 year	Reciprocal discipline – Maryland
Reginald W. Hamilton, admitted as Reginald Wayne Hamilton, a suspended attorney 207 A.D.3d 1	Suspended 2 years	Misappropriation; failure to maintain required escrow records; and failure to properly identify his escrow account.
Todd C. Bank 206 A.D.3d 77	Public Censure	Reciprocal discipline – United States Court of Appeals for the Second Circuit

Raleigh Douglas Herbert, a suspended attorney 206 A.D.3d 114	Disbarred	Misappropriation; failure to timely file retainer and closing statements with the Office of Court Administration; and failure to maintain required escrow records.
Donald P. Vernon, admitted as Donald Patrick Vernon, a suspended attorney 206 A.D.3d 816	Reinstated	
Darmin T. Bachu 208 A.D.3d 39	Public Censure	Serious crime conviction – attempted possession of stolen property in the fifth degree (Penal Law §§ 110.00, 165.40)
Ramses Delva, a suspended attorney 208 A.D.3d 133	Disbarred (on default)	Misappropriation; commingling; making improper cash withdrawals from his escrow account; failure to properly title escrow account; neglect; violating suspension order; and failure to cooperate.
Jill M. Dube 208 A.D.3d 95	Disbarred (resigned)	Misappropriation; failure to promptly pay or deliver funds in her possession to persons entitled to receive them; neglect; and engaging in conduct prejudicial to the administration of justice and that adversely reflects on her fitness as a lawyer.
Anna Lushchinsky, also known as Anna Lushchinskaya 208 A.D.3d 180	Suspended 3 years	Serious crime conviction – menacing in the second degree (Penal Law § 120.14[1]).
Anthony A. Caronna, admitted as Anthony Albert Caronna 209 A.D.3d 111	Suspended 2 years	Misappropriation; commingling; and failure to maintain required escrow records.

Scott Inwald
209 A.D.3d 116

Suspended 1 year

Misappropriation; commingling; failure to maintain required escrow records; and failure to timely file retainer and closing statements with the Office of Court Administration.

Paul X. Lima, admitted as Paul Xavier Lima, a suspended attorney
210 A.D.3d 14

Disbarred

Misappropriation; issuing checks from his escrow account knowing that there were insufficient funds on deposit; and failure to maintain required escrow records.

Alex G. Antzoulatos, a suspended attorney
210 A.D.3d 31

Suspended 5 years

Misappropriation; making improper cash withdrawals from his escrow account; entering into an improper fee sharing arrangement with a nonlawyer; engaging in a conflict of interest; neglect; failure to timely file retainer and closing statements with the Office of Court Administration; and failure to cooperate.

Jennie M. Dellaria, a disbarred attorney

Reinstatement denied

Audrey A. Thomas, admitted as Audrey A. Watson
211 A.D.3d 21

Disbarred

Misappropriation; making improper cash withdrawals from her escrow account; and failure to maintain required escrow records.

Sylvia G. Ash, admitted as Sylvia Gwendolyn Ash
211 A.D.3d 56

Disbarred

Federal felony conviction – obstruction of justice (18 USC §§ 1512[c] and 2)

Robert Wisnicki
212 A.D.3d 14

Disbarred (resigned)

Improper use, operation, and maintenance of his IOLA accounts.

John J. Scotto, a disbarred
attorney

Reinstatement denied

Joseph Michael Rizzo, a
disbarred attorney

Reinstatement denied

**GRIEVANCE COMMITTEE FOR THE
SECOND, ELEVENTH & THIRTEENTH
JUDICIAL DISTRICTS**

Staff - 2022

Diana Maxfield Kears, Chief Counsel
Mark F. DeWan, Deputy Chief Counsel
Susan Korenberg, Staff Counsel
Susan B. Master, Staff Counsel
Sasha N. Holguin, Staff Counsel
David W. Chandler, Staff Counsel
Sara Mustafa, Staff Counsel
Paul Ryneski, Staff Counsel
Erika Edinger, Accountant
Timothy McCormick, Paralegal
Thomas Catapano, Investigator
Karen Fazio, Assistant Court Analyst
Claudette Coleman, Secretary
Helen Dermake, Clerk
Vanessa Mendez, Assistant Court Analyst

COMMITTEE MEMBERS
OF THE
GRIEVANCE COMMITTEE FOR THE
SECOND, ELEVENTH AND THIRTEENTH
JUDICIAL DISTRICTS

2022

Andrea E. Bonina, Esq. - Chair
Michael D. Abneri, Esq.
Marianne E. Bertuna, Esq.
Helmut Borchert, Esq.
Joseph Carola, III, Esq.
Ronald Martin Cerrachio*
Allyn J. Crawford, Esq.
Michael C. Farkas, Esq.
Michael V. Gervasi, Esq.
Yvette A. Hinds Wills, Esq.
Vivia L. Joseph, Esq.
Richard A. Klass, Esq.
Angelicque M. Moreno, Esq.
Everett N. Nimetz, Esq.
Casilda E. Roper-Simpson, Esq.
Violet E. Samuels, Esq.
Anthony W. Vaughn, Jr., Esq.
Christine A. Walsh, MD*

*Lay Persons



Organized 1876

QUEENS COUNTY BAR ASSOCIATION

88-14 Sutphin Blvd, 3 Fl, Jamaica, New York 11435 · (718) 291-4500 · Fax: (718) 657-1789 · WWW.QCBA.ORG

September 21, 2023

MICHAEL D. ABNERI
President

Zenith T. Taylor
President-Elect

Kristen Dubowski Barba
Vice President

Joshua R. Katz
Treasurer

Joel Serrano
Secretary

Class of 2024

Sandra M. Muñoz
Hamid M. Siddiqui
Sydney A. Spinner
Jasmine I. Valle
Clifford M. Welden

Class of 2025

Frank Bruno, Jr.
Etan Hakimi
Sharifa Milena Nasser
Tammi D. Pere
America Camila Popin

Class of 2026

Desiree Claudio
Ruben Davidoff
Mark L. Hankin
Adam M. Orlow
Estelle J. Roond

Jonathan Riegel, CAE
Executive Director

Sent via email: Vanessa Mendez vmendez@nycourts.gov

Diana Maxfield Kearse, Chief Counsel
State of New York Grievance Committee
For the Second, Eleventh and Thirteenth Judicial Districts
Renaissance Plaza, Suite 2400
335 Adams Street
Brooklyn, NY 11201

Re: New York State Bar Association
Annual Report for 2022

Dear Ms. Kearse:

As per your September 13th letter, below are the 2022 statistics for matters handled by the Association.

- Dismissals – 10
- Referred to the NYS Grievance Committee for appropriate action and disposition – 3

If any further information is needed, please let us know.

Yours truly,

JONATHAN RIEGEL
Executive Director

JR/sk

OVER 147 YEARS OF DEDICATED SERVICE

GRIEVANCE COMMITTEE
RICHMOND COUNTY
BAR ASSOCIATION

CLAIRE CODY MILLER
CO-CHAIRPERSON
One Edgewater Plaza, Suite 701
Staten Island, New York 10305
718-815-2003, Ext. 2

VICTOR T. CARASANITI
CO-CHAIRPERSON
1610 Richmond Road
Staten Island, New York 10304
718-979-0900

September 14, 2023

Diana Maxfield Kears, Esq.
Chief Counsel
State of New York Grievance Committee
Second, Eleventh and Thirteenth Districts
Renaissance Plaza
335 Adams Street – Suite 2400
Brooklyn, New York 11201-3745

Re: **2022 Grievance Committee Report**

Dear Ms. Kears:

For the period commencing January 1, 2022, through December 31, 2023, the Grievance Committee received eight (8) new complaints.

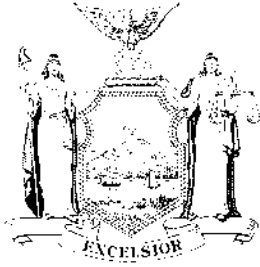
Two of the complaints were retained by the Appellate Division Grievance Committee for investigation. Six complaints were referred back to our committee for investigation. Of the six, four were dismissed. The remaining two complaints have continuing investigations.

Should you have any further questions please do not hesitate to contact me.

Very truly yours,

Claire Cody Miller

Claire Cody Miller
Co-Chair Grievance Committee



State of New York
Supreme Court, Appellate Division
Third Judicial Department
Attorney Grievance Committee
286 Washington Avenue Extension, Suite 200
Albany, NY 12203-6320
<http://www.nycourts.gov/ad3/agc>

Dennis B. Schlenker, Esq.
Committee Chair

Phone: (518) 285-8350
Fax: (518) 453-4643
Email: ad3agc@nycourts.gov
(Service by email/facsimile is accepted/preferred)
CONFIDENTIAL

Monica A. Duffy
Chief Attorney

September 22, 2023

VIA: EMail

Richard M. Gutierrez, Esq., Chair
New York State Bar Association
One Elk Street
Albany, NY 12207
EMail: moclair@nysba.org

Re: Annual Report on Lawyer Discipline in New York State for the Year 2022

Dear Mr. Gutierrez:

In response to your letter seeking data for the above-referenced matter, the Attorney Grievance Committee for the Third Judicial Department (AGC-3) encloses the following:

1. The AGC-3's Annual 2022 Professional Matters Caseload Report filed with the Office of Court Administration (Enclosure "A").
2. During 2022, the Third Judicial Department's County Bar Grievance Committees handled no new matters.
3. A list of disciplinary cases for 2022 (Enclosure "B").
4. A list of AGC-3's Committee members for the 2022-2023 year (Enclosure "C"). R. James Miller, Esq., was the Chair during that period and Dennis B. Schlenker, Esq. was the Vice Chair.
5. A list of AGC-3's legal and investigative staff for 2022 (Enclosure "D").

Should you have any questions, please advise.

Sincerely,

A handwritten signature in blue ink, appearing to read "MADuffy". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Monica A. Duffy
Chief Attorney
MAD/jrp
Enclosures

A

PROFESSIONAL MATTERS CASELOAD REPORT

GRIEVANCE COMMITTEE: Third Judicial Department

REPORT PERIOD: Annual 2022

DATE: 05-11-23

I. PROFESSIONAL MATTERS¹ PROCESSED BY THE COMMITTEE:

A. Matters Pending at Start of Report Period	<u>2373</u>
B. New Matters During Report Period (see Part II, <i>infra</i>)	<u>3375</u>
C. Closed Matters Reactivated During Report Period ²	<u>33</u>
D. Total Matters to be Processed During Report Period (A+B+C)	<u>5781</u>
E. Total Matters Disposed of During Report Period (see Parts III & IV, <i>infra</i>)	<u>3236</u>
F. Matters Pending at End of Report Period (I.D - I.E)	<u>2545</u>

II. NEW MATTERS DURING REPORT PERIOD:

A. Sua Sponte Investigations Authorized by Committee Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (a) (1) ³	<u>25</u>
B. Cases Referred by the Court for Examination Due to Reversal of a Criminal Conviction on the Ground of Ineffective Assistance of Counsel or Prosecutorial Misconduct	<u>0</u>
C. Matters Arising Under Judiciary Law § 90 (4) (c) and Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.12 (a)	<u>12</u>
D. Matters Arising Under Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.13 (d)	<u>23</u>
E. Matters Arising Under Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.9 ⁴	<u>6</u>

¹ The term "Matters" refers to individual files generated by complaint, inquiry or other filing at the Committee level and any one respondent may be the subject of multiple matters simultaneously.

² May also include closed matters which have become subject to Court review pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (e) or CPLR art 56.

³ May include Dishonored Check Reports pursuant to Rules of Appellate Division, All Departments (22 NYCRR) § 1300.1 (g).

⁴ Refers to a new Matter arising from an existing file where the respondent has failed to cooperate with the Committee investigation (§ 1240.9 [a] [1], [3]), or where the investigation has given rise to an admission by the

F. Motions for Reinstatement Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) §§ 1240.16, 1240.17 & 1240.22 (b)	<u>115</u>
G. Applications for Leave to Resign Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.22 (a)	<u>118</u>
H. Attorney Solicitation Filings Pursuant to Rules of Professional Conduct (22 NYCRR 1200.0) rule 7.3 (c) (1)	<u>32</u>
I. Disciplinary History Letter Requests and Other Inquiries	<u>2075</u>
J. All Other Complaints Filed or Transferred in Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (a) (1) or (2)	<u>969</u>
TOTAL NEW MATTERS	<u>3375</u>

III. MATTERS DISPOSED OF BY CHIEF ATTORNEY:

A. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) (i)	<u>376</u>
B. Matters Referred to Other Agencies Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) (ii)	<u>18</u>
C. Matters Transferred to Another Grievance Committee Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (a) (2)	<u>108</u>
D. Other ⁵	<u>2308</u>
TOTAL DISPOSED OF BY CHIEF ATTORNEY	<u>2810</u>

IV. MATTERS DISPOSED OF BY COMMITTEE:

A. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (i) or (ii)	<u>69</u>
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respondent under oath (§ 1240.9 [a] [2]), or revealed that the respondent has willfully failed to paid money to a client (§ 1240.9 [a] [4]) or exposed uncontroverted evidence of the respondent's misconduct (§ 1240.9 [a] [5]).

⁵ Includes acknowledgment of Attorney Solicitation Filings pursuant to Rules of Professional Conduct (22 NYCRR 1200.0) rule 7.3 (c) (1), the provision of disciplinary history letters upon request and other closed inquiries.

B. Issuance of a Letter of Advisement Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (iv)	<u>48</u>
C. Issuance of an Admonition Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (v)	<u>30</u>
D. Matters Referred to the Appellate Division for Action	
1. Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.8	<u>15</u>
2. Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.9 (see Part II.E, supra)	<u>0</u>
3. Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.10 (for Matters under investigation)	<u>0</u>
4. Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.11	<u>0</u>
5. Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.12	<u>0</u>
6. Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.13	<u>0</u>
7. Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.14	<u>0</u>
TOTAL REFERRED TO APPELLATE DIVISION	<u>15</u>
E. Responsive Filings	
1. On Motions for Reinstatement Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) §§ 1240.16, 1240.17 and 1240.22 (b) (see Part II.F, supra)	<u>80</u>
2. On Applications for Leave to Resign Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.22 (a) (see Part II.G, supra)	<u>89</u>

3. On Motions for Court Review Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (e) (1) (ii) and (2) (<u>see</u> Part I.C and associated footnote, <u>supra</u>)	0
TOTAL RESPONSIVE FILINGS	<u>169</u>

TOTAL DISPOSED OF BY COMMITTEE 331

V. CASES⁶ PROCESSED BY THE APPELLATE DIVISION:

A. Cases Pending at Start of Report Period	90
B. Cases Initiated During Report Period ⁷	<u>1672</u>
C. Cases Disposed of During Report Period (<u>see</u> Part VI, <u>infra</u>)	<u>1695</u>
D. Cases Pending at End of Report Period (A + B - C)	<u>67</u>

VI. CASES DISPOSED OF BY THE APPELLATE DIVISION:

A. Disbarments, including disciplinary resignation	<u>10</u>
B. Suspensions (Including Pursuant to Rules for Attorney Disciplinary Matters [22 NYCRR] §§ 1240.9 and 1240.14)	<u>975</u>
C. Censures	<u>0</u>
D. Dismissed	<u>11</u>
E. Reinstatements Granted	<u>78</u>
F. Reinstatements Denied	<u>3</u>
G. Nondisciplinary Resignations Granted	<u>105</u>
H. Nondisciplinary Resignations Denied	<u>8</u>
I. Other	<u>505</u>
TOTAL DISPOSED OF BY THE APPELLATE DIVISION	<u>1695</u>

⁶ The term "Cases" refers to filings made at the Appellate Division level, is respondent-specific, and any such Case may encompass what was previously multiple Matters at the Committee level.

⁷ Includes Cases referred to the Appellate Division (see Part IV.D, supra), motions for reinstatement pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) §§ 1240.16, 1240.17 and 1240.22 (b) (see Part II.F, supra), applications for leave to resign pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.22 (a) (see Part II.G, supra), and motions for Court review pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (e) (1) (ii) and (2) (see Parts I.C and IV.E.3).

