

ATTORNEY GRIEVANCE COMMITTEES 2023 ANNUAL REPORT



New York State Bar Association Committee on Professional Discipline

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

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**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 6,028 matters in 2023, including 4,729 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 2023, 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

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 litigation partner 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.

Martin S. Bell

Mr. Bell is a partner at Simpson Thacher & Bartlett LLP, where he is a member of its Litigation Department and Government and Internal Investigations Group and leads its Equity and Civil Rights Reviews team. He is a graduate of Harvard Law School and Harvard College. He is admitted to practice law in New York, the U.S. Court of Appeals for the Second Circuit, the Eastern District of New York (EDNY) and the Southern District of New York (SDNY). Mr. Bell served as an Assistant U.S. Attorney in the SDNY from

2010 to 2021. An accomplished trial lawyer, Mr. Bell has been appointed to the Criminal Justice Act Panel for the SDNY, where he represents indigent criminal defendants. Mr. Bell is a member of the Boards of the Harvard Law School Association of New York City, the Office of the Appellate Defender, the Brooklyn Botanic Garden, and the Brooklyn Debate League, and a former trustee of Regis High School.

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, and the ABA.

Steven Benathen

Mr. Benathen is a court attorney in Bronx Supreme Court, Criminal Term. He has previously served as a law clerk at the Appellate Division, First Department and as a public defender at the trial and appellate levels. He is co-chair of the Appellate Courts Committee of the New York County Lawyers' Association, a member of the LGBTQ Rights Committee and Rule of Law Taskforce of the New York City Bar Association, and a member of the LGBT Bar Association of Greater New York (LeGal). He received his bachelor's degree from New York University and his law degree *magna cum laude* from the University of Illinois College of Law.

Eleazar F. Bueno

Mr. Bueno is currently the Chair of the Public Safety Community Board 12 Manhattan of The Chamber of Commerce of Washington Heights and Director of Public Engagement of the DOT Commissioner. 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.

Russell Capone

Mr. Capone, a partner at Cooley, LLP, is a former federal prosecutor with significant experience handling complex criminal cases, particularly those involving corruption, financial fraud, and other white collar crimes. Mr. Capone served for more than 10 years at the US Attorney's Office for the Southern District of New York, most recently as chief counsel to the US Attorney. In that role, he helped oversee SDNY's most significant and sensitive investigations and prosecutions involving, among other crimes, white collar and cybercrime, securities fraud, public corruption, terrorism, gang violence, organized crime, sex trafficking and international narcotics trafficking. Mr. Capone also helped supervise matters arising in SDNY's Civil Division, including those involving civil rights violations, as well as violations of the False Claims Act and Anti-Kickback Statute.

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.

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 & Simpson, 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 counselling, 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 Counsel 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 diversity, equity, and inclusion ("DEI") initiatives and disclosures, racial equity audits and assessments, and internal investigations. 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 for the SDNY.

Virginia Goodman Futterman

Ms. Futterman, a graduate of St. John's University School of Law, is a Senior equity partner at London Fischer LLP, heading a Litigation Team dedicated to defending complex and high-profile labor law/construction and premises liability matters. Other firm activities include acting Chair of London Fischer's Diversity Initiative, which she founded. Ms. Futterman continues, now in the second decade, to serve as an appointed Federal Court mediator in the SDNY and EDNY with primary focus on employment/discrimination cases. Outside the legal arena, Ms. Futterman has recently completed a 6-year tenure as President of her co-op board, continuing a long history of community commitment. This includes 20 years as an active volunteer at the New York Junior League.

Julie Goldscheid

Ms. Goldscheid is a Professor of Law Emeritus at CUNY School of Law, where she also served as Senior Associate Dean for Academic Affairs. She has held positions including senior staff attorney and acting legal director at Legal Momentum (formerly NOW Legal Defense and Education Fund) and as general counsel at Safe Horizon, a leading victim services organization. She is a graduate of New York University Law School and has taught at Yale, Columbia, New York University, and Penn State law schools. She serves on the Board of Directors of the Center for Survivor Agency and Justice (CSAJ) and has served on the Board of Directors of the Stonewall Community Foundation and other NGO's and has been active in bar association committees and task forces.

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.

Phillip C. Hamilton

Mr. Hamilton, a managing partner at Hamilton Clarke, LLP, manages a caseload primarily consisting of serious, complex felony matters, civil rights actions, and contractual litigation in both state and federal court.

C. Willem Houck

Mr. Houck is a 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 building high performance teams, Mr. Houck enjoys an international reputation for finding and extracting value from new products and business models. Most recently, he was appointed CEO of an early-stage biotech that is developing a highly promising cure for HIV as well as several oncological diseases. Before that, he was the CEO of DEARhealth, a UCLA spin-out of doctors and scientists that supports decision making with the help of AI. Earlier, he identified the market opportunity in the U.S. for automated and personalized consumer healthcare fulfillment services and founded Daklapack US. 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 was involved with 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, he 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, spending his time in New York as well as The Hague. For almost 10 years he was 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 Vice Chair of ABA ePrivacy Committee, and the Cloud Computing Committee. 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.

Barbara Kairson

Ms. Kairson is the former Administrator of District Council 37, AFSCME, AFL-CIO Education Fund Trust which provides education benefits to New York City municipal workers and she currently serves as Chair of the Board of Trustees of the Urban Home Ownership Corporation and the Cendevco Corporation. She is a graduate of the City College of New York, the New School, and Capella University and holds a Certificate in Labor Studies from the Cornell University School of Industrial and Labor Relations. She was re-elected in 2022 to a second term as President of the New York Coalition of One Hundred Black Women, Inc., where she works with many community-based charitable and civic organizations. Appointed in 2023, she is serving in her first term with the Committee.

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 a vice president of the New York City Bar, former chair of its Board of Directors and its former secretary, 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.

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 an associate at Kaplan Hecker & Fink LLP. He was previously 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.

Vianny M. Paulino-Pichardo

Ms. Paulino-Pichardo is an experienced commercial litigator with over 15 years' experience litigating claims in federal and state courts as well as mediation and arbitration. She is a former New York litigation shareholder 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 received the Hispanic National Bar Association's Top Lawyers under 40 award and Fordham LALSA's 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.

Joanna Rotgers

Ms. Rotgers is the Chief Regulatory Counsel for Marsh Mercer US, which is part 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. Mr. 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 eleven 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 served for many years as a member of the Brockport Foundation Board of Directors, including several years as National Chair of the Annual Fund. 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.

S. Yan Sin

Ms. Sin is an attorney at Schwartz Sladkus Reich Greenberg Atlas LLP, where she is an associate in the Matrimonial & Family 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. Ms. Sin is an active member of the Asian American Bar Association of New York (AABANY) where she is co-chair of the Pro Bono and Community Service Committee and coordinator of the Manhattan Pro Bono Clinic. She is also a member of the New York State Bar Association's Family Law Section. She enjoys volunteering her time at AABANY's pro bono clinics and Immigration Law and Justice's 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.

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.”

When a complaint is entered into the AGC’s database, the system generates a report of the respondent’s disciplinary history, and a staff attorney receives the matter for screening. The screening attorney 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 to be mediated by the New York City 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 the complaint alleges serious misconduct by an attorney, such as conversion of client funds, the AGC will immediately pursue an investigation.

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 prepares a summary of the allegations and defenses and 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 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 proceedings 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,

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 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.

maintain the integrity and honor of the profession, or deter others from committing similar misconduct.

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 takes into account 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 2023, the Court publicly disciplined 33 lawyers as follows: 10 interim suspensions, eight disbarments, four disciplinary resignations by an attorney facing charges (equivalent to disbarment), eight suspensions as discipline, one suspension for medical disability, and two public censures.

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 2023, the Court suspended 10 attorneys on an interim basis pending resolution of the charges against them in the following cases: *Matter of Michael A. Jimenez*, 212 AD3d 72; *Matter of Michael Schwartz*, 214 AD3d 153; *Matter of David A. Tessler*, 215 AD3d 61; *Matter of Roderic D. Boyd*, 216 AD3d 78; *Matter of Bradley S. Gross*, 217 AD3d 18; *Matter of Willie E. Dennis*, 218 AD3d 51; *Matter of Luis Carrillo*, 219 AD3d 1; *Matter of Jack H.C. Nguyen*, 220 AD3d 70; *Matter of Kofi O. Amankwaa*, 221 AD3d 107 and *Matter of John Naccarato*, 222 AD3d 32.

Disbarments

In 2023, the Court disbarred eight attorneys. Two attorneys were disbarred after petitions for reciprocal discipline: *Matter of Jack R. T. Jordan*, 217 AD3d 21, and *Matter of Lanhi*

H. Saldana, 218 AD3d 60. Two attorneys were disbarred 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 their interim suspension: *Matter of Kiran Meettook*, 213 AD3d 151 and *Matter of Oleg Vinnitsky*, 217 AD3d 76. Finally, the Court struck the names of four attorneys after felony convictions: *Matter of Sanford Solny*, 213 AD3d 24; *Matter of Carlos Moreno*, 213 AD3d 118; *Matter of Eliot R. Cutler*, 219 AD3d 71 and *Matter of Steven B. Fabrizio*, 220 AD3d 41.

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 2023, the Court accepted four resignations under 22 NYCRR 1240.10, and ordered their names stricken from the roll of attorneys: *Matter of Gene R. Kazlow*, 217 AD3d 72; *Matter of Robert G. Wise*, 220 AD3d 45; *Matter of Andrew L. Sokol*, 222 AD3d 22 and *Matter of Emanuel F. Saris*, 2023 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 2023, the Court suspended eight attorneys for periods ranging from two months to three years: *Matter of Tzadok Sofer*, 212 AD3d 145; *Matter of Michael M. Strage*, 213 AD3d 87; *Matter of Tara Elwell*, 214 AD3d 107; *Matter of Erik W. Kvam*, 216 AD3d 31; *Matter of Charles H. Lee*, 217 AD3d 11; *Matter of Robert L. Ellenberg*, 218 AD3d 24; *Matter of Edward B. Geller*, 218 AD3d 55 and *Matter of Thomas M. Gotimer*, 219 AD3d 7.

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 of law. In 2023, the Court suspended one attorney on these grounds: *Matter of Laurence H. Olive*, 216 AD3d 59.

Public Censures

The least severe form of public discipline that the Court may impose is a censure (*see* 22 NYCRR 1240.2[c]). In 2023, the Court issued public censures in two cases: *Matter of Naomi C. Silie Barrera*, 219 AD3d 67, and *Matter of Dimitry Joffe*, 222 AD3d 124.

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 2023, the Court granted 11 petitions for reinstatement after discipline.