VII. PRACTICE AREA STATISTICS:

A. CRIMINAL LAW

1. New Matters During Report Period (<u>see Part II, supra</u>)	
Pertaining to Prosecutors	<u>37</u>
Pertaining to Defense Counsel	<u>164</u>
2. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)	
Pertaining to Prosecutors	<u>34</u>
Pertaining to Defense Counsel	<u>145</u>
3. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (v) and Cases Disposed of by the Appellate Division (<u>see Part VI.A-VI.C, supra</u>)	
Pertaining to Prosecutors	<u>1</u>
Pertaining to Defense Counsel	<u>2</u>

B. IMMIGRATION LAW

1. New Matters During Report Period (<u>see Part II, supra</u>)	<u>23</u>
2. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)	<u>25</u>
3. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (v) and Cases Disposed of by the Appellate Division (<u>see Part VI.A-VI.C, supra</u>)	<u>0</u>

C. FAMILY & MATRIMONIAL LAW

1. New Matters During Report Period (<u>see Part II, supra</u>)	<u>32</u>
2. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or	

(2) (i), (ii) or (iv)	<u>91</u>
3. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (v) and Cases Disposed of by the Appellate Division (<u>see Part VI.A-VI.C, supra</u>)	<u>4</u>
D. REAL PROPERTY	
1. New Matters During Report Period (<u>see Part II, supra</u>)	<u>35</u>
2. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)	<u>24</u>
3. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (v) and Cases Disposed of by the Appellate Division (<u>see Part VI.A-VI.C, supra</u>)	<u>0</u>
E. TRUSTS & ESTATES	
1. New Matters During Report Period (<u>see Part II, supra</u>)	<u>37</u>
2. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)	<u>28</u>
3. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (v) and Cases Disposed of by the Appellate Division (<u>see Part VI.A-VI.C, supra</u>)	<u>1</u>
F. COMMERCIAL LITIGATION	
1. New Matters During Report Period (<u>see Part II, supra</u>)	<u>5</u>
2. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)	<u>2</u>

3. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (v) and Cases Disposed of by the Appellate Division (see Part VI.A-VI.C, <u>supra</u>)	<u>0</u>
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G. OTHER CIVIL LITIGATION

1. New Matters During Report Period (see Part II, <u>supra</u>)	<u>131</u>
2. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)	<u>110</u>
3. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (v) and Cases Disposed of by the Appellate Division (see Part VI.A-VI.C, <u>supra</u>)	<u>1</u>

B

2022
LIST OF PROFESSIONAL MATTERS DECISIONS
APPELLATE DIVISION
THIRD JUDICIAL DEPARTMENT

DECIDED AND ENTERED:

January 6, 2022

REINSTATEMENT [(22 NYCRR) §1240.16]

Granted:

[Matter of Derek Michael Cassidy - PM-01-22](#)

[Matter of Anne Marie McPartland Lyons - PM-02-22](#)

NONDISCIPLINARY RESIGNATION [(22 NYCRR) §1240.22(a)]

Granted:

[Matter of Laurie Finneran Calder - PM -03-22](#)

[Matter of Leah Cohen Chatinover - PM-04-22](#)

[Matter of Roman Guzik - PM-05-22](#)

[Matter of Ethan William Chun Craig - PM-06-22](#)

[Matter of Josiah James Thorogood - PM-07-22](#)

Denied:

[Matter of Diana M. Weintraub, a/k/a Diana M. Bodner - PM-08-22](#)

January 13, 2022

DISBARMENT [(22 NYCRR) §1240.12(a)]

[Matter of Ellen Karena Zwijacz - PM-14-22](#)

NONDISCIPLINARY RESIGNATION [(22 NYCRR) §1240.22(a)]

Granted:

[Matter of Amanda Lindsay Andrade - PM-09-22](#)

[Matter of Libby Skye Davis - PM-10-22](#)

[Matter of Benjamin Marc Berlin - PM-11-22](#)

[Matter of Gary N. Holthus - PM-12-22](#)

[Matter of Haig Gary Apoian - PM-13-22](#)

January 20, 2022

SUSPENSION [(22 NYCRR) §1240.8(a)]

[Matter of Stephen Louis Molinsek - PM-15-22](#)

January 27, 2022

NONDISCIPLINARY RESIGNATION [(22 NYCRR) §1240.22(a)]

Granted:

[Matter of Bruce L. Decker, Jr. - PM-17-22](#)

[Matter of Stephan Emil Andersson - PM-18-22](#)

[Matter of Walter Cameron Beard, III - PM-19-22](#)

[Matter of Karen Gay Castaneda - PM-20-22](#)

[Matter of Alan Ross Wolfert - PM-21-22](#)

Denied:

[Matter of Davina M.F. Devleeschouwer - PM-16-22](#)

February 3, 2022

NONDISCIPLINARY RESIGNATION [(22 NYCRR) §1240.22(a)]

Granted:

[Matter of Stephen Philip Finn - PM-22-22](#)

[Matter of Corey Marika Endo - PM-23-22](#)

[Matter of Christy Lay-Mumin - PM-24-22](#)

February 10, 2022

DISBARMENT [(22 NYCRR) §1240.13]

[Matter of Erwin Rosenberg - PM-26-22](#)

**REINSTATEMENT [(22 NYCRR) §1240.16 and
NONDISCIPLINARY RESIGNATION [(22 NYCRR) §1240.22(a)]**

Granted:

[Matter of Mala S. Narayanan a/k/a Mala Sundar - PM-25-22](#)

NONDISCIPLINARY RESIGNATION [(22 NYCRR) §1240.22(a)]

Granted:

[Matter of Marc Philip Weingarten - PM-27-22](#)

February 17, 2022

NONDISCIPLINARY RESIGNATION [(22 NYCRR) §1240.22(a)]

Granted:

[Matter of James Ellsworth Landis - PM-29-22](#)

[Matter of Goud Pradyumna Maragani - PM-30-22](#)

[Matter of Patricia J. Rogers - PM-31-22](#)

[Matter of Zachary Alan Dietert - PM-33-22](#)

Denied:

[Matter of Elizabeth Yingyin Song - PM-32-22](#)

February 24, 2022

REINSTATEMENT [(22 NYCRR) §1240.16]

Granted:

[Matter of Mohamed Hamra-Krouha - PM-34-22](#)

[Matter of Hetty Lawrence Richardson - PM-35-22](#)

[Matter of Jonathan Lloyd Becker - PM-36-22](#)
[Matter of Sur Gordon Novel - PM-37-22](#)

March 3, 2022

DISBARMENT [(22 NYCRR) §1240.9(b)]

[Matter of Keith R. Wolfe - PM-41-22](#)

DISBARMENT [(22 NYCRR) §1240.12(a)]

[Matter of Anthony Michael Pastel - PM-48-22](#)

REINSTATEMENT [(22 NYCRR) §1240.16]

Granted:

[Matter of Shitong Qiao - PM-43-22](#)

[Matter of Christina Guerrero - PM-44-22](#)

[Matter of Robert Nicholas Holup - PM-45-22](#)

NONDISCIPLINARY RESIGNATION [(22 NYCRR) §1240.22(a)]

Granted:

[Matter of Alan George Benjamin - PM-38-22](#)

[Matter of Kathryn Anne Cobb - PM-39-22](#)

[Matter of Luis R. Mejia - PM-40-22](#)

[Matter of Jason Robert Wool - PM-43-22](#)

[Matter of Steven Mark Pyser - PM-46-22](#)

[Matter of Amanda Lynn Cluff - PM-47-22](#)

March 10, 2022

DISBARMENT [(22 NYCRR) §1240.13]

[Matter of Mizell Campbell - PM-53-22](#)

SUSPENSION [(22 NYCRR) §1240.13]

[Matter of Arik Brice Fetscher - PM-50-22](#)

REINSTATEMENT [(22 NYCRR) §1240.16]

Granted:

[Matter of Mark Edelstein - PM-52-22](#)

[Matter of Amy Beth Garcia-Bokor - PM-54-22](#)

NONDISCIPLINARY RESIGNATION [(22 NYCRR) §1240.22(a)]

Granted:

[Matter of Peter Alan Shelton - PM-49-22](#)

[Matter of Megan Chauffe Kiefer - PM-51-22](#)

March 17, 2022

NONDISCIPLINARY RESIGNATION [(22 NYCRR) §1240.22(a)]

Granted:

[Matter of Sarah Ann Morrison - PM-56-22](#)

Denied:

[Matter of Jin Hee Ahn - PM-55-22](#)

March 24, 2022

REINSTATEMENT [(22 NYCRR) §1240.16]

Granted:

[Matter of Patrick Joseph Conway - PM-57-22](#)

[Matter of Laura Gabriela Pedraza Farina - PM-58-22](#)

NONDISCIPLINARY RESIGNATION [(22 NYCRR) §1240.22(a)]

Granted:

[Matter of Lauryn Kay Fraas - PM-59-22](#)

[Matter of George A. Prutting Jr. - PM-60-22](#)
[Matter of Austin Maxwell Berry - PM-61-22](#)
[Matter of Rita Kraner - PM-62-22](#)
[Matter of Hillary Diane Vaillancourt - PM-63-22](#)

March 31, 2022

REINSTATEMENT [(22 NYCRR) §1240.16]

Granted:

[Matter of Japheth Nthautha Matemtu - PM-64-22](#)
[Matter of Aziza Ahmed - PM-65-22](#)

NONDISCIPLINARY RESIGNATION [(22 NYCRR) §1240.22(a)]

Granted:

[Matter of Paul G. Kostro - PM-66-22](#)
[Matter of Chelsea Elizabeth Walker Pizzola - PM-67-22](#)
[Matter of Mark Alan Shelby - PM-68-22](#)
[Matter of Thomas J. Urbelis - PM-69-22](#)
[Matter of Michele Susan Greif - PM-70-22](#)
[Matter of Sara Jacobs - PM-71-22](#)

April 7, 2022

NONDISCIPLINARY RESIGNATION [(22 NYCRR) §1240.22(a)]

Granted:

[Matter of Sarah W. Gregory - PM-72-22](#)
[Matter of Rulon Wade Litchfield - PM-73-22](#)
[Matter of David Lawrence Palmer - PM-74-22](#)
[Matter of Kenneth I. Schindler - PM-75-22](#)
[Matter of Kathleen Bridges - PM-76-22](#)

April 14, 2022

REINSTATEMENT [(22 NYCRR) §1240.16]

Granted:

[Matter of Marilyn Lee Nardo, a/k/a Marilyn Lee Moore - PM-77-22](#)

[Matter of Meghan Marie Cerretani, a/k/a Meghan Marie Anderson - PM-78-22](#)

[Matter of Andrea Carolina Couttenye - PM-79-22](#)

[Matter of Juno Hwang - PM-80-22](#)

[Matter of Fang Liu - PM-81-22](#)

[Matter of Lee Jiun Lok - PM-82-22](#)

[Matter of Feifei Ning - PM-83-22](#)

[Matter of Michael Keith Yudin - PM-84-22](#)

NONDISCIPLINARY RESIGNATION [(22 NYCRR) §1240.22(a)]

Granted:

[Matter of Ashley Lynn Kolata-Guzik - PM-85-22](#)

[Matter of Daniel Arturo Perez - PM-86-22](#)

April 21, 2022

SUSPENSION [(22 NYCRR) §1240.13]

[Matter of Temani Me-Chelle Adams - PM-88-22](#)

REINSTATEMENT [(22 NYCRR) §1240.16]

Granted:

[Matter of William Michelson Pavlov - PM-89-22](#)

[Matter of Debra Kradjian Stephans - PM-90-22](#)

[Matter of James Gerard Flood - PM-91-22](#)

NONDISCIPLINARY RESIGNATION [(22 NYCRR) §1240.22(a)]

Granted:

[Matter of Barbara Weitz - PM-87-22](#)

April 28, 2022

MOTION TO VACATE ORDER SUSPENDING RESPONDENT

Granted:

[Matter of Terrence Anthony Gordon - PM-97-22](#)

REINSTATEMENT [(22 NYCRR) §1240.16]

Granted:

[Matter of Anil Advani - PM-92-22](#)

[Matter of Edel Marie Quinn - PM-93-22](#)

[Matter of Aseged Yimer - PM-94-22](#)

[Matter of Nazanin Baseri - PM-95-22](#)

NONDISCIPLINARY RESIGNATION [(22 NYCRR) §1240.22(a)]

Granted:

[Matter of Samuel Charles Rosten - PM-96-22](#)

May 5, 2022

SUSPENSION [(22 NYCRR) §1240.13]

[Matter of Scott Michael Marinelli - PM-99-22](#)

REINSTATEMENT [(22 NYCRR) §1240.16]

Granted:

[Matter of Jon David Corey - PM-100-22](#)

NONDISCIPLINARY RESIGNATION [(22 NYCRR) §1240.22(a)]

Granted:

[Matter of Inez Lee - PM-98-22](#)

May 19, 2022

SUSPENSION [(22 NYCRR) §1240.9]

[Matter of Becky Leigh Caruso - PM-104-22](#)

REINSTATEMENT [(22 NYCRR) §1240.16]

Granted:

[Matter of Fanpeng Meng - PM-101-22](#)

[Matter of Siyu Jolene Tan - PM-102-22](#)

NONDISCIPLINARY RESIGNATION [(22 NYCRR) §1240.22(a)]

Granted:

[Matter of Linda Mack - PM-103-22](#)

May 26, 2022

NONDISCIPLINARY RESIGNATION [(22 NYCRR) §1240.22(a)]

Granted:

[Matter of Daniel Kasen Streim - PM-105-22](#)

June 2, 2022

REINSTATEMENT [(22 NYCRR) §1240.16]

Denied:

[Matter of David John Watson - PM-106-22](#)

June 9, 2022

SUSPENSION [(22 NYCRR) §1240.12]

[Matter of Jerry Ray Hamling - PM-108-22](#)

SUSPENSION [(22 NYCRR) §1240.13]

[Matter of Yiheng Lou - PM-109-22](#)

REINSTATEMENT [(22 NYCRR) §1240.16]

Granted:

[Matter of James Michael Bruhn, Jr. - PM-110-22](#)

[Matter of Isabelle Anna Demenge - PM-107-22](#)

June 16, 2022

SUSPENSION [(22 NYCRR) §1240.9]

[Matter of Robert Morris Cohen - PM-111-22](#)

June 23, 2022

DISBARRED [(22 NYCRR) §1240.13]

[Matter of Anthony Joseph Moses - PM-118-22](#)

SUSPENSION [(22 NYCRR) §1240.9]

[Matter of Kimberly Anne Harp - PM-116-22](#)

SUSPENSION [(22 MYCRR) §1240.13]

[Matter of Rosemarie Andrea Anderson - PM-112-22](#)

NONDISCIPLINARY RESIGNATION [(22 NYCRR) §1240.22(a)]

Granted:

[Matter of Marc Joseph Gorayeb - PM-113-22](#)

[Matter of Robert Alexander Pilmer - PM-114-22](#)

[Matter of Karina Nicole Delgado - PM-115-22](#)

[Matter of David Waldman - PM-117-22](#)

June 30, 2022

NONDISCIPLINARY RESIGNATION [(22 NYCRR) §1240.22(a)]

Granted:

[Matter of Joan Alice Lovell - PM-119-22](#)

[Matter of Victoria Chamberlain Labate - PM-120-22](#)

July 7, 2022

NONDISCIPLINARY RESIGNATION [(22 NYCRR) §1240.22(a)]

Granted:

[Matter of Richard J. Conway, Jr. - PM-121-22](#)

[Matter of Sanford Lewis Bohrer - PM-123-22](#)

[Matter of Richard Lee Weisz - PM-124-22](#)

Denied:

[Matter of Patricia Marie Malone - PM-122-22](#)

July 14, 2022

REINSTATEMENT [(22 NYCRR) §1240.16]

Granted:

[Matter of Lonnie James Bean, also known as Lonnie James Bean III - PM-125-22](#)

NONDISCIPLINARY RESIGNATION [(22 NYCRR) §1240.22(a)]

Granted:

[Matter of Larry Martin Roth - PM-126-22](#)

July 21, 2022

DISBARMENT [(22 NYCRR) §1240.12]

[Matter of Elizabeth Anne Valandingham - PM-136-22](#)

REINSTATEMENT [(22 NYCRR) §1240.16]

Granted:

[Matter of Salvatore Anthony Barbatano - PM-127-22](#)

[Matter of Tao Chen - PM-128-22](#)

[Matter of Stacy Elizabeth Frazier - PM-129-22](#)

[Matter of Jonathan Leslie Lederman - PM-130-22](#)

[Matter of Wenxiong Qiu - PM-131-22](#)

[Matter of Renee Shantel Smith - PM-132-22](#)

[Matter of Nada Alice Sader - PM-135-22](#)

[Matter of Barbara L. Prendergast PM-137-22](#)

[Matter of Alma Pekmezovic - PM-138-22](#)

[Matter of Robert Graham McNamara - PM-139-22](#)

Denied:

[Matter of Kirsten A. Zochowski - PM-134-22](#)