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 2023 are reviewed below:

Matter of Eliot R. Cutler, 219 AD3d 71 (1st Dept 2023)

(Stricken.) Eliot Cutler, who was a two-time gubernatorial candidate, was convicted in Maine, upon a guilty plea, of four counts of possession of sexually explicit material and sentenced to four years in prison. Said conviction constituted a felony in Maine. The conviction was based on roughly 83,780 digital files containing child pornography that were found in his possession. The Committee filed a Motion to Strike based on the conviction. Upon a showing that said conviction also constituted a felony in New York, the Court granted the Committee's motion to disbar Cutler and strike his name from the roll of attorneys. (Staff Attorney Louis J. Bara)

Matter of Erik W. Kvam, 216 AD3d 31 (1st Dept 2023)

(Two-year suspension.) After a hearing before the Hawaii disciplinary authorities, Kvam was suspended for, *inter alia*, conspiring with another to charge a corporate client an unreasonable fee, acting against the client's interests by allowing said fees to be charged, and dishonesty about the foregoing. He was also found civilly liable based on his misconduct. Based on same, the Committee moved for reciprocal discipline in the form of a two-year suspension. Kvam put forth affirmative defenses of lack of due process and infirmity of proof in the Hawaii disciplinary proceeding. The Court found that he participated fully in the Hawaii proceedings and that was ample proof of his misconduct. Therefore, the Court granted the Committee's reciprocal motion and suspended Kvam for a period of two years. (Staff Attorney Louis J. Bara)

Matter of Charles H. Lee, 217 AD3d 11 (1st Dept 2023)

(Three-month suspension.) Lee was suspended in New Jersey pursuant to a Discipline by Consent wherein he admitted that he overcharged multiple clients, deposited fees into a personal account, failed to keep bookkeeping records, failed to inform a client about a conflict of interest and practiced law in New Jersey despite being declared administratively ineligible to do so. Upon learning of the New Jersey suspension, the Committee moved for reciprocal discipline in the form a three-month suspension. In doing so, the Committee noted that respondent was already administratively suspended in New York for failing to pay his biennial dues. Furthermore, he failed to notify the Committee of his New Jersey suspension as required by 22 NYCRR 1240.13(d). Lee did not oppose the Committee's

motion and based on the foregoing, the Court granted the Committee's motion for reciprocal discipline. (Staff Attorney Louis J. Bara)

Matter of John Naccarato, 222 AD3d 32 (1st Dept 2023)

(Interim suspension.) The Committee received a complaint that Naccarato failed to respond to any of a client's communications about her case. He likewise failed to respond to the Committee's investigative inquiries or appear for an Examination Under Oath pursuant to a judicial subpoena which was served in hand. As such, the Committee moved for his interim suspension. The Court, after finding that he had been personally served and failed to appear, granted the Committee's motion for interim suspension for Naccarato's failure to cooperate with the Committee's investigation. (Staff Attorney Louis J. Bara)

Matter of Lanhi H. Saldana, 218 AD3d 60 (1st Dept 2023)

(Disbarment.) Saldana was disbarred in New Jersey pursuant to a Consent to Disbarment wherein she admitted to knowingly misappropriating client funds and bookkeeping violations. Based on the foregoing, the Committee moved for reciprocal discipline in the form of a disbarment. Saldana did not oppose and the Court granted the Committee's motion. (Staff Attorney Louis J. Bara)

Matter of Emanuel F. Saris, 223 AD3d 1 (1st Dept 2023)

(Resignation.) The Committee received a complaint that Saris knowingly misappropriated \$110,000 which he deposited in his escrow account pursuant to a real estate transaction. Although Saris ultimately repaid the full \$110,000, bank records obtained pursuant to the investigation revealed that Saris removed the funds from his attorney escrow account very shortly after receiving them. Saris admitted he could not defend against the allegations and therefore moved the Court to resign while the investigation was pending. The Committee did not oppose his application and as such, he was disbarred by the Court. (Staff Attorney Louis J. Bara)

Matter of Tara Elwell, 214 AD3d 107 (1st Dept 2023)

(Six-month suspension.) Elwell was admitted to practice in New York by the First Department in 2008, but she practiced in Louisiana where she had been admitted in 2007. By order dated April 20, 2022, the Supreme Court of Louisiana suspended Elwell from the practice of law for 18 months, with 12 months deferred, for charging an excessive fee in a trust matter and otherwise failing to meet obligations. More specifically, Elwell was retained by the sole beneficiary of a special needs trust to assist in the appointment of a new trustee. She received funds in excess of \$100,000 from the beneficiary. The

beneficiary later filed a complaint against Elwell asserting that Elwell failed to provide an accounting for the funds, failed to complete agreed-upon tasks and failed to respond to correspondence terminating her services and requesting return of the file. In deciding that a six-month suspension was appropriate, Louisiana took into account in mitigation Elwell's willingness to submit to fee arbitration and to refund any portion of the fee determined to be unreasonable. The Committee sought reciprocal discipline pursuant to 22 NYCRR 1240.13. By decision and order dated March 28, 2023, the First Department suspended Elwell for six months, commensurate with the discipline imposed in Louisiana and in general accord with precedent involving similar misconduct in the First Department. (Deputy Chief Attorney Naomi F. Goldstein)

Matter of Edward B. Geller, 218 AD3d 55 (1st Dept 2023)

(Three-year suspension.) On February 4, 2020, the EDNY's Committee on Grievances (COG) charged Geller with multiple violations of the New York Rules of Professional Conduct related to his representation of plaintiffs in actions involving the Fair Debt Collection Practices Act (FDCPA). As the COG explained, the FDCPA claims Geller brought arose from a process whereby a third party "credit repair specialist" would call a collection agency on behalf of a potential plaintiff and ask leading questions, all to elicit technical violations of the FDCPA. The caller would secretly record the conversation and send the recording to the firm where Geller was practicing. The firm, with Geller as attorney of record, would file a lawsuit against the collection agency, seeking damages based on alleged violations of the FDCPA. Geller would offer to settle the matter. If the collection agency was unwilling to settle, Geller would then claim that the witness was no longer available and would offer to dismiss the action as long as the defendant did not demand costs and fees. In other words, Geller was instrumental in commencing meritless FDCPA lawsuits for the purpose of obtaining nuisance value settlements in the course of which he disregarded court orders and deadlines and generally had little contact with clients. Some clients had no idea that an action had been brought in their name. On December 9, 2022, the EDNY issued an order suspending Geller for three years. The Committee moved for a reciprocal discipline order. By decision dated August 24, 2023, our Court ordered Geller suspended for three years. (Deputy Chief Attorney Naomi F. Goldstein)

Matter of Thomas M. Gotimer, 2019 AD3d 7 (1st Dept 2023)

(One-year suspension.) Gotimer was admitted to the practice of law in New York by the First Department in 1993. His last registered address was in Connecticut where he is also admitted, but 22 NYCRR 1240.7 (a) provides that the First Department retains jurisdiction

as the admitting judicial department. In 2009, Gotimer was suspended from the practice of law in New York for failing to file attorney registration statements and pay biennial registration fees. He was reinstated in 2014 only to be suspended in 2020 for again failing to register. He remained administratively suspended in New York when, on October 25, 2022, the Superior Court of Connecticut suspended him for one year. Connecticut suspended Gotimer after a hearing finding that Gotimer failed to provide competent representation to his client in post-conviction proceedings by not serving written discovery requests and not seeking judicial redress to compel the deposition of a witness after noticing the deposition three times and failing to provide his client with a written fee agreement. Finally, and most serious, was Connecticut's finding that Gotimer failed to answer his client's complaint as directed by Connecticut's Disciplinary Counsel and failed to respond to the Counsel's lawful demands for information. On October 25, 2022, the Superior Court of Connecticut suspended Gotimer for one year. By decision and order dated August 17, 2023, our Court determined that the misconduct Gotimer was sanctioned for in Connecticut also constituted misconduct in New York, granted the Committee's motion for an order pursuant to Judiciary Law 90(2), 22 NYCRR 1240.13, and the doctrine of reciprocal discipline and suspended Gotimer for one year. (Deputy Chief Attorney Naomi F. Goldstein)

Matter of Dimitry Joffe, 222 AD3d 124 (1st Dept 2023)

(Public censure.) Pursuant to Judiciary Law 90(2), 22 NYCRR 1240.13, and the doctrine of reciprocal discipline, the Committee filed a motion to request that the Court issue an order reciprocally disciplining Joffe based on the decision of the United States District Court for the District of Massachusetts, finding that Joffe, having been admitted *pro hoc vice* to the Massachusetts bar, engaged in litigation-related misconduct in the course of serving as lead counsel for plaintiffs in *Integrated Communications & Technologies Inc., et al v. Hewlett-Packard Financial Services Company et al.* Specifically, as outlined in its decision and order dated September 7, 2021, the District of Massachusetts found that Joffe failed to conform his clients' second amended complaint to the Federal Rules of Procedure despite repeated warnings to do so; failed to produce appropriately relevant documents after litigation was reasonably anticipated; repeatedly interrupted proceedings, even after he was judicially reprimanded; continually failed to include memoranda with motions, despite several warnings; failed to comply with rules governing discovery motions; regularly missed discovery deadlines and repeatedly and brazenly threatened an opposing party with criminal prosecution during a deposition. Massachusetts sanctioned Joffe by directing him to file the order with the findings of misconduct with each court of which he is a member of the bar and, for the next five years, to file the order with each

court before which he appears or seeks to appear *pro hac vice*. Finding that Joffe's misconduct in Massachusetts also constitutes misconduct in New York, by decision and order dated November 30, 2023, the First Department publicly censured Joffe. (Deputy Chief Attorney Naomi F. Goldstein)

Matter of Laurence H. Olive, 216 AD3d 59 (1st Dept 2023)

(Interim suspension.) In 1990, Olive was admitted to the practice of law in New York by the Third Department, but as his registered address was in the First Department, our Court maintained concurrent jurisdiction. By decision and order dated May 11, 2023, Olive was suspended indefinitely for incapacity, pursuant to 22 NYCRR 1240.14 (b) which provides, in pertinent part, that during a disciplinary proceeding the Committee or the lawyer may apply for a determination that the lawyer is incapacitated from practicing by reason of mental disability. Applications must include medical proof of the disability. This case was a bit unusual in that our Court did not review medical documentation before issuing its order of suspension granting the Committee's motion for suspension. Rather, it fully credited the June 27, 2022, order filed by the Supreme Court of New Jersey which order the Committee had submitted in support of its motion. The New Jersey order transferred Olive, on consent, to disability inactive status after the Office of Attorney Ethics and Olive's counsel agreed that Olive lacked the capacity to practice law. So, in effect, our Court reciprocally suspended Olive for incapacity. (Deputy Chief Attorney Naomi F. Goldstein)

Matter of David A. Tessler, 215 AD3d 61 (1st Dept 2023)

(Interim suspension.) In 2021, the AGC received a complaint which alleged that Tessler handled a personal injury settlement for a client but failed to pay her Medicaid lien, which was to be disbursed from the settlement, and failed to remit the client's share of the funds. Another complainant alleged that Tessler failed to properly communicate with him about his personal injury action, which Tessler commenced in 2007. In 2020, the complainant sought assistance from another attorney who discovered that the Court dismissed the action in 2019. Tessler did not respond to the AGC's requests that he submit formal answers to the complaints, and he failed to honor a judicial subpoena which directed him to appear for a deposition and to produce his bookkeeping records. By order entered on April 11, 2023, the Court granted the AGC's motion to suspend Tessler, pursuant to 22 NYCRR 1240.9(a)(1) and (3), as well as Judiciary Law 468-a for his failure to comply with the biennial registration. (Staff Attorney Peter H. Hertzog)

Matter of Oleg Vinnitsky, 217 AD3d 76 (1st Dept 2023)

(Disbarment.) In March 2022, the Court immediately suspended Vinnitsky for failure to comply with the AGC's investigation into allegations that, as seller's counsel, he took deposits from buyers, but never provided them with contracts of sale, and never refunded their deposits. His suspension was also based on failure to register with the Office of Court Administration. In February 2023, the AGC moved to disbar Vinnitsky pursuant to 22 NYCRR 1240.9(b), as he neither responded to nor appeared for further investigatory or disciplinary proceedings for six months since the date of his suspension. Vinnitsky's untimely and speculative opposition papers were too late and too insubstantial to stave off his disbarment, which the Court granted on July 27, 2023. (Staff Attorney Peter H. Hertzog)

Matter of Kofi O. Amankwaa, 221 AD3d 107 (1st Dept 2023)

(Interim suspension.) The Court interinly suspended attorney Amankwaa for his failure to answer five complaints, submit responsive answers to four other complaints, and produce nine client files as repeatedly requested by the Committee and directed by a judicial subpoena. Between October 25, 2022, and April 23, 2023, the Committee received complaints from Amankwaa's clients claiming that that, unbeknownst to them, he submitted immigration filings that contained fraudulent information. (Staff Attorney Jun H. Lee)

Matter of Tzadok Sofer, 212 AD3d 145 (1st Dept 2023)

(One-year suspension.) The Court suspended attorney Sofer for one year for his failure to explain to his immigration clients matters to the extent necessary to permit them to make informed decisions regarding the representation. In addition, respondent neglected a legal matter, failed to provide competent representation, and failed to enter into required retainer agreements. In aggravation, the Court noted that Sofer's clients were considered vulnerable since they were immigrants who had little to no understanding of English. Also, Sofer was issued four prior letters of admonition. (Staff Attorney Jun H. Lee)

Matter of Gene R. Kazlow, 217 AD3d 72 (1st Dept 2023)

(Resignation.) Kazlow acknowledged that he could not successfully defend himself against allegations that he misappropriated escrow funds from two clients: \$44,633.29, which he repaid, and \$300,000, which he partially repaid. He promised to advise the Court when he paid the remaining balance, but he did not make the promised payment as of the date of the Court Order accepting his resignation. Kazlow stated that he sincerely regrets his actions and noted that he otherwise has a 60-year unblemished disciplinary record. On July 27,

2023, the Court accepted Kazlow's resignation and struck his name from the roll of attorneys. The Court also entered a restitution Order in favor of the complainant of \$125,000. (Deputy Chief Attorney Vitaly Lipkansky)

Matter of Andrew L. Sokol, 222 AD3d 22 (1st Dept 2023)

(Resignation.) The AGC investigated Sokol for misappropriating \$319,000 of escrow funds in a real estate matter involving two clients. Sokol, who could not successfully defend against the allegations, tendered his resignation and asserted that he repaid \$159,500 to one client. He also stated that he sincerely regrets his actions and consented to the entry of an order by the Court which directed that he make restitution to the remaining client. By order dated November 9, 2023, the Court accepted his resignation and struck his name from the roll of attorneys. (Deputy Chief Attorney Vitaly Lipkansky)

Matter of Robert L. Ellenberg, 218 AD3d 24 (1st Dept 2023)

(Two-month suspension.) The Court granted the parties' joint motion for discipline by consent and suspended Ellenberg for two months based on his conditional admissions that he committed misconduct by improperly notarizing settlement documents, signing settlement documents in the client's name without the client's authorization, submitting settlement documents without the client's authorization, submitting improperly notarized and improperly executed documents to a tribunal, neglecting a legal matter, failing to adequately communicate with a client about a matter, and engaging in conduct that adversely reflects on his fitness as a lawyer. (Staff Attorney Orlando Reyes)

Matter of Michael M. Strage, 213 AD3d 87 (1st Dept 2023)

(Fifteen-month suspension.) The Court granted the parties' joint motion for discipline by consent and suspended Strage for 15 months based on his conditional admissions that he committed misconduct by submitting false information in connection with his statutorily required attorney registration, failing to comply with the Committee's directives, disbursing funds subject to an attorney charging lien, failing to keep proper records for an attorney trust account, failing to comply with a judicial subpoena *duces tecum*, and engaging in conduct adversely reflecting on his fitness as a lawyer. (Staff Attorney Orlando Reyes)

Matter of Luis Carrillo, 219 AD3d 1 (1st Dept 2023)

(Interim suspension.) On August 17, 2023, the Court granted the AGC's motion which sought reciprocal discipline against Carrillo and indefinitely suspended him, pursuant to Judiciary Law 90(2) and 22 NYCRR 1240.13. The Court's imposition of discipline was

premised upon a July 13, 2022, order of the Supreme Court of New Jersey which similarly suspended Carrillo based on his failure to cooperate with the investigation of the New Jersey Office of Attorney Ethics, his failure to comply with a court order issued in an SEC civil matter, and criminal charges pending against him. (Staff Attorney Christopher Ronk)

Matter of Bradley S Gross, 217 AD3d 18 (1st Dept 2023)

(Interim suspension.) Gross was interimly suspended based on uncontroverted evidence of conversion and misappropriation. Specifically, bank records and other documents indicated that he converted and misappropriated approximately \$1.4 million in client funds. (Staff Attorney Remi Shea)

Matter of Kiran Meettook, 213 AD3d 151 (1st Dept 2023)

(Disbarment.) On March 23, 2023, Meettook was disbarred by the Court pursuant to 22 NYCRR 1240.9(b), on the ground that she had been suspended pursuant to 22 NYCRR 1240.9(a)(1) and (3) and had neither responded to nor appeared for further investigatory or disciplinary proceedings within six months from the date of the order of suspension. Meettook's interim suspension was based on her failure to cooperate with the Committee's investigation. (Staff Attorney Remi Shea)

Matter of Carlos Moreno, 213 AD3d 118 (1st Dept 2023)

(Stricken.) In November 2017, following his interim suspension for failure to cooperate with the Committee's investigation, Moreno was suspended by the Court for four years for, *inter alia*, neglect, misrepresentation, misuse of his IOLA account, and misappropriation. Thereafter, on December 18, 2020, Moreno pleaded guilty in Supreme Court, New York County, to one count of scheme to defraud in the first degree, in violation of Penal Law § 190.65(1)(b), a class E felony, and one count of the practice of law by an attorney who has been disbarred or suspended, in violation of Judiciary Law § 486, a class A misdemeanor. On August 3, 2022, respondent was sentenced to 1 to 3 years on the felony and 1 year on the misdemeanor to run concurrently. On February 21, 2023, the Court struck Moreno's name from the roll of attorneys on the basis of his felony conviction. (Staff Attorney Remi Shea)

Matter of Michael Schwartz, 214 AD3d 153 (1st Dept 2023)

(Interim suspension.) Schwartz was interimly suspended based on uncontroverted evidence of conversion and misappropriation. Specifically, Schwartz converted a total amount of \$65,915.48 and made 50 improper cash withdrawals from his escrow account. He also

deposited personal funds into his escrow account on 20 occasions. (Staff Attorney Remi Shea)

Matter of Roderick D. Boyd, 216 AD3d 78 (1st Dept 2023)

(Interim suspension.) Boyd, who placed funds in escrow in connection with an apartment sale for a client, failed to wire the client \$78,086.14 in proceeds after the closing in February 2022. By March 2022, Boyd's escrow account balance was \$2.15. In April 2022, the Lawyers Fund for Client protection notified the AGC that a \$250 check from Boyd's escrow account was returned for insufficient funds. Boyd admitted that he spent the funds for his own personal use, and that he had a meth addiction for which he received intensive treatment. He also stated that he repaid his client in full by October 2022. The ACG moved for Boyd's immediate suspension based on his misappropriation of client funds, in violation of NYCRR 1200 Rules 1.15(a) and 8.4(c). The AGC also argued that Boyd's delinquent registration violated Judiciary Law 468-a. By order dated May 30, 2023, the Court granted the AGC's motion and immediately suspended Boyd until further order of the Court. (Staff Attorney Denice M. Szekely)

Matter of Naomi C. Silie Barrera, 219 AD3d 67 (1st Dept 2023)

(Public censure.) Barrera pleaded guilty, in Supreme Court, New York County, to petit larceny, a class "A" misdemeanor, for which she was sentenced to a one-year conditional discharge upon her payment of \$30,000 in restitution pursuant to a forfeiture stipulation. Barrera's conviction stemmed from her acceptance of \$30,000 in improper payments from a nonprofit charitable organization which employed her as its President and CEO. The Court determined that the offense for which Barrera was convicted was a "serious crime." The Court subsequently granted a joint motion for discipline by consent and imposed a public censure. (Deputy Chief Attorney Raymond Vallejo)

Matter of Willie E. Dennis, 218 AD3d 51 (1st Dept 2023)

(Interim suspension.) Dennis was convicted, after a jury trial, in the United States District Court for the SDNY, of three counts of cyberstalking, for which he was sentenced to 24 months incarceration, followed by three years of supervised release. The Court deemed the crime of which respondent was convicted to be a "serious crime," as defined by Judiciary Law §90(4)(d), suspended respondent on an interim basis and remanded the matter for a hearing before a referee on the issue of sanctions. (Deputy Chief Attorney Raymond Vallejo)

Matter of Steven B. Fabrizio, 220 AD3d 41 (1st Dept 2023)

(Stricken.) Fabrizio pleaded guilty, in the District of Columbia Supreme Court, of third-degree sexual abuse and blackmail, felonies. He admitted that he coerced a woman he met over the Internet who had initially agreed to have sex with him for money, to continue having sex with him against her will by sending text messages threatening to divulge to her employer and her parents that she engaged in sex with men for money, unless she continued having sex with him. The Court found that Fabrizio's conviction was analogous to the New York felony of sexual abuse in the first degree, warranting automatic disbarment. (Deputy Chief Attorney Raymond Vallejo)

Matter of Michael A. Jimenez, 212 AD3d 72 (1st Dept 2023)

(Interim suspension.) Jimenez was convicted, upon his plea of guilty, in the Superior Court of New Jersey, of endangering the welfare of a child (possession of child sexual exploitation/abuse material – third degree), and was sentenced to two years' probation. The Court deemed the crime of which Jimenez was convicted to be a "serious crime," within the meaning of Judiciary Law §90(4)(d), suspended him on an interim basis, and remanded the matter for a hearing before a referee on the issue of sanctions. (Deputy Chief Attorney Raymond Vallejo)

Matter of Jack R. T. Jordan, 217 AD3d 21 (1st Dept 2023)

(Disbarment.) Pursuant to the doctrine of reciprocal discipline, under 22 NYCRR 1240.13, the Court disbarred Jordan based upon an order by the Supreme Court of Kansas. Jordan was found to have submitted multiple federal court filings in litigation initiated to obtain access to an email under the Freedom of Information Act (FOIA) in which he repeatedly and baselessly accused federal judges of lying about the email's contents, lying about the law, and committing crimes, which included allegedly conspiring with others to conceal the email at issue. (Deputy Chief Attorney Raymond Vallejo)

Matter of Jack H. C. Nguyen, 220 AD3d 70 (1st Dept 2023)

(Interim suspension.) Nguyen pleaded guilty, in the United States District Court for the Central District of California Western Division, to conspiracy to launder monetary instruments, for which he was sentenced to incarceration for one year, followed by two years of supervised release. Nguyen's conviction stemmed from his conspiring with others in early 2013 to create a foundation to launder and conceal proceeds from the sale of illegal narcotics and illegal weapons. The Court found that the crime was a "serious crime," suspended him from the practice of law and remanded the matter for a hearing on the issue of sanctions. (Deputy Chief Attorney Raymond Vallejo)

Matter of Sanford Solny, 213 AD3d 24 (1st Dept 2023)