July 28, 2022

REINSTATEMENT [(22 NYCRR) §1240.16]

Granted:

[Matter of Matthew Francis Finamore - PM-140-22](#)

NONDISCIPLINARY RESIGNATION [(22 NYCRR) §1240.22(a)]

Granted:

[Matter of Marilyn Jean Ramos - PM-141-22](#)

August 11, 2022

DISBARMENT [(22 NYCRR] §1240.13)

[Matter of Erik Sobkiewicz - PM-142-22](#)

NONDISCIPLINARY RESIGNATION [(22 NYCRR) §1240.22(a)]

Granted:

[Matter of Daniel Ari Kapner - PM-143-22](#)

[Matter of Emily Ann Bruemmer - PM-144-22](#)

[Matter of Jessica Hall Zomer - PM-145-22](#)

[Matter of Matthew David Lamb - PM-146-22](#)

[Matter of Terica Nicole Smith Anderson - PM-148-22](#)

MOTION DENIED

[Matter of Anonymous - PM-147-22](#)

September 1, 2022

DISBARMENT [(22 NYCRR] §1240.13)

[Matter of Jason Edward Rheinstein - PM-149-22](#)

SUSPENSION [Judiciary Law §468(a)]

[In the Matter of Attorneys in Violation of Judiciary Law §468-a - PM-150-22](#)

REINSTATEMENT [(22 NYCRR) §1240.16]

Granted:

[Matter of Pushkal Mishra - PM-151-22](#)

September 8, 2022

DISBARMENT [(22 NYCRR) §1240.13]

[Matter of Edward J. Lynum - PM-152-22](#)

NONDISCIPLINARY RESIGNATION [(22 NYCRR) §1240.22(a)]

Granted:

[Matter of Jared Scott Goodman - PM-153-22](#)

[Matter of Lawrence Dexter Jackson - PM-154-22](#)

[Matter of John Michael Krenzler - PM-155-22](#)

[Matter of Sean Franks Greenwood - PM-156-22](#)

[Matter of Julie Kim - PM-158-22](#)

[Matter of Michael Showalter - PM-159-22](#)

[Matter of Adam Roland Hunter - PM-160-22](#)

Denied:

[Matter of Jennifer Anne Fischer - PM-157-22](#)

September 15, 2022

SUSPENSION [(22 MYCRR) §1240.13]

[Matter of Doreen Marie Zankowski - PM-162-22](#)

NONDISCIPLINARY RESIGNATION [(22 NYCRR) §1240.22(a)]

Granted:

[Matter of Kelsey Jean Gann - PM-163-22](#)

[Matter of Irene Mmiriaku Mbah - PM-164-22](#)

Denied:

[Matter of Larry Vaughn Albers - PM-161-22](#)

September 22, 2022

REINSTATEMENT [(22 NYCRR) §1240.16]

Granted:

[Matter of Matthew Michael Gilbert - PM-165-22](#)

September 29, 2022

REINSTATEMENT [(22 NYCRR) §1240.16]

Granted:

[Matter of Zachary Michael Bastian - PM-166-22](#)

[Matter of Stephen Louis Molinsek - PM-167-22](#)

October 6, 2022

NONDISCIPLINARY RESIGNATION [(22 NYCRR) §1240.22(a)]

Granted:

[Matter of Tim Sheehan - PM-168-22](#)

[Matter of Kyle Sellers McGuire - PM-169-22](#)

[Matter of Augustine Ogbemor Otor-Osagie - PM-170-22](#)

[Matter of Boru You - PM171-22](#)

October 13, 2022

REINSTATEMENT [(22 NYCRR) §1240.16]

Denied:

[Matter of Thomas Patrick McQuade - PM-173-22](#)

Granted:

[Matter of Perveen Racquel Ali - PM-172-22](#)

October 27, 2022

DISBARMENT [(22 NYCRR) §1240.13]

[Matter of Ephraim Chukwuemeka Ugwuonye - PM-174-22](#)

SUSPENSION [(22 NYCRR) §1240.8]

[Matter of Pery D. Krinsky - PM-175-22](#)

REINSTATEMENT [(22 NYCRR) §1240.16]

Granted:

[Matter of Mary Elizabeth O'Neill - PM-177-22](#)

NONDISCIPLINARY RESIGNATION [(22 NYCRR) §1240.22(a)]

Granted:

[Matter of Kathrin Berkenbusch - PM-176-22](#)

November 3, 2022

SUSPENSION [(22 NYCRR) §1240.13]

[Matter of Frank Alex Tobias - PM-183-22](#)

SUSPENSION [(22 NYCRR) §1240.9]

[Matter of Nicholas R. Canizio - PM-185-22](#)

REINSTATEMENT [(22 NYCRR) §1240.16]

Granted:

[Matter of Meghan Elaine Nayak - PM-184-22](#)

[Matter of Chahdan Jebeyli - PM-186-22](#)

NONDISCIPLINARY RESIGNATION [(22 NYCRR) §1240.22(a)]

Granted:

[Matter of Daniel Frederick McLennon - PM-178-22](#)

[Matter of Steven Bennett Gould - PM-179-22](#)

[Matter of Scott Michael Hammack - PM-180-22](#)

[Matter of A. Patrick Nucciarone - PM-181-22](#)

[Matter of Natalie L. Regoli - PM-182-22](#)

November 10, 2022

DISBARMENT [(22 NYCRR) §1240.13]

[Matter of Alexander Elliott Kahn - PM-189-22](#)

REINSTATEMENT [(22 NYCRR) §1240.16]

Granted:

[Matter of Wenxuan Yang - PM-187-22](#)

[Matter of Nevekna Pavlovic - PM-188-22](#)

November 17, 2022

SUSPENSION [(22 NYCRR) §1240.13]

[Matter of Robert John Hanks - PM-194-22](#)

REINSTATEMENT [(22 NYCRR) §1240.16]

Granted:

[Matter of Marc David Policastro - PM-190-22](#)

NONDISCIPLINARY RESIGNATION [(22 NYCRR) §1240.22(a)]

Granted:

[Matter of Gabrielle Anne Regney - PM-191-22](#)

[Matter of Elizabeth Marie Hugetz - PM-192-22](#)

[Matter of Elizabeth April Williams - PM-193-22](#)

November 23, 2022

REINSTATEMENT [(22 NYCRR) §1240.16]

Granted:

[Matter of Donna Usana Wingate - PM-201-22](#)

NONDISCIPLINARY RESIGNATION [(22 NYCRR) §1240.22(a)]

Granted:

[Matter of Paul Joseph Buser - PM-195-22](#)

[Matter of Vincent J. Dotoli - PM-196-22](#)

[Matter of Rachael Bari Levi Krane - PM-197-22](#)

[Matter of Susan Marie McLaughlin - PM-198-22](#)

[Matter of Michael Mowla - PM-199-22](#)

[Matter of Andrew Charles Punzo - PM-200-22](#)

December 1, 2022

DISBARMENT [(22 NYCRR) §1240.12]

[Matter of Enrique Elliot Adler - PM-206-22](#)

REINSTATEMENT [(22 NYCRR) §1240.16]

Granted:

[Matter of Maria Luwalhati Casanova Dorotan - PM-202-22](#)

[Matter of Loryn Michelle Lawson-PM-203-22](#)

NONDISCIPLINARY RESIGNATION [(22 NYCRR) §1240.22(a)]

Granted:

[Matter of Barbara June Williams - PM-204-22](#)

[Matter of Phillippe de Grandmont - PM-205-22](#)

[Matter of Jennifer Anne Fischer - PM-207-22](#)

[Matter of Caitlin Melissa Ens - PM-208-22](#)

[Matter of Mary Joy Odom - PM-209-22](#)

Denied:

[Matter of Joseph Abraham Gorman - PM-210-22](#)

[Matter of Daniel Farrell O'Brien - PM-211-22](#)

December 8, 2022

SUSPENDED [(22 NYCRR) §1240.13]

[Matter of Jonathan Sablone - PM-213-22](#)

REINSTATEMENT [(22 NYCRR) §1240.16]

Granted:

[Matter of Anne Dara Fitzgibbon - PM-212-22](#)

[Matter of Angela Marie Rea - PM-214-22](#)

December 15, 2022

SUSPENDED [(22 NYCRR) §1240.8(a)(5)]

[Matter of Cheryl Parsons Ruel - PM-216-22](#)

REINSTATEMENT [(22 NYCRR) §1240.16]

Granted:

[Matter of Timothy Alexander Gordon Andison - PM-215-22](#)

[Matter of Howard Jeffrey Kern - PM-217-22](#)

[Matter of James Brendan Day - PM-218-22](#)

[Matter of Kasey Elizabeth Doeing - PM-219-22](#)

[Matter of Karma Phintso Dolkar - PM-220-22](#)

[Matter of Elizabeth B. Donkervoort, a/k/a Elizabeth Baldrey Tasick - PM-221-22](#)

[Matter of Hyemin Lee - PM-222-22](#)

[Matter of Karline Louisa Lee - PM-223-22](#)

[Matter of Sean Satish Lal - PM-224-22](#)

[Matter of Patricia McArdle - PM-225-22](#)

[Matter of Phillip Rosenblatt - PM-226-22](#)

[Matter of James Joseph Sarconi - PM-227-22](#)

[Matter of Richard J. Shea, Jr. - PM-228-22](#)

[Matter of Leen Zaza - PM-229-22](#)

December 22, 2022

NONDISCIPLINARY RESIGNATION [(22 NYCRR) §1240.22(a)]

Granted:

[Matter of Joseph Leonard Gordon - PM-230-22](#)

[Matter of Ranjit Nicholas Singh - PM-231-22](#)

December 29, 2022

REINSTATEMENT [(22 NYCRR) §1240.16]

Granted:

[Matter of Eric A. Gang - PM-232-22](#)

[Matter of Claire Elizabeth Jenkins - PM-233-22](#)

C

**Attorney Grievance Committee
Third Judicial Department
Committee Members
2022-2023**

**R. James Miller, Esq.
Chair**

**Sixth Judicial District
(Tompkins County)**

Third Judicial District

**Virginia D. Benedict, Esq.
(Columbia County)**

**Joyce Q. Chupka
(Rensselaer County)**

**Andrew B. Howard, Esq.
(Columbia County)**

**David W. Meyers, Esq.
(Albany County)**

**Alejandra N. Paulino, Esq.
(Albany County)**

**Dennis B. Schlenker, Esq.
(Albany County)**

**Brian M. Wang, Esq.
(Albany County)**

Fourth Judicial District

**Cynthia Feathers, Esq.
(Saratoga County)**

**Maryanne Malecki, Esq.
(Schenectady County)**

**Dana D. Peck, Esq.
(Clinton County)**

**John R. Seebold, Esq.
(Schenectady County)**

**Joseph M. Sise, Esq.
(Fulton County)**

**Elena J. Tastensen, Esq.
(Saratoga County)**

**D. Alan Wrigley, Jr., Esq.
(Washington County)**

Sixth Judicial District

**Scott J. Clippinger, Esq.
(Chenango County)**

**Megan E. Curinga, Esq.
(Broome County)**

**Sheila C. Lindsey
(Madison County)**

**Willa S. Payne, Esq.
(Otsego County)**

**Tina M. Wayland-Smith, Esq.
(Madison County)**

D

**Attorney Grievance Committee
for Third Judicial Department
Staff**

April 1, 2022 - March 31, 2023

Chief Attorney

Monica A. Duffy, Esq.

Office Manager

Jean R. Picard

Deputy Chief Attorney

Alison M. Coan, Esq.

Legal Assistants

Zoey Guay (*September 2022*)**

Amanda L. Luther (*September 2022*)**

Michael G. Gaynor, Esq. (*May 2023*)*

Michelle McHale (*June 2022*)*

Josephine Rimmer (*August 2022*)*

Fiona Dutcher (*September 2022*)*

Tiffany Cozzy (*November 2022*)*

Principal Attorneys

Lauren S. Cousineau, Esq.

Michael K. Creaser, Esq.

Nikolas S. Tamburello, Esq. (*January 2023*)**

Robert Max Beyer, Esq. (*February 2023*)**

Fiscal Analyst

Amanda R. Blacknik (*February 2023*)**

Anna E. Remet, Esq. (*August 2022*)*

Sarah A. Richards, Esq. (*December 2022*)*

Kayla Battiste (*November 2022*)*

Investigators

Sarah L. Lloyd

Christine M. Adams

*Departed AGC

**Joined AGC

PROFESSIONAL MATTERS CASELOAD REPORT

GRIEVANCE COMMITTEE: 5TH JUDICIAL DISTRICT

FOURTH DEPARTMENT

REPORT PERIOD: 01-01-2022 to 12-31-2022

DATE: June 6, 2023

I. PROFESSIONAL MATTERS PROCESSED BY THE COMMITTEE:

A. Matters Pending at Start of Report Period	182
B. New Matters During Report Period (<u>see</u> Part II, <u>infra</u>)	412
C. Closed Matters Reactivated During Report Period ²	4
D. Total Matters to be Processed During Report Period (A+B+C)	598
E. Total Matters Disposed of During Report Period (<u>see</u> Parts III & IV, <u>infra</u>)	430
F. Matters Pending at End of Report Period (I.D - I.E)	168

II. NEW MATTERS DURING REPORT PERIOD:

A. Sua Sponte Investigations Authorized by Committee Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (a) (1) ³	7
B. Cases Referred by the Court for Examination Due to Reversal of a Criminal Conviction on the Ground of Ineffective Assistance of Counsel or Prosecutorial Misconduct	0
C. Matters Arising Under Judiciary Law § 90 (4) (c) and Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.12 (a)	0
D. Matters Arising Under Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.13 (d)	0
E. Matters Arising Under Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.9 ⁴	0

¹ The term "Matters" refers to individual files generated by complaint, inquiry or other filing at the Committee level and any one respondent may be the subject of multiple matters simultaneously.

² May also include closed matters which have become subject to Court review pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (e) or CPLR art 56.

³ May include Dishonored Check Reports pursuant to Rules of Appellate Division, All Departments (22 NYCRR) § 1300.1 (g).

⁴ Refers to a new Matter arising from an existing file where the respondent has failed to cooperate with the Committee investigation (§ 1240.9 [a] [1], [3]), or where the investigation has given rise to an admission by the

F. Motions for Reinstatement Pursuant to Rules for Attorney	
Disciplinary Matters (22 NYCRR) §§ 1240.16, 1240.17 & 1240.22 (b)	0
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G. Applications for Leave to Resign Pursuant to Rules for Attorney	
Disciplinary Matters (22 NYCRR) § 1240.22 (a)	0
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H. Attorney Solicitation Filings Pursuant to Rules of Professional	
Conduct (22 NYCRR 1200.0) rule 7.3 (c) (1)	4
	<hr/>
I. Disciplinary History Letter Requests and Other Inquiries	8
	<hr/>
J. All Other Complaints Filed or Transferred in Pursuant to Rules for	0
Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (a) (1) or (2)	<hr/>
TOTAL NEW MATTERS	19
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III. MATTERS DISPOSED OF BY CHIEF ATTORNEY:

A. Matters Disposed of Pursuant to Rules for Attorney Disciplinary	
Matters (22 NYCRR) § 1240.7 (d) (1) (i)	189
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B. Matters Referred to Other Agencies Pursuant to Rules for Attorney	
Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) (ii)	0
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C. Matters Transferred to Another Grievance Committee Pursuant to	
Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (a) (2)	45
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D. Other⁵	108
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TOTAL DISPOSED OF BY CHIEF ATTORNEY	342
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IV. MATTERS DISPOSED OF BY COMMITTEE:

A. Matters Disposed of Pursuant to Rules for Attorney Disciplinary	
Matters (22 NYCRR) § 1240.7 (d) (2) (i) or (ii)	0
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respondent under oath (§ 1240.9 [a] [2]), or revealed that the respondent has willfully failed to paid money to a client (§ 1240.9 [a] [4]) or exposed uncontroverted evidence of the respondent's misconduct (§ 1240.9 [a] [5]).

⁵ Includes acknowledgment of Attorney Solicitation Filings pursuant to Rules of Professional Conduct (22 NYCRR 1200.0) rule 7.3 (c) (1), the provision of disciplinary history letters upon request and other closed inquiries.

B. Issuance of a Letter of Advisement Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (iv)	33
	<hr/>
C. Issuance of an Admonition Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (v)	15
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D. Matters Referred to the Appellate Division for Action	
1. Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.8	0
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2. Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.9 (see Part II.E, <u>supra</u>)	0
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3. Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.10 (for Matters under investigation)	0
	<hr/>
4. Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.11	0
	<hr/>
5. Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.12	0
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6. Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.13	0
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7. Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.14	0
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TOTAL REFERRED TO APPELLATE DIVISION	0
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E. Responsive Filings	
1. On Motions for Reinstatement Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) §§ 1240.16, 1240.17 and 1240.22 (b) (see Part II.F, <u>supra</u>)	0
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2. On Applications for Leave to Resign Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.22 (a) (see Part II.G, <u>supra</u>)	0
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3. On Motions for Court Review Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (e)	
(1) (ii) and (2) (<u>see</u> Part I.C and associated footnote, <u>supra</u>)	<u>0</u>
TOTAL RESPONSIVE FILINGS	<u>0</u>
TOTAL DISPOSED OF BY COMMITTEE	<u>15</u>

V. CASES⁶ PROCESSED BY THE APPELLATE DIVISION:

A. Cases Pending at Start of Report Period	<u>19</u>
B. Cases Initiated During Report Period ⁷	<u>31</u>
C. Cases Disposed of During Report Period (<u>see</u> Part VI, <u>infra</u>)	<u>31</u>
D. Cases Pending at End of Report Period (A + B - C)	<u>19</u>

VI. CASES DISPOSED OF BY THE APPELLATE DIVISION:

A. Disbarments, including disciplinary resignation	<u>0</u>
B. Suspensions (Including Pursuant to Rules for Attorney Disciplinary Matters [22 NYCRR] §§ 1240.9 and 1240.14)	<u>16</u>
C. Censures	<u>4</u>
D. Dismissed	<u>0</u>
E. Reinstatements Granted	<u>0</u>
F. Reinstatements Denied	<u>0</u>
G. Nondisciplinary Resignations Granted	<u>0</u>
H. Nondisciplinary Resignations Denied	<u>0</u>
I. Other	<u>2</u>
TOTAL DISPOSED OF BY THE APPELLATE DIVISION	<u>31</u>

⁶ The term "Cases" refers to filings made at the Appellate Division level, is respondent-specific, and any such Case may encompass what was previously multiple Matters at the Committee level.

⁷ Includes Cases referred to the Appellate Division (see Part IV.D, supra), motions for reinstatement pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) §§ 1240.16, 1240.17 and 1240.22 (b) (see Part II.F, supra), applications for leave to resign pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.22 (a) (see Part II.G, supra), and motions for Court review pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (e) (1) (ii) and (2) (see Parts I.C and IV.E.3).

VII. PRACTICE AREA STATISTICS:

A. CRIMINAL LAW

1. New Matters During Report Period (<u>see Part II, supra</u>)	
Pertaining to Prosecutors	4
Pertaining to Defense Counsel	<u>39</u>
2. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)	
Pertaining to Prosecutors	0
Pertaining to Defense Counsel	<u>11</u>
3. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (v) and Cases Disposed of by the Appellate Division (<u>see Part VI.A-VI.C, supra</u>)	
Pertaining to Prosecutors	<u>0</u>
Pertaining to Defense Counsel	<u>0</u>

B. IMMIGRATION LAW

1. New Matters During Report Period (<u>see Part II, supra</u>)	<u>0</u>
2. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)	0
3. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (v) and Cases Disposed of by the Appellate Division (<u>see Part VI.A-VI.C, supra</u>)	<u>0</u>

C. FAMILY & MATRIMONIAL LAW

1. New Matters During Report Period (<u>see Part II, supra</u>)	<u>19</u>
2. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)	<u>2</u>

3. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (v) and Cases Disposed of by the Appellate Division (see Part VI.A-VI.C, <u>supra</u>)	2 <hr/>
D. REAL PROPERTY	
1. New Matters During Report Period (see Part II, <u>supra</u>)	2 <hr/>
2. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)	1 <hr/>
3. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (v) and Cases Disposed of by the Appellate Division (see Part VI.A-VI.C, <u>supra</u>)	0 <hr/>
E. TRUSTS & ESTATES	
1. New Matters During Report Period (see Part II, <u>supra</u>)	1 <hr/>
2. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)	0 <hr/>
3. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (v) and Cases Disposed of by the Appellate Division (see Part VI.A-VI.C, <u>supra</u>)	0 <hr/>
F. COMMERCIAL LITIGATION	
1. New Matters During Report Period (see Part II, <u>supra</u>)	0 <hr/>
2. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)	0 <hr/>

3. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (v) and Cases Disposed of by the Appellate Division (<u>see Part VI.A-VI.C, supra</u>)	0 <hr/>
G. OTHER CIVIL LITIGATION	
1. New Matters During Report Period (<u>see Part II, supra</u>)	16 <hr/>
2. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)	2 <hr/>
3. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (v) and Cases Disposed of by the Appellate Division (<u>see Part VI.A-VI.C, supra</u>)	0 <hr/>
H. PRACTICE AREA UNKNOWN	
1. New Matters During Report Period (<u>see Part II, supra</u>)	17 <hr/>
2. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)	24 <hr/>
3. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (v) and Cases Disposed of by the Appellate Division (<u>see Part VI.A-VI.C, supra</u>)	21 <hr/>

PROFESSIONAL MATTERS CASELOAD REPORT

GRIEVANCE COMMITTEE: 7TH JUDICIAL DISTRICT

FOURTH DEPARTMENT

REPORT PERIOD: 01-01-2022 to 12-31-2022

DATE: June 23, 2023

I. PROFESSIONAL MATTERS PROCESSED BY THE COMMITTEE:

A. Matters Pending at Start of Report Period	92
B. New Matters During Report Period (<u>see</u> Part II, <u>infra</u>)	511
C. Closed Matters Reactivated During Report Period ²	0
D. Total Matters to be Processed During Report Period (A+B+C)	603
E. Total Matters Disposed of During Report Period (<u>see</u> Parts III & IV, <u>infra</u>)	519
F. Matters Pending at End of Report Period (I.D - I.E)	84

II. NEW MATTERS DURING REPORT PERIOD:

A. Sua Sponte Investigations Authorized by Committee Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (a) (1) ³	4
B. Cases Referred by the Court for Examination Due to Reversal of a Criminal Conviction on the Ground of Ineffective Assistance of Counsel or Prosecutorial Misconduct	0
C. Matters Arising Under Judiciary Law § 90 (4) (c) and Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.12 (a)	0
D. Matters Arising Under Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.13 (d)	1
E. Matters Arising Under Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.9 ⁴	2

¹ The term "Matters" refers to individual files generated by complaint, inquiry or other filing at the Committee level and any one respondent may be the subject of multiple matters simultaneously.

² May also include closed matters which have become subject to Court review pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (e) or CPLR art 56.

³ May include Dishonored Check Reports pursuant to Rules of Appellate Division, All Departments (22 NYCRR) § 1300.1 (g).

⁴ Refers to a new Matter arising from an existing file where the respondent has failed to cooperate with the Committee investigation (§ 1240.9 [a] [1], [3]), or where the investigation has given rise to an admission by the

F. Motions for Reinstatement Pursuant to Rules for Attorney	
Disciplinary Matters (22 NYCRR) §§ 1240.16, 1240.17 & 1240.22 (b)	0
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G. Applications for Leave to Resign Pursuant to Rules for Attorney	
Disciplinary Matters (22 NYCRR) § 1240.22 (a)	4
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H. Attorney Solicitation Filings Pursuant to Rules of Professional	
Conduct (22 NYCRR 1200.0) rule 7.3 (c) (1)	6
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I. Disciplinary History Letter Requests and Other Inquiries	7
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J. All Other Complaints Filed or Transferred in Pursuant to Rules for	0
Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (a) (1) or (2)	<hr/>
TOTAL NEW MATTERS	24
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III. MATTERS DISPOSED OF BY CHIEF ATTORNEY:

A. Matters Disposed of Pursuant to Rules for Attorney Disciplinary	
Matters (22 NYCRR) § 1240.7 (d) (1) (i)	287
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B. Matters Referred to Other Agencies Pursuant to Rules for Attorney	
Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) (ii)	0
	<hr/>
C. Matters Transferred to Another Grievance Committee Pursuant to	
Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (a) (2)	74
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D. Other⁵	88
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TOTAL DISPOSED OF BY CHIEF ATTORNEY	449
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IV. MATTERS DISPOSED OF BY COMMITTEE:

A. Matters Disposed of Pursuant to Rules for Attorney Disciplinary	
Matters (22 NYCRR) § 1240.7 (d) (2) (i) or (ii)	0
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respondent under oath (§ 1240.9 [a] [2]), or revealed that the respondent has willfully failed to paid money to a client (§ 1240.9 [a] [4]) or exposed uncontroverted evidence of the respondent's misconduct (§ 1240.9 [a] [5]).

⁵ Includes acknowledgment of Attorney Solicitation Filings pursuant to Rules of Professional Conduct (22 NYCRR 1200.0) rule 7.3 (c) (1), the provision of disciplinary history letters upon request and other closed inquiries.

B. Issuance of a Letter of Advisement Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (iv)	40
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C. Issuance of an Admonition Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (v)	9
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D. Matters Referred to the Appellate Division for Action	
1. Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.8	0
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2. Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.9 (see Part II.E, <u>supra</u>)	2
	<hr/>
3. Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.10 (for Matters under investigation)	0
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4. Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.11	0
	<hr/>
5. Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.12	0
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6. Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.13	0
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7. Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.14	0
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TOTAL REFERRED TO APPELLATE DIVISION	2
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E. Responsive Filings	
1. On Motions for Reinstatement Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) §§ 1240.16, 1240.17 and 1240.22 (b) (see Part II.F, <u>supra</u>)	0
	<hr/>
2. On Applications for Leave to Resign Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.22 (a) (see Part II.G, <u>supra</u>)	4
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3. On Motions for Court Review Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (e)	
(1) (ii) and (2) (<u>see</u> Part I.C and associated footnote, <u>supra</u>)	<u>0</u>
TOTAL RESPONSIVE FILINGS	<u>4</u>
TOTAL DISPOSED OF BY COMMITTEE	<u>15</u>

V. CASES⁶ PROCESSED BY THE APPELLATE DIVISION:

A. Cases Pending at Start of Report Period	<u>11</u>
B. Cases Initiated During Report Period ⁷	<u>20</u>
C. Cases Disposed of During Report Period (<u>see</u> Part VI, <u>infra</u>)	<u>17</u>
D. Cases Pending at End of Report Period (A + B - C)	<u>14</u>

VI. CASES DISPOSED OF BY THE APPELLATE DIVISION:

A. Disbarments, including disciplinary resignation	<u>0</u>
B. Suspensions (Including Pursuant to Rules for Attorney Disciplinary Matters [22 NYCRR] §§ 1240.9 and 1240.14)	<u>1</u>
C. Censures	<u>0</u>
D. Dismissed	<u>1</u>
E. Reinstatements Granted	<u>1</u>
F. Reinstatements Denied	<u>0</u>
G. Nondisciplinary Resignations Granted	<u>12</u>
H. Nondisciplinary Resignations Denied	<u>0</u>
I. Other	<u>0</u>
TOTAL DISPOSED OF BY THE APPELLATE DIVISION	<u>17</u>

⁶ The term "Cases" refers to filings made at the Appellate Division level, is respondent-specific, and any such Case may encompass what was previously multiple Matters at the Committee level.

⁷ Includes Cases referred to the Appellate Division (see Part IV.D, supra), motions for reinstatement pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) §§ 1240.16, 1240.17 and 1240.22 (b) (see Part II.F, supra), applications for leave to resign pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.22 (a) (see Part II.G, supra), and motions for Court review pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (e) (1) (ii) and (2) (see Parts I.C and IV.E.3).

VII. PRACTICE AREA STATISTICS:

A. CRIMINAL LAW

1. New Matters During Report Period (<u>see Part II, supra</u>)	
Pertaining to Prosecutors	<u>1</u>
Pertaining to Defense Counsel	<u>39</u>
2. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)	
Pertaining to Prosecutors	<u>0</u>
Pertaining to Defense Counsel	<u>15</u>
3. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (v) and Cases Disposed of by the Appellate Division (<u>see Part VI.A-VI.C, supra</u>)	
Pertaining to Prosecutors	<u>0</u>
Pertaining to Defense Counsel	<u>0</u>

B. IMMIGRATION LAW

1. New Matters During Report Period (<u>see Part II, supra</u>)	<u>1</u>
2. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)	<u>0</u>
3. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (v) and Cases Disposed of by the Appellate Division (<u>see Part VI.A-VI.C, supra</u>)	<u>0</u>

C. FAMILY & MATRIMONIAL LAW

1. New Matters During Report Period (<u>see Part II, supra</u>)	<u>9</u>
2. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)	<u>5</u>

3. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (v) and Cases Disposed of by the Appellate Division (<u>see Part VI.A-VI.C, supra</u>)	<u>0</u>
D. REAL PROPERTY	
1. New Matters During Report Period (<u>see Part II, supra</u>)	<u>3</u>
2. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)	<u>2</u>
3. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (v) and Cases Disposed of by the Appellate Division (<u>see Part VI.A-VI.C, supra</u>)	<u>0</u>
E. TRUSTS & ESTATES	
1. New Matters During Report Period (<u>see Part II, supra</u>)	<u>5</u>
2. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)	<u>5</u>
3. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (v) and Cases Disposed of by the Appellate Division (<u>see Part VI.A-VI.C, supra</u>)	<u>0</u>
F. COMMERCIAL LITIGATION	
1. New Matters During Report Period (<u>see Part II, supra</u>)	<u>0</u>
2. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)	<u>0</u>

3. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (v) and Cases Disposed of by the Appellate Division (see Part VI.A-VI.C, <u>supra</u>)	0 <hr/>
G. OTHER CIVIL LITIGATION	
1. New Matters During Report Period (see Part II, <u>supra</u>)	9 <hr/>
2. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)	5 <hr/>
3. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (v) and Cases Disposed of by the Appellate Division (see Part VI.A-VI.C, <u>supra</u>)	0 <hr/>
H. PRACTICE AREA UNKNOWN	
1. New Matters During Report Period (see Part II, <u>supra</u>)	25 <hr/>
2. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)	10 <hr/>
3. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (v) and Cases Disposed of by the Appellate Division (see Part VI.A-VI.C, <u>supra</u>)	3 <hr/>

PROFESSIONAL MATTERS CASELOAD REPORT

GRIEVANCE COMMITTEE: 8TH JUDICIAL DISTRICT

FOURTH DEPARTMENT

REPORT PERIOD: 01-01-2022 to 12-31-2022

DATE: June 1, 2023

Revised

I. PROFESSIONAL MATTERS PROCESSED BY THE COMMITTEE:

A. Matters Pending at Start of Report Period	150
B. New Matters During Report Period (<u>see</u> Part II, <u>infra</u>)	690
C. Closed Matters Reactivated During Report Period ²	5
D. Total Matters to be Processed During Report Period (A+B+C)	845
E. Total Matters Disposed of During Report Period (<u>see</u> Parts III & IV, <u>infra</u>)	698
F. Matters Pending at End of Report Period (I.D - I.E)	147

II. NEW MATTERS DURING REPORT PERIOD:

A. Sua Sponte Investigations Authorized by Committee Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (a) (1) ³	0
B. Cases Referred by the Court for Examination Due to Reversal of a Criminal Conviction on the Ground of Ineffective Assistance of Counsel or Prosecutorial Misconduct	0
C. Matters Arising Under Judiciary Law § 90 (4) (c) and Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.12 (a)	0
D. Matters Arising Under Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.13 (d)	0
E. Matters Arising Under Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.9 ⁴	0

¹ The term "Matters" refers to individual files generated by complaint, inquiry or other filing at the Committee level and any one respondent may be the subject of multiple matters simultaneously.

² May also include closed matters which have become subject to Court review pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (e) or CPLR art 56.

³ May include Dishonored Check Reports pursuant to Rules of Appellate Division, All Departments (22 NYCRR) § 1300.1 (g).