(Stricken.) Solny pleaded guilty, in Supreme Court, Queens County, to criminal possession of stolen property in the fourth degree, a class “E” felony. Solny admitted that between August 2012 and January 2017, he engaged in the possession of stolen property in excess of a thousand dollars. He was sentenced to a term of probation of five years and a \$100,000 fine. The Court found that his conviction was a basis for automatic disbarment, pursuant to Judiciary Law §90(4), and accordingly, struck his name from the roll of attorneys. (Deputy Chief Attorney Raymond Vallejo)

Matter of Robert G Wise, 220 AD3d 45 (1st Dept 2023)

(Resignation.) Wise pleaded guilty, in the United States District Court for the SDNY, to conspiracy to commit international money laundering, which constituted a “serious crime” as defined by Judiciary Law §90(4). Wise’s conviction stemmed from his conspiring with others to engage in an international money laundering scheme to assist a Russian businessman in evading sanctions imposed on the businessman by the U.S. Department of Treasury. The Court accepted Wise’s disciplinary resignation and struck his name from the roll of attorneys in New York. (Deputy Chief Attorney Raymond Vallejo)

2023

Appendix A: Committee Composition

Committee Members from January 1, 2023 through September 30, 2023

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
Lisette 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 Stephan 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

*Lay member

2023

Appendix A: Committee Composition

Committee Members from October 1, 2023 through December 31, 2023

Committee 1

Abigail T. Reardon, Chair
Milton L. Williams, Jr., Vice Chair
Marijo C. Adimey
Erica Barrow
Martin S. Bell
Peter A. Bellacosa
Eleazar F. Bueno*
John P. Buza
Miguelina M. Camilo
Russell Capone
William F. Dahill
Lisette 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
Susan M. Cofield*
Robert Stephan Cohen
Virginia Goodman Futterman
Julie Goldschied
Phillip C. Hamilton
Jaipat S. Jain
Barbara Kairson, PhD
Devika Kewalramani
Amy L. Legow
Christopher Morel
Vianny M. Paulino-Pichardo
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

Kevin P. Culley

Naomi F. Goldstein

Vitaly Lipkansky

Raymond Vallejo

Staff Attorneys

Ayisha A. Amjad

Daniel Baek

Louis J. Bara

Sean A. Brandveen

Andrea B. Carter

Kevin M. Doyle

Gillian C. Gamberdell

Peter M. Hertzog

Kelly A. Latham

Jun H. Lee

Norma I. Lopez

Elisabeth Palladino

Gina M. Patterson

Orlando Reyes

Christopher Ronk

Yvette A. Rosario

Remi E. Shea

Eric Sun

Denice M. Szekely

Appendix C: Office of the Chief Attorney: Administrative Staff

Investigators

Nancy DeLeon, Chief
Robert Murphy
Anthony Rodriguez

Paralegals

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

Office Manager

Marcy Sterling

Computer Personnel

Mark Hernandez, Data Entry
Shayna LaPlante
Tennille Millhouse

Accountant

Martin Schwinger

Administrative Assistants

Monique R. Hudson-Nlemchi
Donna M. Killian
Tina M. Nardelli
Celina M. Nelson
Joel M. Nova
Clarissa Perez
Michael J. Ramirez
Sharon Ramirez
Natasha S. Solomon
Nathalie P. Suarez
Shaniyia Z. Thomas
Leonard Zarrillo

PROFESSIONAL MATTERS CASELOAD REPORT

FIRST JUDICIAL DISTRICT, FIRST DEPT

REPORT PERIOD: 1/1/2023 - 12/31/2023

DATE: 3/21/2024

PROFESSIONAL MATTERS CASELOAD REPORT

I. PROFESSIONAL MATTERS' PROCESSED BY THE COMMITTEE

A. Matters Pending at Start of Report Period	<u>1,278</u>
B. New Matters During Report Period (see Part II, infra)	<u>4,729</u>
C. Closed Matters Reactivated During Report Period ²	<u>22</u>
D. Total Matters to be Processed During Report Period (A + B + C)	<u>6,029</u>
E. Total Matters Disposed of During Report Period (see Parts III IV, infra)	<u>4,986</u>
F. Matters Pending at End of Report Period (I.D - I.E)	<u>1,043</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) (l) ³	<u>199</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>2</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>23</u>
G. Applications for Leave to Resign Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.22 (a)	<u>57</u>
H. Attorney Solicitation Filings Pursuant to Rules of Professional Conduct (22 NYCRR 1200.0) rule 7.3 (c) (1) ⁵⁸	<u>—</u>
I. Disciplinary History Letter Requests and Other Inquiries	<u>1,442</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>2,861</u>

TOTAL NEW MATTERS —

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>1,360</u>
B. Matters Referred to Other Agencies Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) (ii)	<u>351</u>
C. Matters Transferred to Another Grievance Committee Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (a) (2)	<u>411</u>
D. Other ⁵	<u>1,955</u>
TOTAL DISPOSED OF BY CHIEF ATTORNEY	<u>4,077</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>468</u>
B. Issuance of a Letter of Advisement Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (iv)	<u>43</u>
C. Issuance of an Admonition Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (v)	<u>47</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>301</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>2</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>44</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>905</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>42</u>
B. Cases Initiated During Report Period ⁷	<u>425</u>
C. Cases Disposed of During Report Period (see Part VI, infra)	<u>383</u>
D. Cases Pending at End of Report Period (A + B - C)	<u>84</u>

VI. CASES DISPOSED OF BY THE APPELLATE DIVISION

A. Disbarments, including disciplinary resignation	<u>12</u>
B. Suspensions (Including Pursuant to Rules for Attorney Disciplinary Matters [22 NYCRR] §§ 1240.9 and 1240.14)	<u>19</u>
C. Censures	<u>2</u>
D. Dismissed	<u>0</u>
E. Reinstatements Granted	<u>252</u>
F. Reinstatements Denied	<u>3</u>
G. Non-disciplinary Resignations Granted	<u>42</u>
H. Non-disciplinary Resignations Denied	<u>1</u>
I. Other	<u>52</u>
TOTAL DISPOSED OF BY THE APPELLATE DIVISION	<u>383</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>4</u>
Pertaining to Prosecutors	<u>1</u>
Pertaining to Defense Counsel	<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>
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>155</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>118</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>1</u>

C. FAMILY MATRIMONIAL LAW

1.New Matters During Report Period (see Part II, supra)	<u>4</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>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>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>2,976</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>2,885</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>393</u>

Appendix E: Budget for Fiscal Year 2023-2024

Attorney Grievance Committee Budget
Fiscal Year April 2023 – March 2024

	<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 General	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): _____

PROFESSIONAL MATTERS CASELOAD REPORT

(Proposed Revision to current UCS-176 Form)

GRIEVANCE COMMITTEE: Grievance Committee for the 2nd, 11th & 13th Judicial Districts

REPORT PERIOD: 2023 Annual Statistics - January 1, 2023 to December 31, 2023

DATE: February 27, 2024

I. PROFESSIONAL MATTERS¹ PROCESSED BY THE COMMITTEE:

A. Matters Pending at Start of Report Period	<u>1,703</u>
B. New Matters During Report Period (<u>see</u> Part II, <u>infra</u>)	<u>2,330</u>
C. Closed Matters Reactivated During Report Period ²	<u>11</u>
D. Total Matters to be Processed During Report Period (A+B+C)	<u>4,044</u>
E. Total Matters Disposed of During Report Period (<u>see</u> Parts III & IV, <u>infra</u>)	<u>2,796</u>
F. Matters Pending at End of Report Period (I.D - I.E)	<u>1,248</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>126</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>9</u>
D. Matters Arising Under Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.13 (d)	<u>12</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) § 1240.9 ⁴	<u>1</u>
F. Motions for Reinstatement Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) §§ 1240.16, 1240.17 & 1240.22 (b)	<u>4</u>
G. Applications for Leave to Resign Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.22 (a)	<u>25</u>
H. Attorney Solicitation Filings Pursuant to Rules of Professional Conduct (22 NYCRR 1200.0) rule 7.3 (c) (1)	<u>59</u>
I. Disciplinary History Letter Requests and Other Inquiries	<u>783</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>1,311</u>
TOTAL NEW MATTERS	<u>2,330</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>1,016</u>
B. Matters Referred to Other Agencies Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) (ii)	<u>94</u>
C. Matters Transferred to Another Grievance Committee Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (a) (2)	<u>326</u>
D. Other⁵	<u>853</u>
TOTAL DISPOSED OF BY CHIEF ATTORNEY	<u>2,289</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)	<u>73</u>
B. Issuance of a Letter of Advisement Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (iv)	<u>338</u>
C. Issuance of an Admonition Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (v)	<u>24</u>
D. Matters Referred to the Appellate Division for Action	
1. Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.8	<u>21</u>
2. Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.9 (<u>see</u> Part II.E, <u>supra</u>)	<u>4</u>
3. Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.10 (for Matters under investigation)	<u>2</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>10</u>
6. Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.13	<u>6</u>
7. Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.14	<u>0</u>
TOTAL REFERRED TO APPELLATE DIVISION	<u>43</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) (<u>see</u> Part II.F, <u>supra</u>)	<u>4</u>

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>25</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>0</u>
TOTAL RESPONSIVE FILINGS	<u>29</u>
TOTAL DISPOSED OF BY COMMITTEE	<u>507</u>
V. <u>CASES⁶ PROCESSED BY THE APPELLATE DIVISION:</u>	
A. Cases Pending at Start of Report Period	<u>58</u>
B. Cases Initiated During Report Period ⁷	<u>62</u>
C. Cases Disposed of During Report Period (<u>see</u> Part VI, <u>infra</u>)	<u>66</u>
D. Cases Pending at End of Report Period (A + B - C)	<u>54</u>
VI. <u>CASES DISPOSED OF BY THE APPELLATE DIVISION:</u>	
A. Disbarments, including disciplinary resignation	<u>13</u>
B. Suspensions (Including Pursuant to Rules for Attorney Disciplinary Matters [22 NYCRR] §§ 1240.9 and 1240.14)	<u>3</u>
C. Censures	<u>2</u>
D. Dismissed	<u>0</u>
E. Reinstatements Granted	<u>8</u>
F. Reinstatements Denied	<u>7</u>
G. Nondisciplinary Resignations Granted	<u>26</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>7</u>
TOTAL DISPOSED OF BY THE APPELLATE DIVISION	<u>66</u>

VII. PRACTICE AREA STATISTICS:

A. CRIMINAL LAW

1. New Matters During Report Period (<u>see</u> Part II, <u>supra</u>)	
Pertaining to Prosecutors	<u>52</u>
Pertaining to Defense Counsel	<u>107</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>52</u>
Pertaining to Defense Counsel	<u>109</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>0</u>

B. IMMIGRATION LAW

1. New Matters During Report Period (<u>see</u> Part II, <u>supra</u>)	<u>88</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>89</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>0</u>

C. FAMILY & MATRIMONIAL LAW

- | | |
|---|------------|
| 1. New Matters During Report Period (<u>see</u> Part II, <u>supra</u>) | <u>130</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>135</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>2</u> |

D. REAL PROPERTY

- | | |
|---|------------|
| 1. New Matters During Report Period (<u>see</u> Part II, <u>supra</u>) | <u>129</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>121</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>4</u> |

E. TRUSTS & ESTATES

- | | |
|---|-----------|
| 1. New Matters During Report Period (<u>see</u> Part II, <u>supra</u>) | <u>79</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>75</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>1</u> |

F. COMMERCIAL LITIGATION

- | | |
|--|-----------|
| 1. New Matters During Report Period (<u>see</u> Part II, <u>supra</u>) | <u>11</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>9</u>
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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>
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G. OTHER CIVIL LITIGATION