⁴ Refers to a new Matter arising from an existing file where the respondent has failed to cooperate with the Committee investigation (§ 1240.9 [a] [1], [3]), or where the investigation has given rise to an admission by the

F. Motions for Reinstatement Pursuant to Rules for Attorney	
Disciplinary Matters (22 NYCRR) §§ 1240.16, 1240.17 & 1240.22 (b)	0
	<hr/>
G. Applications for Leave to Resign Pursuant to Rules for Attorney	
Disciplinary Matters (22 NYCRR) § 1240.22 (a)	0
	<hr/>
H. Attorney Solicitation Filings Pursuant to Rules of Professional	
Conduct (22 NYCRR 1200.0) rule 7.3 (c) (1)	0
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I. Disciplinary History Letter Requests and Other Inquiries	33
	<hr/>
J. All Other Complaints Filed or Transferred in Pursuant to Rules for	
Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (a) (1) or (2)	0
	<hr/>
TOTAL NEW MATTERS	33
	<hr/>

III. MATTERS DISPOSED OF BY CHIEF ATTORNEY:

A. Matters Disposed of Pursuant to Rules for Attorney Disciplinary	
Matters (22 NYCRR) § 1240.7 (d) (1) (i)	391
	<hr/>
B. Matters Referred to Other Agencies Pursuant to Rules for Attorney	
Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) (ii)	0
	<hr/>
C. Matters Transferred to Another Grievance Committee Pursuant to	
Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (a) (2)	15
	<hr/>
D. Other⁵	190
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TOTAL DISPOSED OF BY CHIEF ATTORNEY	596
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IV. MATTERS DISPOSED OF BY COMMITTEE:

A. Matters Disposed of Pursuant to Rules for Attorney Disciplinary	
Matters (22 NYCRR) § 1240.7 (d) (2) (i) or (ii)	0
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respondent under oath (§ 1240.9 [a] [2]), or revealed that the respondent has willfully failed to paid money to a client (§ 1240.9 [a] [4]) or exposed uncontroverted evidence of the respondent's misconduct (§ 1240.9 [a] [5]).

⁵ Includes acknowledgment of Attorney Solicitation Filings pursuant to Rules of Professional Conduct (22 NYCRR 1200.0) rule 7.3 (c) (1), the provision of disciplinary history letters upon request and other closed inquiries.

B. Issuance of a Letter of Advisement Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (iv)	55
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C. Issuance of an Admonition Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (v)	10
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D. Matters Referred to the Appellate Division for Action	
1. Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.8	0
	<hr/>
2. Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.9 (see Part II.E, <u>supra</u>)	0
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3. Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.10 (for Matters under investigation)	0
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4. Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.11	0
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5. Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.12	0
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6. Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.13	0
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7. Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.14	0
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TOTAL REFERRED TO APPELLATE DIVISION	0
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E. Responsive Filings	
1. On Motions for Reinstatement Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) §§ 1240.16, 1240.17 and 1240.22 (b) (see Part II.F, <u>supra</u>)	0
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2. On Applications for Leave to Resign Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.22 (a) (see Part II.G, <u>supra</u>)	0
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3. On Motions for Court Review Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (e)	
(1) (ii) and (2) (<u>see</u> Part I.C and associated footnote, <u>supra</u>)	<u>0</u>
TOTAL RESPONSIVE FILINGS	<u>0</u>
TOTAL DISPOSED OF BY COMMITTEE	<u>10</u>

V. CASES⁶ PROCESSED BY THE APPELLATE DIVISION:

A. Cases Pending at Start of Report Period	<u>15</u>
B. Cases Initiated During Report Period ⁷	<u>37</u>
C. Cases Disposed of During Report Period (<u>see</u> Part VI, <u>infra</u>)	<u>40</u>
D. Cases Pending at End of Report Period (A + B - C)	<u>12</u>

VI. CASES DISPOSED OF BY THE APPELLATE DIVISION:

A. Disbarments, including disciplinary resignation	<u>1</u>
B. Suspensions (Including Pursuant to Rules for Attorney Disciplinary Matters [22 NYCRR] §§ 1240.9 and 1240.14)	<u>18</u>
C. Censures	<u>0</u>
D. Dismissed	<u>3</u>
E. Reinstatements Granted	<u>2</u>
F. Reinstatements Denied	<u>1</u>
G. Nondisciplinary Resignations Granted	<u>11</u>
H. Nondisciplinary Resignations Denied	<u>0</u>
I. Other	<u>2</u>
TOTAL DISPOSED OF BY THE APPELLATE DIVISION	<u>40</u>

⁶ The term "Cases" refers to filings made at the Appellate Division level, is respondent-specific, and any such Case may encompass what was previously multiple Matters at the Committee level.

⁷ Includes Cases referred to the Appellate Division (see Part IV.D, supra), motions for reinstatement pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) §§ 1240.16, 1240.17 and 1240.22 (b) (see Part II.F, supra), applications for leave to resign pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.22 (a) (see Part II.G, supra), and motions for Court review pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (e) (1) (ii) and (2) (see Parts I.C and IV.E.3).

VII. PRACTICE AREA STATISTICS:

A. CRIMINAL LAW

1. New Matters During Report Period (<u>see Part II, supra</u>)	
Pertaining to Prosecutors	8
Pertaining to Defense Counsel	<u>59</u>
2. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)	
Pertaining to Prosecutors	0
Pertaining to Defense Counsel	<u>5</u>
3. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (v) and Cases Disposed of by the Appellate Division (<u>see Part VI.A-VI.C, supra</u>)	
Pertaining to Prosecutors	<u>0</u>
Pertaining to Defense Counsel	<u>0</u>

B. IMMIGRATION LAW

1. New Matters During Report Period (<u>see Part II, supra</u>)	<u>1</u>
2. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)	0
3. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (v) and Cases Disposed of by the Appellate Division (<u>see Part VI.A-VI.C, supra</u>)	<u>0</u>

C. FAMILY & MATRIMONIAL LAW

1. New Matters During Report Period (<u>see Part II, supra</u>)	<u>24</u>
2. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)	<u>0</u>

3. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (v) and Cases Disposed of by the Appellate Division (see Part VI.A-VI.C, <u>supra</u>)	0 <hr/>
D. REAL PROPERTY	
1. New Matters During Report Period (see Part II, <u>supra</u>)	8 <hr/>
2. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)	0 <hr/>
3. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (v) and Cases Disposed of by the Appellate Division (see Part VI.A-VI.C, <u>supra</u>)	0 <hr/>
E. TRUSTS & ESTATES	
1. New Matters During Report Period (see Part II, <u>supra</u>)	4 <hr/>
2. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)	0 <hr/>
3. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (v) and Cases Disposed of by the Appellate Division (see Part VI.A-VI.C, <u>supra</u>)	2 <hr/>
F. COMMERCIAL LITIGATION	
1. New Matters During Report Period (see Part II, <u>supra</u>)	15 <hr/>
2. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)	0 <hr/>

3. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (v) and Cases Disposed of by the Appellate Division (<u>see Part VI.A-VI.C, supra</u>)	0 <hr/>
G. OTHER CIVIL LITIGATION	
1. New Matters During Report Period (<u>see Part II, supra</u>)	33 <hr/>
2. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)	3 <hr/>
3. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (v) and Cases Disposed of by the Appellate Division (<u>see Part VI.A-VI.C, supra</u>)	1 <hr/>
H. PRACTICE AREA UNKNOWN	
1. New Matters During Report Period (<u>see Part II, supra</u>)	40 <hr/>
2. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)	51 <hr/>
3. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (v) and Cases Disposed of by the Appellate Division (<u>see Part VI.A-VI.C, supra</u>)	38 <hr/>

**FOURTH DEPARTMENT
(Fifth Judicial District)**

Attorney	Disposition	Summary of Charges
Laura A. Alderman 207 A.D.3d 1091 06/15/22	Interim Suspension	22 NYCRR 1240.9
David P. Antonucci 211 A.D.3d 68 11/18/22	Suspended Three Years	22 NYCRR 1200.0 - Rule 1.4(a)(1)(iii) - failing to inform a client in a prompt manner of a material development in a matter including settlement or plea offers; Rule 1.4(a)(3) - failing to keep a client reasonably informed about the status of a matter; Rule 1.4(a)(4) - failing to comply in a prompt manner with a client's reasonable requests for information; Rule 3.3(f)(3) - intentionally or habitually violating an established rule of procedure or evidence while appearing as a lawyer before a tribunal; Rule 8.4(c) - engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation; Rule 8.4(d) - engaging in conduct that is prejudicial to the administration of justice; and Rule 8.4(h) - engaging in conduct that adversely reflects on his fitness as a lawyer.
Sachpreet Singh Bains 211 A.D.3d 129 11/18/22	Suspended	Judiciary Law §468-a and 22 NYCRR 118.1
Timothy A. Benedict 206 A.D.3d 84 06/03/22	Suspended Two Years	22 NYCRR 1200.0 - Rule 1.1(c)(2) - intentionally prejudicing or damaging a client during the course of a representation; Rule 1.8(j)(1)(iii) - entering into a sexual relation with a client during the course of his representation of the client in a domestic relations matter; Rule 1.15(a) - misappropriating funds belonging to another person that he received incident to his practice of law and commingling such funds

with personal funds; Rule 1.15(c) - making attorney trust account withdrawals in a manner other than by check payable to a named payee; Rule 8.4(d) - engaging in conduct that is prejudicial to the administration of justice; and Rule 8.4(h) - engaging in conduct that adversely reflects on his fitness as a lawyer.

<p>Anthony M. Benigno 211 A.D.3d 129 11/18/22</p>	<p>Suspended</p>	<p>Judiciary Law §468-a and 22 NYCRR 118.1</p>
<p>Michelle R. Cohen 211 A.D.3d 129 11/18/22</p>	<p>Suspended</p>	<p>Judiciary Law §468-a and 22 NYCRR 118.1</p>
<p>Paul John Colabufo 211 A.D.3d 129 11/18/22</p>	<p>Suspended</p>	<p>Judiciary Law §468-a and 22 NYCRR 118.1</p>
<p>Todd S. Engel 206 A.D.3d 18 04/29/22</p>	<p>Suspended One Year</p>	<p>22 NYCRR 1200.0 - Rule 1.1(b) - handling a legal matter that he knows or should have known that he is not competent to handle; Rule 1.3(a) - failing to act with reasonable diligence and promptness in representing a client; Rule 1.3(b) - neglecting a legal matter entrusted to him; Rule 1.4(a)(3) - failing to keep a client reasonably informed about the status of a matter; Rule 1.4(a)(4) - failing to comply in a prompt manner with a client's reasonable requests for information; Rule 1.5(d)(4) - entering into an arrangement for, charging, or collecting a nonrefundable retainer fee; Rule 1.15(c)(4) - failing to pay or deliver to a client or another person, as requested by the client or other person, funds or other property in the possession of the lawyer that the client or other person is entitled to receive; Rule 8.4(c) - engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation; and Rule 8.4(h) - engaging in conduct that adversely reflects</p>

on his fitness as a lawyer; 22 NYCRR 1400.2 and 22 NYCRR 1400.3.

Patrick L. Evans
211 A.D.3d 94
10/07/22

Suspended
Three Years

22 NYCRR 1200.0 - Rule 1.1(c)(2) - intentionally prejudicing or damaging a client during the course of a representation; Rule 1.3(a) - failing to act with reasonable diligence and promptness in representing a client; Rule 1.15(a) - misappropriating funds belonging to another person that were received incident to his practice of law; Rule 1.15(c)(3) - failing to maintain complete records of all funds of a client or third person coming into his possession and failing to render appropriate accounts to the client or third person regarding the funds; Rule 1.15(c)(4) - failing to deliver to a client or third person in a prompt manner, as requested by the client or third person, funds in his possession that the client or third person is entitled to receive; Rule 5.3(a) - failing to supervise adequately the work of a nonlawyer who works for the lawyer; Rule 8.4(d) - engaging in conduct that is prejudicial to the administration of justice; and Rule 8.4(h) - engaging in conduct that adversely reflects on his fitness as a lawyer; Judiciary Law §468-a and 22 NYCRR 118.1.

Robert H. Fix
206 A.D.3d 14
04/29/22

Censured

22 NYCRR 1200.0 - Rule 1.1(c)(2) - intentionally prejudicing or damaging a client during the course of a representation; Rule 1.3(a) - failing to act with reasonable diligence and promptness in representing a client; Rule 1.3(b) - neglecting a legal matter entrusted to him; Rule 1.4(a)(3) - failing to keep a client reasonably informed about the status of a matter; Rule 1.4(a)(4) - failing to comply in a prompt manner with a client's reasonable requests for information; and Rule 8.4(d) - engaging in conduct that is prejudicial to the administration of justice.

Andrew A. Greenhouse 211 A.D.3d 129 11/18/22	Suspended	Judiciary Law §468-a and 22 NYCRR 118.1
Robert S. Hershman 210 A.D.3d 27 07/29/22	Censured	22 NYCRR 1200.0 - Rule 1.7(a)(2) - representing a client in a matter where a reasonable lawyer would conclude that there is a significant risk that the lawyer's professional judgment on behalf of a client will be adversely affected by the lawyer's own financial, business, property or other personal interests, without obtaining from the affected client informed consent, confirmed in writing; Rule 1.8(a) - entering into a business transaction with a client where they have differing interests and the client expects the lawyer to exercise professional judgment on behalf of the client, without obtaining from the client informed consent, confirmed in writing, regarding the essential terms of the transaction and the lawyer's rule therein, including whether the lawyer is representing the client in the transaction; Rule 1.15(a) - misappropriating funds belonging to another person and commingling personal funds with such funds that were received incident to his practice of law; Rule 1.15(c) - withdrawing trust account funds in a manner other than by check or authorized bank transfer payable to a named payee; Rule 8.4(d) - engaging in conduct that is prejudicial to the administration of justice; and Rule 8.4(h) - engaging in conduct that adversely reflects on his fitness as a lawyer; Judiciary Law §468-a and 22 NYCRR 118.1.
Pamela J. Klein 211 A.D.3d 129 11/18/22	Suspended	Judiciary Law §468-a and 22 NYCRR 118.1

William J. Lamitie 211 A.D.3d 129 11/18/22	Suspended	Judiciary Law §468-a and 22 NYCRR 118.1
Thomas G. Marzullo 211 A.D.3d 129 11/18/22	Suspended	Judiciary Law §468-a and 22 NYCRR 118.1
Melinda L. McElroy 211 A.D.3d 129 11/18/22	Suspended	Judiciary Law §468-a and 22 NYCRR 118.1
Steven James Primo 211 A.D.3d 129 11/18/22	Suspended	Judiciary Law §468-a and 22 NYCRR 118.1
Doreen M. St. Thomas 203 A.D.3d 135 01/28/22	Censured	22 NYCRR 1200.0 - Rule 1.3(a) - failing to act with reasonable diligence and promptness in representing a client; Rule 1.3(b) - neglecting a legal matter entrusted to her; Rule 1.4(a)(3) - failing to keep a client reasonably informed about the status of a matter; Rule 1.4(a)(4) - failing to comply in a prompt manner with a client's reasonable requests for information; Rule 8.4(d) - engaging in conduct that is prejudicial to the administration of justice; and Rule 8.4(h) - engaging in conduct that adversely reflects on her fitness as a lawyer.
Raymond Shanley 210 A.D.3d 1539 10/28/22	Interim Suspension	
John W. Sharon 211 A.D.3d 73 11/18/22	Censured	22 NYCRR 1200.0 - Rule 1.15(a) - misappropriating funds belonging to another that came into his possession incident to his practice of law and commingling personal funds with such funds; Rule 1.15(b)(2) - failing to identify his trust account as an "attorney special account", "attorney trust account", or "attorney escrow account" or to obtain checks and deposit slips that bear

such title; Rule 1.15(d)(1) - failing to maintain required bookkeeping and other records concerning transactions involving his attorney trust account; Rule 5.3(a) - failing to supervise adequately the work of a nonlawyer who works for the lawyer; and Rule 8.4(d) - engaging in conduct that is prejudicial to the administration of justice.