1. New Matters During Report Period (see Part II, <u>supra</u>)	<u>217</u>
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2. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)	<u>223</u>
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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>12</u>
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SECOND DEPARTMENT

Second, Eleventh and Thirteenth Judicial Districts

2023

Paul D. Kraft, admitted as Paul David Kraft, a suspended attorney	Reinstatement denied January 13, 2023	
A. David Fuster II 213 A.D.3d 14	Suspended 3 years February 15, 2023	Failure to safeguard funds entrusted to him as a fiduciary incident to his practice of law; failure to adequately supervise nonlawyer employees.
Jonathan S. Rudnick, admitted as Jonathan Rudnick 213 A.D.3d 128	Public Censure February 22, 2023	Reciprocal discipline – New Jersey
Freddy Jacobs, a disbarred attorney	Reinstatement denied April 27, 2023	
Michael J. Garson, a disbarred attorney	Reinstatement denied April 27, 2023	
Michael Botton 215 A.D.3d 118	Disbarred May 3, 2023	Reciprocal discipline – New Jersey
Andrew Toscano, a disbarred attorney 216 A.D.3d 789	Reinstated (on condition that he file proof of payment for current registration period and completion of 24 credit hours of continuing legal education) May 10, 2023	
Eric R. Levi 216 A.D.3d 108	Disbarred (effective November 7, 2022) May 31, 2023	Felony conviction – possessing a sexual performance by a child (Penal Law § 263.16)

Tara Boyle Fallon, admitted as Tara Boyle Moyer 216 A.D.3d 82	Disbarred (effective January 19, 2022) May 31, 2023	Felony conviction – grand larceny in the second degree (Penal Law § 155.40[1])
Steven H. Richman, admitted as Steven Howard Richman	Interim suspension June 2, 2023	Serious crime conviction – official misconduct (Penal Law § 195.00[1])
Peter Hyun Kim 216 A.D.3d 111	Disbarred June 7, 2023	Reciprocal discipline – New Jersey
Marc Elefant 218 A.D.3d 46	Disbarred (effective October 24, 2022) August 2, 2023	Federal felony conviction – conspiracy to commit wire fraud (18 USC § 371)
Jamie Burke, admitted as Jamie Moore 218 A.D.3d 46	Disbarred (effective February 2, 2023) August 9, 2023	Felony conviction – grand larceny in the third degree (Penal Law § 155.35[1])
Jeffrey Alan Fleischman, a suspended attorney 218 A.D.3d 34	Disbarred August 9, 2023	Misappropriation; comingling; failure to maintain required escrow records.
George A. Constantine, admitted as George Anthony Constantine 218 A.D.3d 42	Disbarred August 23, 2023	Federal felony conviction – conspiracy to commit mail and wire fraud (18 USC § § 1341, 1343, and 1349)
Yehuda David Taller, a suspended attorney 219 A.D.3d 13	Suspended 3 years (<i>nunc pro tunc</i> to November 29, 2021) August 30, 2023	Engaged in conduct prejudicial to the administration of justice by violating suspension order.
Yehuda David Taller, a suspended attorney	Reinstatement denied August 30, 2023	
David G. Katzman, admitted as David Gary Katzman 219 A.D.3d 19	Disbarred (on default) August 30, 2023	Failure to cooperate.

Morton M. Avigdor 219 A.D.3d 37	Disbarred September 13, 2023	Misappropriation; issued checks from his IOLA account knowing there were insufficient funds in the account.
Manuel Ortega	Interim suspension October 13, 2023	Serious crime conviction – criminal tax fraud in the fifth degree (Tax Law § 1802)
Michael Sprei, a disbarred attorney	Reinstatement denied October 13, 2023	
Adam Kimmell, admitted as P. Adam Kimmell, a suspended attorney 221 A.D.3d 128	Public Censure November 1, 2023	Reciprocal discipline – Oregon
John Edward Rosenbaum 221 A.D.3d 90	Disbarred November 8, 2023	Reciprocal discipline – California and District of Columbia
Israel D. Weinstein, admitted as Israel Dov Weinstein 222 A.D.3d 76	Suspended 5 years November 29, 2023	Misappropriation; failure to maintain required escrow records.
Debra A. Hoskins, admitted as Debra Anita Hoskins 223 A.D.3d 17	Disbarred (on default) December 13, 2023	Misappropriation; failure to cooperate; failure to properly identify her escrow account; filed a false affirmation
Jon A. Lefkowitz, admitted as Jon Ari Lefkowitz, a suspended attorney	Reinstatement denied December 20, 2023	
Ilona Dzhamgarova 223 A.D.3d 12	Disbarred (effective January 25, 2023) December 27, 2023	Federal felony conviction – conspiracy to commit immigration fraud (18 USC § 371 and 1546[a])
Jan Robin Schneiderman, a disbarred attorney 222 A.D.3d 983	Reinstated December 27, 2023	

Robert D. Grace, admitted as
Robert Darius Grace, a
suspended attorney

Reinstatement denied
December 29, 2023

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

Staff - 2023

Diana Maxfield Kearsse, Chief Counsel
Mark F. DeWan, Deputy Chief Counsel
Susan Korenberg, Staff Counsel
Susan B. Master, Staff Counsel
David W. Chandler, Staff Counsel
Sara Mustafa, Staff Counsel
Lisa M. McCabe, Staff Counsel
Lauren C. Cooper, Staff Counsel
Conor Hartnett, Staff Counsel
Michael D'Ambrosio, Staff Counsel
Erika Edinger, Accountant
Timothy McCormick, Paralegal
Thomas Catapano, Investigator
Vanessa Mendez, Court Analyst
Karen Fazio, Assistant Court Analyst
Claudette Coleman, Secretary
Tacia Compail, Secretary
Jennifer Campoverde, Secretary

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

2023

Andrea E. Bonina, Esq. - Chair
Michael D. Abneri, Esq.
Jeffrey Alfano, Esq.
Lamont R. Bailey, Esq.
Helmut Borchert, Esq. (*Former Member, Term Ended 9/30/2023*)
Joseph Carola, III, Esq.
Lee A. Coppage, Esq.
Allyn J. Crawford, Esq.
Michael C. Farkas, Esq.
Michael V. Gervasi, Esq.
Yvette A. Hinds Wills, Esq.
Vivia L. Joseph, Esq.
Kim M. Melendez, LCSW*
Raquel Miranda, Esq.
Angelique M. Moreno, Esq.
Everett N. Nimetz, Esq. (*Former Member, Term Ended 9/30/2023*)
Jaclyn Rinaldo*
Rev. Blanca I. Rodriguez, JD MDiv (*Former Member, Term Ended 9/11/2023*)
Casilda E. Roper-Simpson, Esq.
Violet E. Samuels, Esq.
Joy A. Thomson, Esq.
Anthony W. Vaughn, Jr., Esq.
Christine A. Walsh, MD, FAAP, FACC*
Jesus M. Zeno, Esq.

***Lay Persons**

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

August 12, 2024

Ms. Vanessa Mendez
Court Analyst
State of New York Grievance Committee
Second, Eleventh and Thirteenth Districts
Renaissance Plaza
335 Adams Street – Suite 2400
Brooklyn, New York 11201-3745

Re: **Richmond County Grievance Committee Report for 2023**

Dear Ms. Mendez:

For the period commencing January 1, 2023, through December 31, 2023, the Richmond County Grievance Committee received ten (10) new complaints directly from complainants which were sent to the Appellate Division Grievance Committee. The Appellate Division Committee referred two (2) of those complaints to the Richmond County Committee to investigate.

The Appellate Division referred an additional three (3) complaints for the Richmond County Committee to investigate. Of the five (5) complaints referred to Richmond County in 2023 two (2) were dismissed in 2023 following investigation, two (2) were dismissed in 2024, and one (1) of the complaints continues to be investigated. We also continue to investigate three (3) other complaints which were referred to the Richmond County Committee in 2024.

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

cc: Victor T. Carasaniti, Esq., Co-Chairperson

A

PROFESSIONAL MATTERS CASELOAD REPORT

GRIEVANCE COMMITTEE: THIRD JUDICIAL DEPARTMENT

REPORT PERIOD: Annual 2023

DATE: May 15, 2024

I. PROFESSIONAL MATTERS¹ PROCESSED BY THE COMMITTEE:

A. Matters Pending at Start of Report Period	<u>2,545</u>
B. New Matters During Report Period (<u>see</u> Part II, <u>infra</u>)	<u>3,461</u>
C. Closed Matters Reactivated During Report Period ²	<u>50</u>
D. Total Matters to be Processed During Report Period (A+B+C)	<u>6,056</u>
E. Total Matters Disposed of During Report Period (<u>see</u> Parts III & IV, <u>infra</u>)	<u>3,316</u>
F. Matters Pending at End of Report Period (I.D - I.E)	<u>2,740</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>34</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>13</u>
D. Matters Arising Under Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.13 (d)	<u>34</u>
E. Matters Arising Under Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.9 ⁴	<u>5</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>88</u>
G. Applications for Leave to Resign Pursuant to Rules for Attorney	
Disciplinary Matters (22 NYCRR) § 1240.22 (a)	<u>101</u>
H. Attorney Solicitation Filings Pursuant to Rules of Professional	
Conduct (22 NYCRR 1200.0) rule 7.3 (c) (1)	<u>48</u>
I. Disciplinary History Letter Requests and Other Inquiries	<u>1,977</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>1,161</u>
TOTAL NEW MATTERS	<u>3,461</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>520</u>
B. Matters Referred to Other Agencies Pursuant to Rules for Attorney	
Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) (ii)	<u>26</u>
C. Matters Transferred to Another Grievance Committee Pursuant to	
Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (a) (2)	<u>157</u>
D. Other⁵	<u>2,213</u>
TOTAL DISPOSED OF BY CHIEF ATTORNEY	<u>2,916</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>90</u>

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>50</u>
C. Issuance of an Admonition Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (v)	<u>38</u>
D. Matters Referred to the Appellate Division for Action	
1. Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.8	<u>22</u>
2. Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.9 (<u>see</u> Part II.E, <u>supra</u>)	<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>22</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) (<u>see</u> Part II.F, <u>supra</u>)	<u>99</u>
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>101</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>0</u>
TOTAL RESPONSIVE FILINGS	<u>200</u>

TOTAL DISPOSED OF BY COMMITTEE	<u>400</u>
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V. CASES⁶ PROCESSED BY THE APPELLATE DIVISION:

A. Cases Pending at Start of Report Period	<u>67</u>
B. Cases Initiated During Report Period ⁷	<u>368</u>
C. Cases Disposed of During Report Period (<u>see</u> Part VI, <u>infra</u>)	<u>389</u>
D. Cases Pending at End of Report Period (A + B - C)	<u>46</u>

VI. CASES DISPOSED OF BY THE APPELLATE DIVISION:

A. Disbarments, including disciplinary resignation	<u>30</u>
B. Suspensions (Including Pursuant to Rules for Attorney Disciplinary Matters [22 NYCRR] §§ 1240.9 and 1240.14)	<u>52</u>
C. Censures	<u>3</u>
D. Dismissed	<u>14</u>
E. Reinstatements Granted	<u>125</u>
F. Reinstatements Denied	<u>5</u>
G. Nondisciplinary Resignations Granted	<u>125</u>
H. Nondisciplinary Resignations Denied	<u>2</u>
I. Other	<u>33</u>
TOTAL DISPOSED OF BY THE APPELLATE DIVISION	<u>389</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</u> Part II, <u>supra</u>)	
Pertaining to Prosecutors	<u>81</u>
Pertaining to Defense Counsel	<u>185</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>83</u>
Pertaining to Defense Counsel	<u>164</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>5</u>

B. IMMIGRATION LAW

1. New Matters During Report Period (<u>see</u> Part II, <u>supra</u>)	<u>57</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>31</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>6</u>

C. FAMILY & MATRIMONIAL LAW

1. New Matters During Report Period (<u>see</u> Part II, <u>supra</u>)	<u>130</u>
2. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or	

(2) (i), (ii) or (iv)	90
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>)	10
D. REAL PROPERTY	
1. New Matters During Report Period (see Part II, <u>supra</u>)	23
2. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)	20
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>)	5
E. TRUSTS & ESTATES	
1. New Matters During Report Period (see Part II, <u>supra</u>)	41
2. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)	34
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
F. COMMERCIAL LITIGATION	
1. New Matters During Report Period (see Part II, <u>supra</u>)	0
2. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)	2
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>0</u>
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G. OTHER CIVIL LITIGATION

1. New Matters During Report Period (<u>see</u> Part II, <u>supra</u>)	<u>151</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>135</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>14</u>

B

2023
LIST OF PROFESSIONAL MATTERS DECISIONS
APPELLATE DIVISION
THIRD JUDICIAL DEPARTMENT

DECIDED AND ENTERED:

January 12, 2023

TERMINATION OF REINSTATEMENT CONDITIONS

Granted:

[Matter of Jeffrey T. Canale, Now Known as Jeffrey L. LaCroix - PM-01-23](#)

REINSTATEMENT [(22 NYCRR) §1240.16]

Granted:

[Matter of Mark Evan Gordon - PM-02-23](#)

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

Granted:

[Matter of Edward Arnim Mallett - PM-03-23](#)

January 26, 2023

DISBARMENT [(22 NYCRR) §1240.13]

[Matter of Christopher Steven Jones - PM-04-23](#)

SUSPENSION [(22 NYCRR) §1240.13]

[Matter of Paul Saul Haar - PM-08-23](#)

SUSPENSION [Judiciary Law 90(4)(f)]

[Matter of Jerry Ray Hamling - PM-11-23](#)

MOTIONS DENIED

[Matter of John A. Aretakis - PM-09-23](#)

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

Granted:

[Matter of Timothy Christian Wood - PM-05-23](#)

[Matter of Shira Nicole Hollander - PM-06-23](#)

[Matter of Hilary Ruth Ledwell - PM-07-23](#)

[Matter of Leah Bury Morabito - PM-10-23](#)

February 2, 2023

REINSTATEMENT [(22 NYCRR) §1240.16]

Granted:

[Matter of Vincent Dominick Paragano - PM-20-23](#)

[Matter of Nicholas Ostuni - PM-12-23](#)

[Matter of Reagan Levert Toledano - PM-13-23](#)

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

Granted:

[Matter of Douglas V. Rigler - PM-14-23](#)

[Matter of Elkanah J. Burns, Jr. - PM-15-23](#)

[Matter of William Marc McDonald - PM-16-23](#)

[Matter of Edward David Shoulkin - PM-17-23](#)

[Matter of Stephen Charles Tupper - PM-18-23](#)

[Matter of James Andrew Geroges - PM-19-23](#)

February 9, 2023

REINSTATEMENT [(22 NYCRR) §1240.16]

Granted:

[Matter of Amy Esther Lefkowitz - PM-25-23](#)

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

Granted:

[Matter of Christopher Thomas Zirpoli - PM-21-23](#)

[Matter of Marc Maher - PM-22-23](#)

[Matter of Hong Suk Chung - PM-23-23](#)

[Matter of Anna Maria Braun - PM-24-23](#)

[Matter of Alexa Royce Silver - PM-26-23](#)

[Matter of Holly Michelle Johnson - PM-27-23](#)

February 16, 2023

DISBARMENT [(22 NYCRR) §1240.13)]

[Matter of William J. McCullough - PM-31-23](#)

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

Granted:

[Matter of Yosef Seffi Kaminitz - PM-28-23](#)

[Matter of Adi Amrany - PM-29-23](#)

[Matter of Paul S. Simmons -PM-30-23](#)

[Matter of Ilana Jacobs Shapiro - PM-32-23](#)

[Matter of Molly Cerelda Harris Litz - PM-33-23](#)

[Matter of Scott Depoy - PM-34-23](#)

[Matter of Joseph Abraham Gorman - PM-35-23](#)

February 23, 2023

SUSPENSION [(22 NYCRR) 1240.13]

[Matter of John Jay Radshaw - PM-36-23](#)

March 2, 2023

DISBARMENT [(22 NYCRR) 1240.12]

[Matter of Stephen K. Cornwell, Jr. - PM-37-23](#)

DISBARMENT [(22 NYCRR) 1240.13]

[Matter of Jeffrey Marc Sherman - PM-38-23](#)

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

Granted:

[Matter of Rory Douglas Allen - PM-39-23](#)

[Matter of David Randall Azbill - PM-40-23](#)

[Matter of Emmett Abdoney - PM-41-23](#)

[Matter of Wendi Dawn Barish - PM-42-23](#)

[Matter of Gary John Smith - PM-43-23](#)

March 9, 2023

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

Granted:

[Matter of Elizabeth Anne Giannotti - PM-44-23](#)

[Matter of Francine Norz Tobin - PM-45-23](#)

[Matter of James Hugh Gorman - PM-46-23](#)

[Matter of Harriet S. Berla - PM-47-23](#)

[Matter of L. James Juliano, Jr. - PM-48-23](#)

[Matter of Jonathan Fenton Burke - PM-49-23](#)

March 16, 2023

SUSPENSION [(22 NYCRR) 1240.8(b)]

[Matter of Danielle R. Lange - PM-53-23](#)

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

Granted:

[Matter of Soonwon Jang - PM-50-23](#)

[Matter of Jody Erin Schechter - PM-51-23](#)

[Matter of Michael Everett Tarvin - PM-52-23](#)

[Matter of Michael Zhang - PM-54-23](#)

March 23, 2023

SUSPENSION [(22 NYCRR) §1240.9(a)]

[Matter of Paul Edward DeLorenzo - PM-70-23](#)

REINSTATEMENT [(22 NYCRR) §1240.16]

Granted:

[Matter of Abigail Krauser Shrier - PM-55-23](#)

[Matter of Ann Desiree Thoeny - PM-56-23](#)

[Matter of Samantha Kathleen Massenzio,](#)

[also known as Samantha Kathleen Boos - PM-57-23](#)

[Matter of Kyoko Tamura - PM-58-23](#)

[Matter of John Bradley Boericke - PM-59-23](#)

[Matter of Yuki Yamada - PM-60-23](#)

[Matter of Yang Wan - PM-61-23](#)

[Matter of Sue-Ellen Cassiana Fernandes,](#)

[also known as Sue-Ellen Cassiana Braverman - PM-62-23](#)

[Matter of Rebecca Bernice Flatow, also known as Rebecca B. Zornick - PM-63-23](#)

[Matter of William Harold Quirk III - PM-64-23](#)

[Matter of Francois C. Chaptal de Chanteloup - PM-65-23](#)

[Matter of Diane Nhi Tran - PM-66-23](#)

[Matter of Raj Srivastan - PM-67-23](#)
[Matter of Alfred Thomas Tallakson - PM-68-23](#)
[Matter of Charles Francis Clark - PM-69-23](#)
[Matter of Ruoran Li - PM-71-23](#)

March 30, 2023

REINSTATEMENT [(22 NYCRR) §1240.16]

Granted:

[Matter of Cesar Fabian Zaurd - PM-72-23](#)
[Matter of Joo Yeon Leenoh - PM-73-23](#)
[Matter of Panja Kouris - PM-74-23](#)
[Matter of Anushka Sehmi - PM-75-23](#)
[Matter of Brian Peter Trelease - PM-76-23](#)
[Matter of Joseph Michael Bimonte - PM-77-23](#)
[Matter of Susanne Wanjiru Kihumba-Watts - PM-78-23](#)
[Matter of Martin William Korman - PM-79-23](#)

April 6, 2023

REINSTATEMENT [(22 NYCRR) §1240.16]

Granted:

[Matter of Purnima Deviramlakhan - PM-80-23](#)

April 13, 2023

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

Granted:

[Matter of Kevin W. Kramer - PM-81-23](#)
[Matter of Robert S. Steinbaum - PM-82-23](#)

April 20, 2023

CENSURE [(22 NYCRR) §1240.8(b)]

[Matter of Jonathan Robert Avolio - PM-87-23](#)

REINSTATEMENT [(22 NYCRR) §1240.16]

Granted:

[Matter of Hyewon Jin - PM-83-23](#)

[Matter of Chen-Hai Joseph Lee - PM-84-23](#)

[Matter of Harold Dubroff - PM-85-23](#)

[Matter of Shahram Tabibzadegan - PM-86-23](#)

April 27, 2023

REINSTATEMENT [(22 NYCRR) §1240.16]

Granted:

[Matter of Christofer Claude - PM 88-23](#)

[Matter of Amy Elizabeth Kropke - PM-89-23](#)

[Matter of Tyler Brody - PM-90-23](#)

[Matter of Hasan Tuvan Yalim - PM-91-23](#)

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

Granted:

[Matter of Timothy Devlin - PM-92-23](#)

May 4, 2023

REINSTATEMENT [(22 NYCRR) §1240.16]

Granted:

[Matter of Eric Edward Rainey - PM-96-23](#)

[Matter of David Gene Lee - PM-97-23](#)

[Matter of Tomoko Shimomukai - PM-98-23](#)

[Matter of Harrold St. Juste - PM-99-23](#)

[Matter of Silke Ursula Johnstone - PM-100-23](#)

[Matter of Michael John Naughton - PM-101-23](#)

[Matter of Sai Prasad Rao - PM-102-23](#)

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

Granted:

[Matter of Caroline Catherine Schneider, also known as](#)

[Caroline Schneider Djamalov - PM-93-23](#)

[Matter of Erin Leigh Alexander - PM-94-23](#)

[Matter of Stephen Howes Oleskey - PM-95-23](#)

May 11, 2023

DISBARMENT [(22 NYCRR) §1240.9(b)]

[Matter of Kimberly Anne Harp - PM-104-23](#)

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

Granted:

[Matter of Gary Ray McColery - PM-103-23](#)

[Matter of Dorita Azizi - PM-105-23](#)

[Matter of Ethan Konrad Knowlden - PM-106-23](#)

May 25, 2023

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

Granted:

[Matter of Diane Yvonne Smoyer - PM-107-23](#)

June 1, 2023

REINSTATEMENT [(22 NYCRR) §1240.16]

Granted:

[Matter of Osepor Asemota - PM-111-23](#)

[Matter of Yun Kyung Choi - PM-112-23](#)

[Matter of Anduena Dobroschi - PM-113-23](#)

[Matter of Steven Wayne Griegel - PM-114-23](#)

[Matter of Jung Sun Lee - PM-115-23](#)

[Matter of Douglas Robert Schwartz - PM-116-23](#)

Denied:

[Matter of Hubert Christopher Raglan - PM-110-23](#)

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

Granted:

[Matter of Jennifer Jan Caballero - PM-108-23](#)

[Matter of Juan Pablo Gardea - PM-109-23](#)