(Seventh Judicial District)

Attorney	Disposition	Summary of Charges
Gerald W. Dibble 204 A.D.3d 9 02/04/22	Suspended Two Years	22 NYCRR 1200.0 - Rule 8.4(c) - engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation; Rule 8.4(d) - engaging in conduct that is prejudicial to the administration of justice; and Rule 8.4(h) - engaging in conduct that adversely reflects on his fitness as a lawyer.
Jay F. Dutcher 211 A.D.3d 129 11/18/22	Suspended	Judiciary Law §468-a and 22 NYCRR 118.1
Ryan B. Feeney 206 A.D.3d 1661 05/18/22	Reinstated	
Neil S. Frood 211 A.D.3d 129 11/18/22	Suspended	Judiciary Law §468-a and 22 NYCRR 118.1
Yonaltan S. Herzbrun 211 A.D.3d 129 11/18/22	Suspended	Judiciary Law §468-a and 22 NYCRR 118.1
Ann Marie Kerwick 211 A.D.3d 129 11/18/22	Suspended	Judiciary Law §468-a and 22 NYCRR 118.1
Katherine Knauf 211 A.D.3d 129 11/18/22	Suspended	Judiciary Law §468-a and 22 NYCRR 118.1
Robert E. Kouwe 211 A.D.3d 129 11/18/22	Suspended	Judiciary Law §468-a and 22 NYCRR 118.1
Nicola R. Murray 211 A.D.3d 129 11/18/22	Suspended	Judiciary Law §468-a and 22 NYCRR 118.1

Angela L. Rodriguez 211 A.D.3d 129 11/18/22	Suspended	Judiciary Law §468-a and 22 NYCRR 118.1
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(Eighth Judicial District)

Attorney	Disposition	Summary of Charges
Candace Marie Adiutori 211 A.D.3d 129 11/18/22	Suspended	Judiciary Law §468-a and 22 NYCRR 118.1
Peter A. Ames, Sr. 211 A.D.3d 129 11/18/22	Suspended	Judiciary Law §468-a and 22 NYCRR 118.1
Johannes Assefa 211 A.D.3d 129 11/18/22	Suspended	Judiciary Law §468-a and 22 NYCRR 118.1
Luke James Cadin 211 A.D.3d 129 11/18/22	Suspended	Judiciary Law §468-a and 22 NYCRR 118.1
Hillary G. Clarke 211 A.D.3d 129 11/18/22	Suspended	Judiciary Law §468-a and 22 NYCRR 118.1
Thomas C. Collins 211 A.D.3d 129 11/18/22	Suspended	Judiciary Law §468-a and 22 NYCRR 118.1
William J. Costello, II 208 A.D.3d 1652 05/18/22	Interim Suspension	Judiciary Law §90(4)
William J. Costello, II 211 A.D.3d 37 11/18/22	Disbarred	Criminal conviction (U.S.D.C. WDNY) - one count of tax evasion in violation of 26 USC §7201, a federal felony, a serious crime

David C. Douglas 211 A.D.3d 129 11/18/22	Suspended	Judiciary Law §468-a and 22 NYCRR 118.1
Joshua I. Dudeck 211 A.D.3d 129 11/18/22	Suspended	Judiciary Law §468-a and 22 NYCRR 118.1
Karen Beth Feger 211 A.D.3d 129 11/18/22	Suspended	Judiciary Law §468-a and 22 NYCRR 118.1
Stuart Joseph Graham 211A.D.3d 129 11/18/22	Suspended	Judiciary Law §468-a and 22 NYCRR 118.1
John Gucciardo 211 A.D.3d 129 11/18/22	Suspended	Judiciary Law §468-a and 22 NYCRR 118.1
Timothy P. Heald 211 A.D.3d 129 11/18/22	Suspended	Judiciary Law §468-a and 22 NYCRR 118.1
Corey J. Hogan 212 A.D.3d 152 12/30/22	Suspended Two Years	22 NYCRR 1200.0 - Rule 1.5(b) - failing to communicate to a client within a reasonable period of time, with such communication made in writing where required by statute or court rule, the scope of the representation and the basis or rate of the fee for which the client will be responsible, including any changes thereto; Rule 1.7(a)(2) - representing a client in a matter in which a reasonable lawyer would conclude that there is a significant risk that the lawyer's professional judgment on behalf of the client will be adversely affected by the lawyer's own financial, business, property or other personal interests, without obtaining from each affected client informed consent, confirmed in writing; Rule 1.8(a) - entering into a business transaction with a client where he and the client have differing

interests and the client expects him to exercise professional judgment for the protection of the client; and Rule 8.4(h) - engaging in conduct that adversely reflects on his fitness as a lawyer; 22 NYCRR 1215.1 - failing to provide to a client, within a reasonable period of time, a letter of engagement or retainer agreement setting forth an explanation of the scope of the legal services to be provided, as well as an explanation of the attorneys' fees to be charged, expenses, and billing practices, or an update letter of agreement where there is a significant change in the scope of services or fee to be charged.

Frank T. Housh
212 A.D.3d 45
12/23/22

Suspended
Three Years

22 NYCRR 1200.0 - Rule 1.3(a) - failing to act with reasonable diligence and promptness in representing a client; Rule 1.3(b) - neglecting a legal matter entrusted to him; Rule 1.4(a)(2) - failing to reasonably consult with a client about the means by which the client's objectives are to be accomplished; Rule 1.4(a)(3) - failing to keep a client reasonably informed about the status of a matter; Rule 1.4(a)(4) - failing to comply in a prompt manner with a client's reasonable requests for information; Rule 1.4(b) - failing to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation; Rule 1.15(a) - misappropriating funds belonging to another person and commingling such funds with personal funds; Rule 1.15(b)(1) - failing to maintain funds belonging to another person in a segregated account, separate from his business or personal accounts or any accounts of his law firm; Rule 1.15(b)(2) - failing to identify his trust account as an "attorney special account," "attorney trust account," or "attorney escrow account" or to obtain checks and deposit slips that bear such title;

Rule 1.15(c)(4) - failing to pay or deliver to a client or another person, as requested by the client or other person, funds or other property in his possession that the client or other person is entitled to receive; Rule 1.15(d)(1) - failing to maintain required bookkeeping and other records concerning transactions involving his attorney trust account and any other bank account concerning or affecting his practice of law; Rule 1.15(i) - failing to make available to the Grievance Committee financial records required to be maintained and produced in response to a notice or subpoena issued in connection with a grievance complaint; Rule 1.16(e) - failing to refund promptly any part of a fee paid in advance that has not been earned; Rule 8.4(c) - engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation; Rule 8.4(d) - engaging in conduct that is prejudicial to the administration of justice; and Rule 8.4(h) - engaging in conduct that adversely reflects on his fitness as a lawyer.

<p>Patric Jaymes Lehoullier 211 A.D.3d 129 11/18/22</p>	<p>Suspended</p>	<p>Judiciary Law §468-a and 22 NYCRR 118.1</p>
<p>Alison L. (Mical) Odojewski 211 A.D.3d 129 11/18/22</p>	<p>Suspended</p>	<p>Judiciary Law §468-a and 22 NYCRR 118.1</p>
<p>John Anthony Readling 211 A.D.3d 129 11/18/22</p>	<p>Suspended</p>	<p>Judiciary Law §468-a and 22 NYCRR 118.1</p>
<p>Marc Erik Remmling 211 A.D.3d 129 11/18/22</p>	<p>Suspended</p>	<p>Judiciary Law §468-a and 22 NYCRR 118.1</p>

Pamela Susan Schaller 211 A.D.3d 129 11/18/22	Suspended	Judiciary Law §468-a and 22 NYCRR 118.1
James Lawrence Tuppen 211 A.D.3d 129 11/18/22	Suspended	Judiciary Law §468-a and 22 NYCRR 118.1
Therese A. Young 211 A.D.3d 129 11/18/22	Suspended	Judiciary Law §468-a and 22 NYCRR 118.1

2022

**FOURTH DEPARTMENT
DISTRICT GRIEVANCE COMMITTEES**

Grievance Committee for the 5th Judicial District

Anthony S. Bottar, Chair
Cora Alsante
Christopher R. Bray
Justin F. Brotherton
Lanessa L. Owens-Chaplin
Herbert I. Cully
Paula M. Engel
Robert M. Germain
Anthony J. Gigliotti

Dean L. Gordon
Donald R. Kimber*
John J. Kirwan, Jr.*
Robert M. Lazzaro*
Nicholas A. Macri
Timothy M. McClusky
Lourdes P. Rosario
Aaron J. Ryder
Lydia L. Young

Grievance Committee for the 7th Judicial District

Steven V. Modica, Chair
Peter H. Abdella
Stefanie Barnes
Leah Tarantino Cintineo
Heidi Feinberg
Bradley P. Kammholz
Susan Kramarsky*
Mary Walpole Lightsey
Margaret Meath*

Christi L. Miller
Elizabeth Nicolas
Duffy Palmer*
Edward J. Pelta
Cassandra C. Rich
Angelo A. Rose
Tyler Savage
Leon T. Sawyko
Sara Valencia
Stephanie L. Woodward

Grievance Committee for the 8th Judicial District

Lauren E. Breen, Chair
Ursuline Bankhead*
Thomas C. Brady
Francis X. Carroll
J.R. Santana Carter
Peter Cutler*
John J. DelMonte
Reetuparna Dutta
Robert R. Fogg
John Gavenda

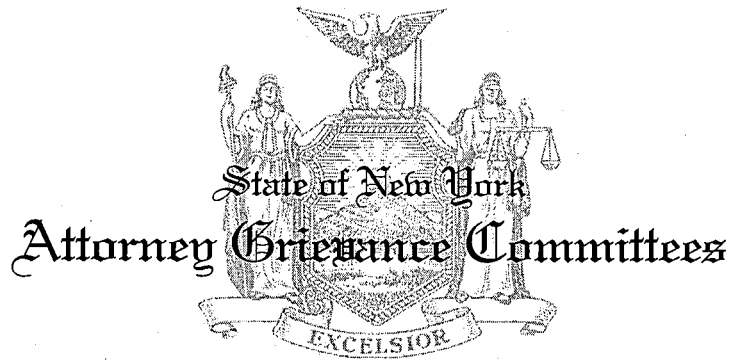
Jacqueline M. Grasso
Michael F. Griffith
Lyle T. Hajdu
Ian M. Jones
Charles F. Koller*
Joseph A. Matteliano
Anna S.M. McCarthy
Mary Ann Oliver
Pamela Thibodeau
Ruth R. Wiseman

* Lay Member

EIGHTH JUDICIAL DISTRICT
BUFFALO

CHIEF COUNSEL
CYDNEY A. KELLY

CHAIRPERSON
PAMELA THIBODEAU



PRINCIPAL COUNSEL
MARGARET C. CALLANAN
ERIN E. HART
TIMOTHY J. FLYNN

INVESTIGATORS
MARY E. DAVIS
CAROLYN M. STACHURA
CRAIG E. SEMPLE

August 23, 2023

CONFIDENTIAL

Via email - moclair@nysba.org

Melissa A. O'Clair, Assistant to the General Counsel
New York State Bar Association
One Elk Street
Albany, NY 12207

Attn: Richard M. Gutierrez, Esq.

Re: Annual Report on Lawyer Discipline in New York State for the Year 2022

Dear Mr. Gutierrez:

In response to your request, enclosed please find the following data that we have compiled for the *Annual Report for the Year 2022*:

- 1) Statistics for the 5th, 7th and 8th Districts;
- 2) Summaries of cases decided by the Appellate Division for each of the Districts;
and;
- 3) Personnel list for each District disciplinary office and a list of Grievance Committee members.

If we can be of further assistance, please do not hesitate to contact the undersigned.

Very truly yours,

CYDNEY A. KELLY
Chief Counsel

CAK/amh
Enclosures

2022

**FOURTH DEPARTMENT ATTORNEY GRIEVANCE COMMITTEE
PROFESSIONAL DISCIPLINARY STAFF**

Grievance Committee for the 5th Judicial District

224 Harrison Street, Suite 408
Syracuse, NY 13202
(315) 401-3344

Cydney A. Kelly, Chief Counsel
Dom Cambareri, Principal Counsel
Mary E. Gasparini, Principal Counsel
Sheryl M. Crankshaw, Investigator
Deborah A. Cole, Assistant Court Analyst

Grievance Committee for the 7th Judicial District

50 East Avenue, Suite 404
Rochester, NY 14604
(585) 530-3180

Cydney A. Kelly, Chief Counsel
Mark W. Bennett, Principal Counsel
Eftihia Bourtis, Principal Counsel
Kelly A. Page, Investigator
Kristen M. Reynolds, Assistant Court Analyst

Grievance Committee for the 8th Judicial District

438 Main Street, Suite 800
Buffalo, NY 14202
(716) 845-3630

Cydney A. Kelly, Chief Counsel
Margaret C. Callanan, Principal Counsel
Erin E. Hart, Principal Counsel
Mary E. Davis, Investigator
Craig E. Semple, Investigator
Carolyn M. Stachura, Investigator
Anna M. Hunt, Senior Court Analyst
Julie Valenti-Smith, Assistant Court Analyst



STATE OF NEW YORK
GRIEVANCE COMMITTEE FOR THE
NINTH JUDICIAL DISTRICT

399 KNOLLWOOD ROAD, SUITE 200
WHITE PLAINS, NEW YORK 10603
(914) 824-5070

COURTNY OSTERLING
CHIEF COUNSEL

SHERINE F. CUMMINGS
DEPUTY CHIEF COUNSEL

MATTHEW LEE-RENERT
ANTONIA P. CIPOLLONE
ANTHONY R. WYNNE
GLENN E. SIMPSON
MATTHEW C. TOAL
THOMAS GRAHAM AMON
THOMAS J. MURPHY
STAFF COUNSEL

PATRICK A. SMITH
INVESTIGATOR

SUSAN G. YELLEN, ESQ.
CHAIR

September 12, 2023

CONFIDENTIAL

Melissa O'Clair
New York State Bar Association
One Elk Street
Albany, New York 12207
Via email: moclair@NYSBA.org

Re: 2022 Annual Report on Lawyer Discipline


Dear Ms. O'Clair:

Per the New York State Bar Association's request, enclosed are the following for the 2022 Annual Report on Lawyer Discipline in New York State from the Grievance Committee for the Ninth Judicial District:

- 1) Statistics for the Grievance Committee for the Ninth Judicial District;
- 2) Local Bar Association Activities;
- 3) Summary of Disciplinary Cases;
- 4) Grievance Committee Members; and
- 5) Personnel of the Grievance Committee for the Ninth Judicial District.

Please do not hesitate to let us know if you require any further information. Thank You.

Very truly yours,



Courtney Osterling
Chief Counsel

Enclosures

UCS-176

ATTORNEY DISCIPLINARY ACTIVITIES
Year End 2022 (January 1, 2022 - December 31, 2022)

NINTH JUDICIAL DISTRICT

SECOND DEPARTMENT

I. MATTERS PROCESSED:

A.	Matters Pending at Start of Period	745
B.	New Matters During Period	1768
C.	Closed Matters Reactivated During Period	13
D.	Total Matters to be Processed During Period (A+B+C)	2526
E.	Total Matters Disposed of During Period	1494
F.	Matters Pending at End of Period	1032

II. MATTERS DISPOSED BY COMMITTEE

	<u>Cases</u>	<u>Matters</u>	
A.	Rejected as Failing to State a Complaint	349	349
B.	Referred to Other Disciplinary Committees	77	77
C.	Referred to Other Agencies	10	10
D.	Dismissed or Withdrawn	91	91
E.	Dismissed through Mediation	0	0
F.	Letter of Advisement	221	221
G.	Letter of Admonition	23	23
H.	Reprimand	0	0
I.	Referred to Appellate Division (Disc. Proc.)	17	20
J.	Other	703	703
	Total Disposed of During Period (same as I E above)	1491	1494

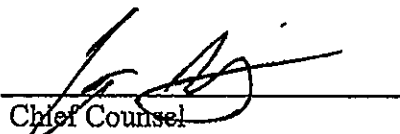
III. CASES PROCESSED IN ALL COURTS

A.	Cases Pending at Start of Period	37
	1. Disciplinary Proceedings (26)	
	2. Other (11)	
B.	Cases Received During Period	30
	1. Disciplinary Proceedings (9)	
	2. Other (21)	
C.	Total to be Processed During Period	67

ATTORNEY DISCIPLINARY ACTIVITIES

D.	Cases Closed	
	1. Disbarred	5
	2. Disciplinary Resignations	1
	3. Suspended	4
	4. Censured	
	5. Privately Censured	
	6. Remanded to Grievance Committee	3
	7. Discontinued	1
	8. Dismissed	
	9. Reinstatements Granted	
	10. Reinstatements Denied	3
	11. Non-Disciplinary Resignations	1
	12. All Other Dispositions	7
	13. Total Closed	25
E.	Total Cases Pending at the End of Period	42
	1. Disciplinary Proceedings (20)	
	2. Other (22)	

Dated: White Plains, New York
January 30, 2023


Chief Counsel

LOCAL BAR ASSOCIATION ACTIVITIES

JANUARY – DECEMBER 2022

DUTCHESS COUNTY BAR ASSOCIATION

A. Cases Closed to Grievance Committee	0
B. Cases Closed to Medication	0
Total Referred	0

PUTNAM COUNTY BAR ASSOCIATION

A. Cases Closed to Grievance Committee	0
B. Cases Closed to Mediation	0
Total Referred	0

ORANGE COUNTY BAR ASSOCIATION

A. Cases Closed to Grievance Committee	0
B. Cases Closed to Mediation	0
Total Referred	0

ROCKLAND COUNTY BAR ASSOCIATION

A. Cases Closed to Grievance Committee	0
B. Cases Closed to Medication	0
Total referred	0

WESTCHESTER COUNTY BAR ASSOCIATION

A. Cases Closed to Grievance Committee	3
B. Cases Closed to Mediation	0
Total referred	3

**GRIEVANCE COMMITTEE FOR THE
NINTH JUDICIAL DISTRICT**

**PUBLIC DISPOSITIONS / DISCIPLINE
2022**

Carr, James R.	Non-Disciplinary Resignation -Granted September 22, 2022	
Casper, Thomas P.	Disbarred January 19, 2022	Misappropriation of client funds; commingled personal fund with funds held; failed to account; failed to properly title; and failed to separate estate funds
Deem, Michael A.	Suspension – 6 months July 27, 2022	Reciprocal Discipline based on SDNY suspension order dated June 17, 2016
Flaum, Neil R.	Discontinued February 23, 2022	Respondent passed away – order from December 2021, recalled, vacated and proceeding discontinued.
Friedman, Jonathan I.	Disciplinary Resignation November 30, 2022	Misappropriation of client funds
Kulak, Andrew H.	Suspension – 2 years June 22, 2022	Misappropriation of client funds; failed to pay client funds, fraud, deceit, misrepresentation and failure to account.
Macelus, Edwyn D.	Suspended - Indefinitely June 15, 2022	Reciprocal Discipline based on NJ Supreme Court order dated July 18, 2019
Maria, Joseph A.	Suspension – 2 years May 11, 2022	Engaged in impermissible consensual sexual relationship with a domestic relations client
Pomper, Neil M.	Suspension – 2 years June 29, 2022	Reciprocal Discipline based on NJ Supreme Court order dated October 21, 2020

Primes, Brian D.	Restitution Order May 6, 2022	Funds to be paid from monies deposited with the Lawyers Fund for Client Protection
Roberts, Richard A. A Suspended Attorney	Reinstatement – Held in abeyance February 16, 2022	Referred to Committee on Character & Fitness
Rosenberg, Fred E. A Disbarred Attorney	Reinstatement – Denied November 16, 2022	
Rubin, Margarita	Disbarred April 27, 2022	Filed to pursue entrusted legal matters
Rubin, Samuel	Disbarred April 27, 2022	Failed to render appropriate accounts to a client
Salem, M. James A Suspended Attorney	Reinstatement - Denied April 22, 2022	
Schuster, Robert C.	Disbarred March 16, 2022	Pled guilty to a Class B felony
Thatcher, Wayne A Suspended Attorney	Reinstatement – Held in abeyance January 21, 2022	Sent to Committee on Character & Fitness
Thomas, Alvin J.	Disciplinary Resignation December 21, 2022	Misappropriation of client funds
Zolfaghari, Alexander Bijan	Disbarred June 22, 2022	Reciprocal Discipline based on the Supreme Court of Arizona order dated March 30, 2021

Grievance Committee Members
(At the End of December 2022)

MEMBERS

Ruderman, Jerold R. (Chair)

Aldridge-Henry, Nicole P.

Constantino, James P.

Copeland, Lisa A.*

Dorsanvil, Laurie A.

Gearity, Victoria*

Glazer, Dennis E.

Khateeb, Atheeb U.

Lerman, Barbara

Matthie, Sharon G.

Naughton, Kelly M.

Nichols, Eon

Pressler, Kelly A.

Preston, Kevin F.

Shapiro, Mona D.

Weis, Robert A.

Wise, David R.

Woodlief, Wesley*

Yellen, Susan

Zlotogura, Mindy

*Lay Member

Personnel of the Grievance Committee – 9th Judicial District
(At the End of December 2022)

Courtney Osterling, Chief Counsel

Sherine Cummings, Deputy Chief Counsel

Antonia Cipollone, Staff Counsel

Anthony R. Wynne, Staff Counsel

Glenn E. Simpson, Staff Counsel

Matthew Lee-Renert, Staff Counsel

Matthew Toal, Staff Counsel

Thomas Graham Amon, Staff Counsel

Thomas J. Murphy, Staff Counsel

Patrick A. Smith, Principal Court Analyst

Anita Bellenchia, Court Analyst

Lucia Gennusa, Secretary

Melody Rolon, Secretary



MSIUDZIN@nycourts.gov COMMITTEE ON PROFESSIONAL DISCIPLINE

Chair: Richard Gutierrez, Esq.
118-35 Queens Blvd. Suite 1500
Forest Hills, NY 11375 (P)718-520-0663
richlaw101@aol.com

August 4, 2023

TO: Grievance Committee Chief Counsels

RE: *Annual Report on Lawyer Discipline in New York State for the Year 2022*

On behalf of the Association's Committee on Professional Discipline, I am asking for your assistance at this time in compiling data for the *Annual Report for the Year 2022*. Specifically, we are requesting the following information:

1. **Statistical:** Please supply us with a copy of the annual reports for 01/01/2022 to 12/31/2022 which you prepare for OCA. It is important that differentiation is made between those cases dismissed after investigation and those cases rejected before investigation as failing to allege professional misconduct. In addition, it would be greatly appreciated if differentiation is made between disciplinary and non-disciplinary resignations, where applicable.
2. **Local Bar Association Activities:** We would appreciate it if you could send us a separate report of each local county bar association's activities, if any, in processing complaints.
3. **Case Summaries:** Your assistance in providing summaries of the cases decided by the Appellate Division is sought again this year.
4. **Personnel:** We also ask to be provided with lists of disciplinary personnel and of grievance committee members.
5. **Other Developments:** We are interested in anything further which you feel should be incorporated into the Annual Report.

Please email all information to my attention at the Bar Center in Albany by Monday, September 16, 2023. If you have the materials in an electronic format that could be e-mailed, it would be greatly appreciated. The e-mailed information should be sent to Melissa O'Clair at mclair@nysba.org.

As always, your assistance and cooperation are greatly appreciated. Please feel free to call me should you have any questions.

Richard M. Gutierrez

Richard M. Gutierrez, Esq.

RMG/mao



STATE OF NEW YORK
GRIEVANCE COMMITTEE FOR THE
TENTH JUDICIAL DISTRICT
150 MOTOR PARKWAY
SUITE 306
HAUPPAUGE, N.Y. 11788
(631) 231-3775

CATHERINE A. SHERIDAN
CHIEF COUNSEL

SHARON GURSEN ADES
DEPUTY CHIEF COUNSEL

NANCY B. GABRIEL
ELIZABETH A. GRABOWSKI
STACEY J. SHARPELLETTI
MICHAEL FUCHS
MICHELE FILOSA
IAN P. BARRY
RACHEL MERKER
ANN MARIE MODICA-SCHAFFER
RONA I. KUGLER
ROSE L. DIAS
CHRISTOPHER R. SHANNON
STAFF COUNSEL

DOUGLAS K. KRONENBERG
INVESTIGATOR

DORIAN R. GLOVER, ESQ.
CHAIR

JAMES A. PASCARELLA, ESQ.
VICE CHAIR

August 28, 2023

Via email: moclaire@NYSBA.org
CONFIDENTIAL

New York State Bar Association
One Elk Street
Albany, NY 12207

Att: Melissa O'Clair

Re: 2022 Annual Report on Lawyer Discipline
In New York State

Dear Ms. O'Clair:

In response to your office's inquiry, attached please find the statistical information requested.

Very truly yours,

CATHERINE A. SHERIDAN
Chief Counsel

CAS:ks
Attachments

PROFESSIONAL MATTERS CASELOAD REPORT
(Proposed Revision to current UCS-176 Form)

GRIEVANCE COMMITTEE: NYS GRIEVANCE COMMITTEE, TENTH JUDICIAL DISTRICT
REPORT PERIOD: ANNUAL REPORT, JANUARY - DECEMBER 2022
DATE: FEBRUARY 6, 2023

I. PROFESSIONAL MATTERS¹ PROCESSED BY THE COMMITTEE:

A. Matters Pending at Start of Report Period	<u>658</u>
B. New Matters During Report Period (see Part II, <i>infra</i>)	<u>2487</u>
C. Closed Matters Reactivated During Report Period ²	<u>7</u>
D. Total Matters to be Processed During Report Period (A+B+C)	<u>3152</u>
E. Total Matters Disposed of During Report Period (see Parts III & IV, <i>infra</i>)	<u>2173</u>
F. Matters Pending at End of Report Period (I.D - I.E)	<u>979</u>

II. NEW MATTERS DURING REPORT PERIOD:

A. Sua Sponte Investigations Authorized by Committee Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (a) (1) ³	<u>732</u>
B. Cases Referred by the Court for Examination Due to Reversal of a Criminal Conviction	
1. On the Ground of Ineffective Assistance of Counsel	<u>0</u>
2. On the Ground of Prosecutorial Misconduct	<u>0</u>
C. Matters Arising Under Judiciary Law § 90 (4) (c) and Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.12 (a)	<u>12</u>
D. Matters Arising Under Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.13 (d)	<u>6</u>

¹ The term "Matters" refers to individual files generated by complaint, inquiry or other filing at the Committee level and any one respondent may be the subject of multiple matters simultaneously.

² May also include closed matters which have become subject to Court review pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (e) or CPLR art 56.

³ May include Dishonored Check Reports pursuant to Rules of Appellate Division, All Departments (22 NYCRR) § 1300.1 (g).

E. Matters Arising Under Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.9⁴	<u>2</u>
F. Motions for Reinstatement Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) §§ 1240.16, 1240.17 & 1240.22 (b)	<u>13</u>
G. Applications for Leave to Resign Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.22 (a)	<u>14</u>
H. Attorney Solicitation Filings Pursuant to Rules of Professional Conduct (22 NYCRR 1200.0) rule 7.3 (c) (1)	<u>64</u>
I. Disciplinary History Letter Requests and Other Inquiries	<u>600</u>
J. All Other Complaints Filed or Transferred in Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (a) (1) or (2)	<u>1044</u>
TOTAL NEW MATTERS	<u>2487</u>

III. MATTERS DISPOSED OF BY CHIEF ATTORNEY:

A. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) (i)	<u>775</u>
B. Matters Referred to Other Agencies Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) (ii)	<u>45</u>
C. Matters Transferred to Another Grievance Committee Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (a) (2)	<u>129</u>
D. Other⁵	<u>699</u>
TOTAL DISPOSED OF BY CHIEF ATTORNEY	<u>1648</u>

⁴ Refers to a new Matter arising from an existing file where the respondent has failed to cooperate with the Committee investigation (§ 1240.9 [a] [1], [3]), or where the investigation has given rise to an admission by the respondent under oath (§ 1240.9 [a] [2]), or revealed that the respondent has willfully failed to paid money to a client (§ 1240.9 [a] [4]) or exposed uncontroverted evidence of the respondent's misconduct (§ 1240.9 [a] [5]).

⁵ Includes acknowledgment of Attorney Solicitation Filings pursuant to Rules of Professional Conduct (22 NYCRR 1200.0) rule 7.3 (c) (1), the provision of disciplinary history letters upon request and other closed inquiries.

IV. MATTERS DISPOSED OF BY COMMITTEE:

A. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (i) or (ii)	172
B. Issuance of a Letter of Advisement Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (iv)	152
C. Issuance of an Admonition Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (v)	27
D. Matters Referred to the Appellate Division for Action	
1. Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.8	35
2. Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.9 (see Part II.E, <u>supra</u>)	1
3. Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.10 (for Matters under investigation)	0
4. Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.11	0
5. Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.12	3
6. Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.13	3
7. Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.14	0
TOTAL REFERRED TO APPELLATE DIVISION	42
E. Responsive Filings	
1. On Motions for Reinstatement Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) §§ 1240.16, 1240.17 and 1240.22 (b) (see Part II.F, <u>supra</u>)	10

2. On Applications for Leave to Resign Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.22	
(a) (<u>see</u> Part II.G, <u>supra</u>)	<u>9</u>
3. On Motions for Court Review Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (e)	
(1) (ii) and (2) (<u>see</u> Part I.C and associated footnote, <u>supra</u>)	<u>1</u>
TOTAL RESPONSIVE FILINGS	<u>20</u>
TOTAL DISPOSED OF BY COMMITTEE	
	<u>447</u>
V. <u>CASES⁶ PROCESSED BY THE APPELLATE DIVISION:</u>	
A. Cases Pending at Start of Report Period	<u>92</u>
B. Cases Initiated During Report Period ⁷	<u>63</u>
C. Cases Disposed of During Report Period (<u>see</u> Part VI, <u>infra</u>)	<u>81</u>
D. Cases Pending at End of Report Period (A + B - C)	<u>74</u>
VI. <u>CASES DISPOSED OF BY THE APPELLATE DIVISION:</u>	
A. Disbarments, including disciplinary resignation	<u>7</u>
B. Suspensions (Including Pursuant to Rules for Attorney Disciplinary Matters [22 NYCRR] §§ 1240.9 and 1240.14)	<u>11</u>
C. Censures	<u>5</u>
D. Dismissed	<u>0</u>
E. Reinstatements Granted	<u>4</u>
F. Reinstatements Denied	<u>7</u>
G. Nondisciplinary Resignations Granted	<u>21</u>

⁶ The term "Cases" refers to filings made at the Appellate Division level, is respondent-specific, and any such Case may encompass what was previously multiple Matters at the Committee level.

⁷ Includes Cases referred to the Appellate Division (see Part IV.D, supra), motions for reinstatement pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) §§ 1240.16, 1240.17 and 1240.22 (b) (see Part II.F, supra), applications for leave to resign pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.22 (a) (see Part II.G, supra), and motions for Court review pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (e) (1) (ii) and (2) (see Parts I.C and IV.E.3).

H. Nondisciplinary Resignations Denied	<u>0</u>
I. Other	<u>26</u>
TOTAL DISPOSED OF BY THE APPELLATE DIVISION	<u>81</u>
VII. <u>PRACTICE AREA STATISTICS:</u>	
A. CRIMINAL LAW	
1. New Matters During Report Period (<u>see</u> Part II, <u>supra</u>)	
Pertaining to Prosecutors	<u>31</u>
Pertaining to Defense Counsel	<u>62</u>
2. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)	
Pertaining to Prosecutors	<u>8</u>
Pertaining to Defense Counsel	<u>65</u>
3. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (v) and Cases Disposed of by the Appellate Division (<u>see</u> Part VI.A-VI.C, <u>supra</u>)	
Pertaining to Prosecutors	<u>0</u>
Pertaining to Defense Counsel	<u>10</u>
B. IMMIGRATION LAW	
1. New Matters During Report Period (<u>see</u> Part II, <u>supra</u>)	<u>22</u>
2. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)	<u>17</u>
3. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (v) and Cases Disposed of by the Appellate Division (<u>see</u> Part VI.A-VI.C, <u>supra</u>)	<u>3</u>

C. FAMILY & MATRIMONIAL LAW	
1. New Matters During Report Period (<u>see</u> Part II, <u>supra</u>)	<u>140</u>
2. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)	<u>125</u>
3. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (v) and Cases Disposed of by the Appellate Division (<u>see</u> Part VI.A-VI.C, <u>supra</u>)	<u>28</u>
D. REAL PROPERTY	
1. New Matters During Report Period (<u>see</u> Part II, <u>supra</u>)	<u>112</u>
2. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)	<u>97</u>
3. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (v) and Cases Disposed of by the Appellate Division (<u>see</u> Part VI.A-VI.C, <u>supra</u>)	<u>64</u>
E. TRUSTS & ESTATES	
1. New Matters During Report Period (<u>see</u> Part II, <u>supra</u>)	<u>124</u>
2. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)	<u>90</u>
3. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (v) and Cases Disposed of by the Appellate Division (<u>see</u> Part VI.A-VI.C, <u>supra</u>)	<u>30</u>
F. COMMERCIAL LITIGATION	
1. New Matters During Report Period (<u>see</u> Part II, <u>supra</u>)	<u>17</u>

<p>2. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)</p>	<p><u>15</u></p>
<p>3. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (v) and Cases Disposed of by the Appellate Division (<u>see Part VI.A-VI.C, supra</u>)</p>	<p><u>8</u></p>
<p>G. OTHER CIVIL LITIGATION</p>	
<p>1. New Matters During Report Period (<u>see Part II, supra</u>)</p>	<p><u>115</u></p>
<p>2. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)</p>	<p><u>72</u></p>
<p>3. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (v) and Cases Disposed of by the Appellate Division (<u>see Part VI.A-VI.C, supra</u>)</p>	<p><u>26</u></p>

**NYS GRIEVANCE COMMITTEE FOR THE
TENTH JUDICIAL DISTRICT
PUBLIC DISPOSITIONS/SANCTIONS
2022**

Lester E. Ozimkowski,
admitted as Lester Edward
Ozimkowski
204 AD3d 21

1 Year Suspension 2/9/2022
commencing 3/11/2022

Misappropriation of funds entrusted to him as a fiduciary incident to his practice of law for his own use and benefit, commingled personal funds with funds entrusted to him as a fiduciary incident to his practice of law & engaged in conduct that adversely reflects on his fitness as a lawyer.