June 8, 2023

REINSTATEMENT [(22 NYCRR) §1240.16]

Granted:

[Matter of Remi Bresson Auba - PM-118-23](#)

[Matter of Zhiyu Chen - PM-119-23](#)

[Matter of Laureen Ella Galeoto, also known as Laureen Ella Jaffe - PM-120-23](#)

[Matter of Sheila Vichele McCorkle - PM-121-23](#)

[Matter of Maria Veronica Yepez - PM-122-23](#)

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

Granted:

[Matter of Rachel S. Janger - PM-123-23](#)

June 15, 2023

**RESIGNATION WHILE INVESTIGATION OR PROCEEDING IS PENDING
DISBARMENT [(22 NYCRR) §1240.10]**

[Matter of William Edward Shannon - PM-130-23](#)

REINSTATEMENT [(22 NYCRR) §1240.16]

Granted:

[Matter of Hong Ye - PM-124-23](#)

[Matter of Albana Alla - PM-125-23](#)

[Matter of Phillip Charles Essig - PM-126-23](#)

[Matter of Makoto Sakai - PM-127-23](#)

[Matter of Elliott Aaron Smith - PM-128-23](#)

[Matter of Lisa Sabrina Merren, also known as Lisa M. Goldblatt - PM-129-23](#)

June 22, 2023

DISBARMENT [(22 NYCRR) §1240.9(b)]

[Matter of Robert Morris Cohen - PM-131-23](#)

June 29, 2023

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

Granted:

[Matter of Robert Bruce Cohen - PM-132-23](#)

[Matter of Michael Lee Fitzgerald - PM-133-23](#)

[Matter of Samuel Charles Rosten - PM-134-23](#)

[Matter of Sara Beth Safriet - PM-135-23](#)

[Matter of James Barrett Kelly, also known as Barrett Kelly - PM-136-23](#)

July 6, 2023

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

Granted:

[Matter of Robert Dale Atkins - PM-137-23](#)

[Matter of Jeff Jinsoo Shim - PM-138-23](#)

[Matter of Gavin Fishman Alexander - PM-139-23](#)

July 13, 2023

DISBARMENT [(22 NYCRR) §1240.9(b)]

[Matter of Nicholas R. Canizio - PM-151-23](#)

REINSTATEMENT [(22 NYCRR) §1240.16]

Granted:

[Matter of Justin Charles Russell - PM-142-23](#)

[Matter of Ankim Mahesh Shah - PM-143-23](#)

[Matter of Vidhi Sharma - PM-144-23](#)

[Matter of Colin Ross McArthur - PM-145-23](#)

[Matter of Jun Sung Park - PM-146-23](#)

[Matter of Bei Lu - PM-147-23](#)

[Matter of Kathleen Hae Kyung Kraft - PM-148-23](#)

[Matter of Flavia Teixeira Fortes - PM-149-23](#)

[Matter of Bill Cogan - PM-150-23](#)

Denied:

[Matter of Willem Lodewikus Pretorius - PM-140-23](#)

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

Granted:

[Matter of Richard Lee Harrison - PM-141-23](#)

July 20, 2023

CENSURE [(22 NYCRR) §1240.8(b)]

[Matter of Andrea L. Gamalski - PM-153-23](#)

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

Granted:

[Matter of Shaonan Wang - PM-152-23](#)

July 27, 2023

REINSTATEMENT [(22 NYCRR) §1240.16]

Granted:

[Matter of Amy Cara Catherine Brosnan - PM-154-23](#)

[Matter of Sungkyu Scott Lee - PM-155-23](#)

[Matter of James R. Grimes, III - PM-156-23](#)

[Matter of Jason Charles Reis - PM-157-23](#)

[Matter of Don Hart Bennett - PM-158-23](#)

August 3, 2023

DISBARMENT [(22 NYCRR) §1240.9((b))]

[Matter of Pery D. Krinsky - PM-164-23](#)

REINSTATEMENT [(22 NYCRR) §1240.16]

Granted:

[Matter of Joseph William Torre - PM-159-23](#)

[Matter of Michael James Jury - PM-163-23](#)

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

Granted:

[Matter of Christopher Jacob Wildermuth - PM-160-23](#)

[Matter of Dana Rachelle Moskowitz - PM-161-23](#)

[Matter of Daniel Jonathan Young - PM-162-23](#)

August 10, 2023

REINSTATEMENT [(22 NYCRR) §1240.16]

Granted:

[Matter of Alexander Russell Shmulsky - PM-168-23](#)

[Matter of Marcial Lujan Bravo - PM-169-23](#)

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

Granted:

[Matter of Sarah Elizabeth Erickson - PM-165-23](#)

[Matter of William J. Riina - PM-166-23](#)

[Matter of Stephen Irwin Weil - PM-167-23](#)

[Matter of Hillary Diana LeBeau - PM-170-23](#)

[Matter of Robert Craig Fisher - PM-171-23](#)

August 17, 2023

DISBARMENT [(22 NYCRR) §1240.12]

[Matter Roy Karl Nestler - PM-176-23](#)

MOTION FOR LEAVE TO REARGUE DENIED [CPLR 2221]

[Matter of Danielle R. Lange - PM-177-23](#)

REINSTATEMENT [(22 NYCRR) §1240.16]

Denied:

[Matter of Sharon Angela Skyers-Jenkins - PM-175-23](#)

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

Granted:

[Matter of Zoe Marie Argento - PM-172-23](#)

[Matter of Anita Elise Flax - PM-173-23](#)

[Matter of Philip Bruce Friedman - PM-174-23](#)

[Matter of Zachary Alfredson Cobb - PM-178-23](#)

[Matter of William Ray Lamboy - PM-179-23](#)

August 24, 2023

REINSTATEMENT [(22 NYCRR) §1240.16]

Granted:

[Matter of Traci Anne Cipriano - PM-182-23](#)

[Matter of Alissa J. Goetz, PM-183-23](#)

[Matter of Courtenay Winchester Hall - PM-184-23](#)

[Matter of Thomas Christopher Giordano - PM-187-23](#)
[Matter of Christopher Martin Gottscho - PM-188-23](#)
[Matter of Robin-Hwajin Yoon Kim - PM-189-23](#)
[Matter of Timothy Jonathan Manion - PM-190-23](#)
[Matter of Son-U Paik, also known as Michael Paik - PM-191-23](#)
[Matter of Robert Scott Rewak - PM-192-23](#)
[Matter of Allison Ann Dundas - PM-193-23](#)
[Matter of Babak Rod Khadem - PM-194-23](#)

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

Granted:

[Matter of Gary Meyer Rinck - PM-185-23](#)

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

Granted:

[Matter of JohnPaul M. Callan - PM-180-23](#)
[Matter of Bruce E. Mantell - PM-181-23](#)

Denied:

[Matter of Lauren Juliet Goldschmidt - PM-186-23](#)

August 31, 2023

DISBARMENT [(22 NYCRR) §1240.8(b)]

[Matter of Albert Michael Braccini - PM-197-33](#)

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

Granted:

[Matter of James John Maiwurm - PM-195-23](#)

[Matter of Linda Soohoo - PM-196-23](#)

[Matter of Tarek Julian Austin - PM-198-23](#)

[Matter of Cecilia Esther Cosca - PM-199-23](#)

September 7, 2023

REINSTATEMENT [(22 NYCRR) §1240.16]

Granted:

[Matter of William Neville Specht - PM-200-23](#)

[Matter of Won Jun Cho - PM-201-23](#)

[Matter of Byoungjoo Lee - PM-202-23](#)

[Matter of Paul Wei-Han Ng - PM-203-23](#)

[Matter of Jonathan G. Orlinsky - PM-204-23](#)

[Matter of Aparna Krishnaswamy Patrie - PM-205-23](#)

[Matter of Hsin-Hsien Tseng - PM-206-23](#)

[Matter of Beverly Jeannette Watson - PM-207-23](#)

September 14, 2023

SUSPENSION [(22 NYCRR) §1240.14(b)]

[Matter of Randel Aaron Scharf - PM-216-23](#)

CENSURED [(22 NYCRR) §1240.8(a)(5)]

[Matter of Michael J. Toomey - PM-210.23](#)

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

Granted:

[Matter of David Joel Medalia - PM-208-23](#)

[Matter of Edward Krichbaum - PM-209-23](#)

[Matter of Jonathan Myal Pope - PM-211-23](#)

[Matter of Daniel Alexander Nachman - PM-212-23](#)

[Matter of Jorge Llevat - PM-213-23](#)

[Matter of Aurora Maria Maskall - PM-214-23](#)

[Matter of Philip J. Fries Jr. - PM-215-23](#)

September 21, 2023

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

Granted:

[Matter of Jonathan Andrew David - PM-217-23](#)

Denied:

[Matter of David Denning Scaglione - PM-218-23](#)

September 28, 2023

REINSTATEMENT [(22 NYCRR) §1240.16]

Granted:

[Matter of Rhonda Armstrong Tietjen - PM-219-23](#)

[Matter of Moriam Olaoluwatoyos Adio, also known as
Moriam Olaoluwatoyos Fatoki - PM-220-23](#)

[Matter of Paul E. Austin - PM-222-23](#)

[Matter of Julie Ann Lasso - PM-224-23](#)

[Matter of Patricia Quigley - PM-225-23](#)

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

Granted:

[Matter of Lindsey Nicole Anderson - PM-221-23](#)

[Matter of Shirley Dai - PM-223-23](#)

[Matter of Nancy Anne Walker - PM-226-23](#)

October 5, 2023

SUSPENSION [(22 NYCRR) §1240.9(a)]

[In the Matter of Attorneys in Violation of Judiciary Law §468-a - PM-238-23](#)

REINSTATEMENT [(22 NYCRR) §1240.16]

Granted:

[Matter of John Michael Hogan III - PM-227-23](#)

[Matter of Margub Kabir - PM-234-23](#)

[Matter of Youn Joon Han - PM-235-23](#)

[Matter of Nuria L. Haltiwanger - PM-236-23](#)

[Matter of Joseph Francis Cassidy - PM-237-23](#)

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

Granted:

[Matter of Christie Ann Krol - PM-228-23](#)

[Matter of Joseph Andrew Marlar - PM-229-23](#)

[Matter of David Morris Tobin - PM-231-23](#)

[Matter of Catherine Baker Stetson - PM-232-23](#)

[Matter of Naima M. Said - PM-233-23](#)

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

Granted:

[Matter of Benecia Betton Moore - PM-230-23](#)

October 12, 2023

SUSPENSION [(22 NYCRR) §1240.13]

[Matter of Dennis A. Durkin - PM-243-23](#)

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

Granted:

[Matter of Guillaume Raphael Dupont - PM-239-23](#)

[Matter of Robert Haden Keyes - PM-240-23](#)

[Matter of Mark D. Madaio - PM-241-23](#)

[Matter of Annette Llewellyn - PM-242-23](#)

October 26, 2023

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

Granted:

[Matter of Jeffrey Mark Chebot - PM-245-23](#)

[Matter of Louis Nikolaus Larsen - PM-246-23](#)

[Matter of Michael Raymond Thorp - PM-247-23](#)

[Matter of Harry Lee Laxton, Jr., - PM-248-23](#)

November 2, 2023

DISBARMENT [(22 NYCRR) §1240.13]

[Matter of Jose Castillo Escano - PM-250-23](#)

SUSPENSION [(22 NYCRR) §1240.8(b)]

[Matter of Jonathan Chase Dunsmoor - PM-249-23](#)