Lewis Anthony Mazzone
204 AD3d 68

Censure
2/23/2022

Misappropriation of funds entrusted to him incident to his practice of law, commingled personal funds with funds entrusted to him as a fiduciary, failed to make accurate entries of all financial transactions related to his trust account in his ledger books or similar records & engaged in conduct adversely reflecting on his fitness as a lawyer.

Thomas Dixon Kelliher Jr.
204 AD3d 120

2 Year Suspension 3/16/2022
commencing 4/18/2022

Misappropriation of funds entrusted to him as a fiduciary, incident to his practice of law, misuse of his special account by depositing person funds into the IOLA account, commingled funds entrusted to him as a fiduciary, incident to his practice of law, failed to maintain a contemporaneous ledger and engaged in conduct that adversely reflects on his fitness as a lawyer.

Michael T. Savelli,
a disbarred attorney

Reinstatement denied
3/21/2022

Lucia Maria Ciaravino
204 AD3d 139

Censured 3/23/2022

Engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation, engaged in conduct that is prejudicial to the administration of justice & engaged in conduct that adversely reflects on her fitness as a lawyer.

Susan Hull Odessky
204 AD3d 172

6 Month Suspension 4/6/2022
commencing 5/6/2022

Neglected a legal matter entrusted to her, engaged in conduct involving dishonesty, fraud, deceit or misrepresentation and engaged in conduct that adversely reflects on her fitness as a lawyer.

John Robert Cooney
204 AD3d 66

Disbarment 4/13/2022
eff. 3/15/2021

Florida -One count of knowingly receiving or distributing child pornography using any means or facility of interstate or foreign commerce, a class C felony, violation of 18 USC §2252A(a)(2) and (b)(1) - NY Penal Law §263.16, a class E felony.

Rita Dave
205 AD3d 71

1 Year Suspension 4/13/2022
commencing 5/13/2022

Misappropriation of funds entrusted to her as a fiduciary incident to her practice of law, commingled funds entrusted to her as a fiduciary with personal funds, failed to "make or maintain" required bookkeeping records for the escrow account and engaged in conduct that adversely reflects on her fitness as a lawyer.

Sean O'Leary
205 AD3d 100

Disbarment 4/20/2022

Failure to comply with client's reasonable requests for information, failure to keep client reasonably informed about the status of the matter, engaged in conduct prejudicial to the administration of justice by failing to file retainer and closing statements with the NYS Office of Court Administration, failure to promptly pay or deliver to his client, as requested, funds in his possession that his client was entitled to receive, neglected his client's matter, failed to seek the appointment of a guardian ad litem, conservator or guardian, failed to promptly inform his client of material developments in the matter, engaged in conduct involving dishonesty, fraud, deceit or misrepresentation, failed to cooperate with the Grievance Committee in its investigations of four complaints of professional misconduct & engaged in conduct that adversely reflects on his fitness as a lawyer.

Joseph Raymond Sanchez,
a suspended attorney
205 AD3d 127

One Year Suspension
4/27/2022

Reciprocal Discipline -
Maine One Year Suspension

Joseph S. Anile II
admitted as Joseph Salvatore
Anile II
205 AD3d 95

Disbarment dated 4/27/2022
effective 9/26/2019

Conspiracy to commit wire fraud, violation of 18 USC §§ 1341, 1343 & 1349, illegal monetary transaction, violation of 18 USC §1957 & false & fraudulent statement on income tax return, violation of 26 USC §7206, federal felonies.

Kenneth Stephen Beskin
206 AD3d 2

Public Censure
5/4/2022

Reciprocal discipline - Public
Reprimand U.S. Court of
Appeals for Veterans Claims

David Bancroft Callender
205 AD3d 138

Disbarment dated 5/11/2022

Engaged in conduct prejudicial to the administration of justice, neglected clients' legal matters entrusted to him, failed to keep a client reasonably informed about the status of their matter, failed to properly withdraw from a client's case, failed to promptly comply with a client's reasonable requests for information, failed to communicate with a client, failed to timely cooperate in four attorney disciplinary investigations & engaged in conduct that adversely reflects on his fitness as a lawyer.

Dominique Jones, admitted
as Dominique Brady,
a suspended attorney

Reinstatement granted
5/23/2022

Douglas Valente
206 AD3d 7

Disbarment dated 5/23/2022

Misappropriation of client or third party funds entrusted to him incident to his practice of law; failed to promptly pay or deliver to the client or third party funds in the respondent's possession that the client or third party was entitled to receive; failed to make contemporaneous, accurate entries of all financial transactions from his escrow account to his ledger book

Robert Bommarito
206 AD3d 44

Two Year Suspension dated
5/25/2022, commencing
6/24/2022

Misappropriated funds
entrusted to him as a fiduciary
incident to his practice of law,
commingled personal funds
with funds entrusted to him as
a fiduciary incident to his
practice of law, engaged in
conduct adversely reflecting on
his fitness as a lawyer.

Peter A. Saad Jr.
Peter Anthony Saad Jr.

Interim Suspension
6/3/2022

Failure to cooperate

Ira C. Podlofsky,
a suspended attorney

Reinstatement denied
6/3/2022

David G. Graziani,
a suspended attorney

Reinstatement granted
6/8/2022

Christine Bastone,
a disbarred attorney

18 Month Suspension dated
6/22/2022, nunc pro tunc
2/20/2019

Engaged in conduct prejudicial
to the administration of justice
by failing to cooperate with
investigation by Grievance
Committee, engaged in conduct
that adversely reflects on her
fitness as a lawyer, neglected
a legal matter entrusted to her &
failed to keep her clients
informed of the status of their
legal matter.

Leonard Genova
208 AD3d 34

Disbarment 7/13/2022

Engaged in conduct involving
dishonesty, fraud, deceit, or
misrepresentation & engaged
in conduct adversely reflecting
on his fitness as a lawyer.

Learie Richard Wilson,
a suspended attorney

Reinstatement granted
7/20/2022

Michael William Koper
208 AD3d 44

Disbarment 7/20/2022

Knowingly offered or used
evidence that he knew to be
false in a court proceeding &
engaged in conduct that is
prejudicial to the administration
of justice

Ann Marie Palermo Smits 209 AD3d 2	Censure 8/3/2022	Reciprocal Discipline - New Jersey Censure
Jerome G. Binder, admitted as Jerome Glenn Binder	Indefinite Suspension 8/12/2022	Incapacitated
Brand R. Sloane, a resigned attorney	Reinstatement granted 7/1/2022	
Douglas Michael Soffey 209 AD3d 104	Censure 8/31/2022	Driving while intoxicated, a violation of VTL §1192(2), an unclassified misdemeanor & disorderly conduct, a violation of Penal Law §240.20(7), a violation.
Lawrence Lyons, admitted as Lawrence Donald Lyons 210 AD3d 95	2 Year Suspension dated 11/2/2022, comm. 12/2/2022	Engaged in conflict of interest by entering into a business transaction with a client where they had differing interests therein, utilized his attorney trust account to engage in business transactions which were not incident to his practice of law, commingled his own funds with funds entrusted to him as a fiduciary, misappropriated funds entrusted to him as a fiduciary, failed to maintain contemporaneous records of all financial transactions in his IOLA account, failed to properly identify his attorney special account, engaged in conduct that adversely reflects on his fitness as a lawyer
Sandra Mara Sands, a disbarred attorney	Reinstatement denied 11/16/2022	
Garrett R. Lacara, a suspended attorney	Reinstatement denied 11/30/2022	
Jan Douglas Atlas	Interim Suspension 11/14/2022	

Matthew B. Kogan, admitted
as Matthew Brian Kogan,
a disbarred attorney

Reinstatement denied
12/21/2022

Joseph J. Giordano III
admitted as Joseph James
Giordano III, a disbarred
attorney

Reinstatement denied
12/21/2022

Fredric H. Aaron, admitted as
Fredric Harlan Aaron,
a suspended attorney

Reinstatement denied
12/21/2022

LOCAL BAR ASSOCIATION ACTIVITIES
JANUARY – DECEMBER 2022

NASSAU COUNTY BAR ASSOCIATION

A.	Cases closed to Grievance Committee:	0
B.	Cases closed to Mediation:	5
	Total Cases Referred:	5

SUFFOLK COUNTY BAR ASSOCIATION

A.	Cases closed to Grievance Committee:	3
B.	Cases closed to Mediation:	1
	Total Cases Referred:	4

TOTAL CASES REFERRED TO LOCAL BAR ASSOCIATIONS: 9*

*Numbers do not include matters referred to fee dispute.

PERSONNEL OF THE GRIEVANCE COMMITTEE – 10TH JUDICIAL DISTRICT
(At of the End of December 2022)

CATHERINE A. SHERIDAN, Chief Counsel
SHARON GURSEN ADES, Deputy Chief Counsel
NANCY B. GABRIEL, Staff Counsel
ELIZABETH A. GRABOWSKI, Staff Counsel
STACEY J. SHARPELLETTI, Staff Counsel
MICHAEL FUCHS, Staff Counsel
MICHELE FILOSA, Staff Counsel
IAN P. BARRY, Staff Counsel
RACHEL MERKER, Staff Counsel
ANN MARIE MODICA-SCHAFFER, Staff Counsel
RONA I. KUGLER, Staff Counsel
ROSE L. DIAS, Staff Counsel
CHRISTOPHER R. SHANNON, Staff Counsel
DOUGLAS K. KRONENBERG, Senior Court Analyst
KERRY E. SMITH, Court Analyst
BRIAN WERSAN, Court Analyst
PHYLLIS CARUSILLO, Assistant Court Analyst
PATRICIA LUMLEY, Secretary
JANET MCQUEENEY, Secretary
GIANA DIETERICH, Secretary
ROSARIA MICHELS, Secretary

GRIEVANCE COMMITTEE MEMBERS
(At the end of December 2022)

DORIAN R. GLOVER, ESQ., Chair
JAMES A. PASCARELLA, ESQ., Vice Chair
JUSTIN M. BLOCK, ESQ.
ANNE M. BRACKEN, ESQ.
HON. JERALD S. CARTER
CHRISTOPHER J. CLARKE, ESQ.
JEANMARIE P. COSTELLO, ESQ.
ALBERTO FIORINI
LARRY FLOWERS, ESQ.
CANDACE J. GOMEZ, ESQ.
STEPHANIE JUDD, ESQ.
ANTHONY M. LAPINTA, ESQ.
KENNETH A. NOVIKOFF, ESQ.
MICHAEL T. PILEVSKY
CANDICE B. RATNER, ESQ.
DANIEL E. SHAPIRO, ESQ.
ARTHUR E. SHULMAN, ESQ.
CYNTHIA S. VARGAS, ESQ.

Attorney Discipline - 1st Department

<u>Title</u>	<u>Comp Rate</u>	<u>Category</u>
Chief Atty Grievance Comm 1st	168,794	ATT
Deputy Chief Attorney	166,192	ATT
Deputy Chief Attorney	166,192	ATT
Deputy Chief Attorney	166,192	ATT
Deputy Chief Attorney	158,834	ATT
Principal Attorney	156,172	ATT
Principal Attorney	156,172	ATT
Principal Attorney	156,172	ATT
Principal Attorney	151,238	ATT
Principal Attorney	151,238	ATT
Principal Attorney	151,238	ATT
Special Projects Counsel	151,147	ATT
Principal Attorney	141,370	ATT
Principal Attorney	141,370	ATT
Principal Attorney	136,436	ATT
Principal Attorney	131,502	ATT
Principal Attorney	126,568	ATT
Associate LAN Administrator	120,496	ADM
Associate Attorney	103,911	ATT
Associate Attorney	103,911	ATT
Principal Court Analyst	101,679	ADM
Senior Court Analyst	98,691	ADM
Senior Court Analyst	95,315	ADM
Senior Court Analyst	91,938	ADM
Senior Court Analyst	85,510	ADM
Court Analyst	84,986	ADM
Court Analyst	79,059	ADM
Court Analyst	79,059	ADM
Court Analyst	79,059	ADM
Assistant Court Analyst	76,371	ADM
Court Analyst	73,129	ADM
Court Analyst	67,199	ADM
Secretary	66,306	ADM
Assistant Court Analyst	65,599	ADM
Law Stenographer	63,842	ADM
Assistant Court Analyst	60,213	ADM
Secretary	51,522	ADM
Total FTE - 37		
Personal Service	4,224,622	
Non-Personal Service	190,303	
Total	4,414,925	

Attorney Discipline - 2nd Department

<u>Title</u>	<u>Comp Rate</u>	<u>Category</u>
Chief Attorney	170,781	ATT
Deputy Chief Attorney	169,009	ATT
Chief Attorney	167,141	ATT
Deputy Chief Attorney	166,193	ATT
Principal Attorney	161,105	ATT
Principal Attorney	161,105	ATT
Principal Attorney	161,105	ATT
Principal Attorney	161,105	ATT
Principal Attorney	156,172	ATT
Principal Attorney	156,172	ATT
Principal Attorney	156,172	ATT
Principal Attorney	156,172	ATT
Principal Attorney	156,172	ATT
Principal Attorney	156,172	ATT
Principal Attorney	151,238	ATT
Principal Attorney	151,238	ATT
Principal Attorney	151,238	ATT
Principal Attorney	151,238	ATT
Principal Attorney	141,370	ATT
Principal Attorney	141,370	ATT
Principal Attorney	126,568	ATT
Senior LAN Administrator	109,026	ADM
Principal Court Analyst	109,026	ADM
Associate Attorney	108,355	ATT
Associate Attorney	108,355	ATT
Asst Appellate Court Attorney	105,353	ATT
Associate Attorney	102,005	ATT
Senior Attorney	101,704	ATT
Senior Attorney	97,558	ATT
Senior Court Analyst	95,315	ADM
Senior Court Analyst	91,938	ADM
Senior Court Analyst	91,938	ADM
Court Analyst	84,986	ADM
Assistant Court Analyst	73,678	ADM
Assistant Court Analyst	73,678	ADM
Court Analyst	70,164	ADM
Assistant Court Analyst	68,292	ADM
Secretary	63,842	ADM
Secretary	63,842	ADM
Secretary	63,842	ADM
Court Analyst	58,304	ADM
Secretary	53,986	ADM
Secretary	49,100	ADM
Secretary	46,685	ADM
Secretary	46,594	ADM
Total FTE - 45		

Attorney Discipline - 2nd Department

Personal Service		5,206,402		
Non-Personal Service		821,647		
Total		6,028,049		

Attorney Discipline - 3rd Department

<u>Title</u>	<u>Comp Rate</u>	<u>Category</u>
Chf Atty Grievance Commission	164,937	ATT
Deputy Chief Attorney	161,258	ATT
Principal Attorney	156,172	ATT
Principal Attorney	150,309	ATT
Principal Attorney	136,488	ATT
Associate Attorney	124,223	ATT
Associate Attorney	119,184	ATT
Associate Attorney	110,894	ATT
Court Analyst	79,059	ADM
Senior Court Analyst	77,331	ADM
Assistant Court Analyst	64,529	ADM
Secretary	63,842	ADM
Assistant Court Analyst	62,906	ADM
Secretary	56,450	ADM
Secretary	49,100	ADM
Secretary	46,594	ADM
Total FTE - 16		
Personal Service	1,623,276	
Non-Personal Service	178,265	
Total	1,801,541	

Attorney Discipline - 4th Department

<u>Title</u>	<u>Comp Rate</u>	<u>Category</u>
Chf Atty Grievance Commission	169,442	ATT
Principal Attorney	161,105	ATT
Principal Attorney	151,238	ATT
Principal Attorney	151,238	ATT
Principal Attorney	151,238	ATT
Principal Attorney	126,568	ATT
Principal Attorney	121,634	ATT
Senior Court Analyst	98,691	ADM
Senior Court Analyst	95,315	ADM
Senior Court Analyst	95,315	ADM
Court Analyst	79,059	ADM
Court Analyst	79,059	ADM
Assistant Court Analyst	70,985	ADM
Assistant Court Analyst	70,370	ADM
Assistant Court Analyst	68,070	ADM
Assistant Court Analyst	57,520	ADM
Total FTE - 16		
Personal Service	1,746,847	
Non-Personal Service	280,851	
Total	2,027,698	