**MOTION TO VACATE DENIED AND CROSS-MOTION TO ENJOIN NEW
MOTIONS GRANTED**

[Matter of Erwin Rosenberg - PM-253-23](#)

REINSTATEMENT [(22 NYCRR) §1240.16]

Granted:

[Matter of Edward Marc Sossner - PM-252-23](#)

[Matter of Christa Parker McAndrew - PM-254-23](#)

Denied:

[Matter of Claire Kimberly Genot, also known as Claire Genot-de Prunele' - PM 251-23](#)

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

Granted:

[Matter of Morris Yamner - PM-244-23](#)

[Matter of Richard P. Lubert - PM-255-23](#)

November 9, 2023

REINSTATEMENT [(22 NYCRR) §1240.16]

Granted:

[Matter of Melvin Michael Wright Jr. - PM-257-23](#)

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

Granted:

[Matter of Cynthia Hackett, also known as Cynthia Hackett Threet - PM-256-23](#)

November 16, 2023

DISBARMENT [(22 NYCRR) §1240.9(b)]

[Matter of Michael Salvatore Fauci - PM-262-23](#)

REINSTATEMENT [(22 NYCRR) §1240.16]

Granted:

[Matter of Brett Michael Lipman - PM-258-23](#)

[Matter of Luisa Maria Florez - PM-259-23](#)

[Matter of Yi Wang - PM-260-23](#)

[Matter of Meagan Elizabeth Hassan - PM-261-23](#)

November 30, 2023

REINSTATEMENT [(22 NYCRR) §1240.16]

Granted:

[Matter of Kelly Baumer Bryan - PM-268-23](#)

[Matter of Yanping Lu - PM-269-23](#)

[Matter of Priscilla Jennifer Triolo - PM-270-23](#)

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

Granted:

[Matter of Christopher Martin Gottscho - PM-263-23](#)

[Matter of Nadav Joseph Karasov - PM-264-23](#)
[Matter of Peter G. Rossi - PM-265-23](#)
[Matter of Elizabeth Yingying Song - PM-266-23](#)
[Matter of Jason Morton Harmon - PM-267-23](#)

December 7, 2023

REINSTATEMENT [(22 NYCRR) §1240.16]

Granted:

[Matter of Alaba Diekolola Adio, also known as
Alaba Diekolola Akinyele - PM-271-23](#)
[Matter of Karen Papadopoulos - PM-272-23](#)
[Matter of Yusun Park - PM-273-23](#)
[Matter of Kazuto Yamamoto - PM-274-23](#)

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

Granted:

[Matter of Peter Houghton LeVan Jr. - PM-275-23](#)

December 14, 2023

REINSTATEMENT [(22 NYCRR) §1240.16]

Denied:

[Matter of Ngozi Akunna Njoku - PM-276-23](#)

December 21, 2023

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

Granted:

[Matter of Marti Beth Morris - PM-277-23](#)

[Matter of Sean Richard Delaney - PM-278-23](#)

[Matter of Sharon Whitney Rahman - PM-279-23](#)

[Matter of Dolores Reynolds Schiesel - PM-280-23](#)

December 28, 2023

SUSPENSION [(22 NYCRR) §1240.12]

[Matter of Jerry Ray Hamling - PM-286-23](#)

SUSPENSION [(22 NYCRR) §1240.13]

[Matter of Marilyn Jenkins - PM-283-23](#)

MOTION FOR LEAVE TO REARGUE DENIED [CPLR 2221(d)]

[Matter of Pery D. Krinsky - PM-284-23](#)

REINSTATEMENT [(22 NYCRR) §1240.16]

Granted:

[Matter of Seung-Kook Synn - PM-285-23](#)

[Matter of Shona MacKinnon Crallan - PM-287-23](#)

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

Granted:

[Matter of Andres Gil - PM-281-23](#)

[Matter of John David Avila - PM-282-23](#)

C

**Attorney Grievance Committee
Third Judicial Department
Committee Members**

Dennis B. Schlenker, Esq.
Chair

Third Judicial District
(Albany County)

Third Judicial District

Virginia D. Benedict, Esq.
(Columbia County)

Leonard J. D'Arrigo, Esq.
(Albany County)

Andrew B. Howard, Esq.
(Columbia County)

Alejandra N. Paulino, Esq.
(Albany County)

Marcus Q. Pryor
(Albany County)

Brian M. Wang, Esq.
(Albany County)

Fourth Judicial District

Cynthia Feathers, Esq.
(Saratoga County)

Maryanne Malecki
(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)

Holly L. Mosher, Esq.
(Tompkins County)

Marvin D. Parshall, Jr. Esq.
(Otsego County)

Willa S. Payne, Esq.
(Madison County)

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

D

**Attorney Grievance Committee
for Third Judicial Department
2023**

Chief Attorney

Monica A. Duffy, Esq.

Office Manager

Jean R. Picard

Deputy Chief Attorney

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

Alison M. Coan, Esq.

Legal Assistants

Zoey Guay

Amanda L. Luther

Fiscal Analyst

Amanda R. Blacknik

Principal Attorneys

Robert Max Beyer, Esq.

Lauren S. Cousineau, Esq.

Michael K. Creaser, Esq.

Noel Mendez, Esq.

Kelsey E. Roche, Esq.

Nikolas S. Tamburello, Esq.

Investigators

Sarah L. Lloyd

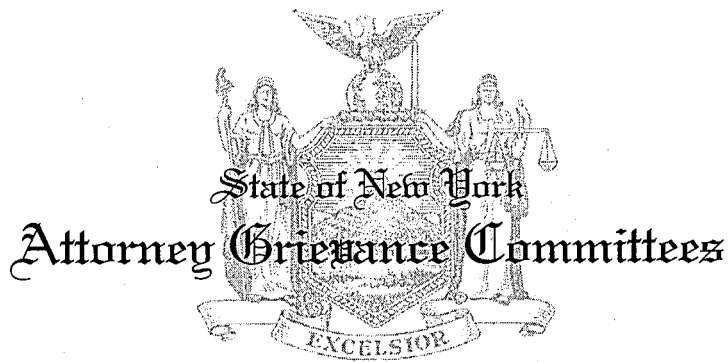
Christine M. Adams

*Departed AGC

EIGHTH JUDICIAL DISTRICT
BUFFALO

CHIEF COUNSEL
CYDNEY A. KELLY

CHAIRPERSON
PAMELA THIBODEAU



PRINCIPAL COUNSEL
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July 18, 2024

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 2023

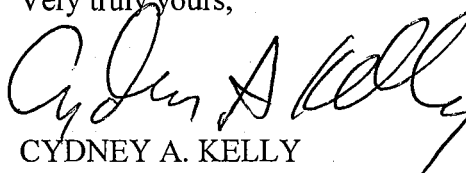
Dear Mr. Gutierrez:

In response to your request, enclosed please find the following data that we have compiled for the *Annual Report for the Year 2023*:

- 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

PROFESSIONAL MATTERS CASELOAD REPORT

GRIEVANCE COMMITTEE: 5TH JUDICIAL DISTRICT
REPORT PERIOD: 01-01-2023 to 12-31-2023
DATE: February 5, 2024

FOURTH DEPARTMENT

I. PROFESSIONAL MATTERS PROCESSED BY THE COMMITTEE:

A. Matters Pending at Start of Report Period	168
B. New Matters During Report Period (<u>see</u> Part II, <u>infra</u>)	541
C. Closed Matters Reactivated During Report Period ²	8
D. Total Matters to be Processed During Report Period (A+B+C)	717
E. Total Matters Disposed of During Report Period (<u>see</u> Parts III & IV, <u>infra</u>)	532
F. Matters Pending at End of Report Period (I.D - I.E)	185

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	57
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)	1
	<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)	25
	<hr/>
I. Disciplinary History Letter Requests and Other Inquiries	45
	<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	128
	<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)	289
	<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)	61
	<hr/>
D. Other⁵	104
	<hr/>
TOTAL DISPOSED OF BY CHIEF ATTORNEY	454
	<hr/>

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
	<hr/>

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)	34
C. Issuance of an Admonition Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (v)	9
D. Matters Referred to the Appellate Division for Action	
1. Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.8	25
2. Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.9 (<u>see</u> 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	1
5. Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.12	0
6. Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.13	0
7. Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.14	0
TOTAL REFERRED TO APPELLATE DIVISION	27
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) (<u>see</u> Part II.F, <u>supra</u>)	3
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>)	0

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	3
TOTAL DISPOSED OF BY COMMITTEE	39

V. CASES⁶ PROCESSED BY THE APPELLATE DIVISION:

A. Cases Pending at Start of Report Period	19
B. Cases Initiated During Report Period ⁷	18
C. Cases Disposed of During Report Period (<u>see</u> Part VI, <u>infra</u>)	18
D. Cases Pending at End of Report Period (A + B - C)	19

VI. CASES DISPOSED OF BY THE APPELLATE DIVISION:

A. Disbarments, including disciplinary resignation	0
B. Suspensions (Including Pursuant to Rules for Attorney Disciplinary Matters [22 NYCRR] §§ 1240.9 and 1240.14)	5
C. Censures	1
D. Dismissed	0
E. Reinstatements Granted	1
F. Reinstatements Denied	0
G. Nondisciplinary Resignations Granted	0
H. Nondisciplinary Resignations Denied	0
I. Other	12
TOTAL DISPOSED OF BY THE APPELLATE DIVISION	18

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</u> Part II, <u>supra</u>)	18
Pertaining to Prosecutors	
Pertaining to Defense Counsel	135
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	4
Pertaining to Defense Counsel	67
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	0
Pertaining to Defense Counsel	1

B. IMMIGRATION LAW

1. New Matters During Report Period (<u>see</u> Part II, <u>supra</u>)	1
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</u> Part VI.A-VI.C, <u>supra</u>)	0

C. FAMILY & MATRIMONIAL LAW

1. New Matters During Report Period (<u>see</u> Part II, <u>supra</u>)	79
2. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)	31

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
D. REAL PROPERTY	
1. New Matters During Report Period (see Part II, <u>supra</u>)	15
2. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)	12
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>)	1
E. TRUSTS & ESTATES	
1. New Matters During Report Period (see Part II, <u>supra</u>)	24
2. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)	4
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
F. COMMERCIAL LITIGATION	
1. New Matters During Report Period (see Part II, <u>supra</u>)	3
2. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)	2

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>)	0
G. OTHER CIVIL LITIGATION	
1. New Matters During Report Period (<u>see</u> Part II, <u>supra</u>)	73
2. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)	25
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>)	1
H. PRACTICE AREA UNKNOWN	
1. New Matters During Report Period (<u>see</u> Part II, <u>supra</u>)	40
2. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)	27
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>)	21

PROFESSIONAL MATTERS CASELOAD REPORT

GRIEVANCE COMMITTEE: 7TH JUDICIAL DISTRICT

FOURTH DEPARTMENT

REPORT PERIOD: 01-01-2023 to 12-31-2023

DATE: February 2, 2024

I. PROFESSIONAL MATTERS PROCESSED BY THE COMMITTEE:

A. Matters Pending at Start of Report Period	84
B. New Matters During Report Period (<u>see</u> Part II, <u>infra</u>)	565
C. Closed Matters Reactivated During Report Period ²	0
D. Total Matters to be Processed During Report Period (A+B+C)	649
E. Total Matters Disposed of During Report Period (<u>see</u> Parts III & IV, <u>infra</u>)	568
F. Matters Pending at End of Report Period (I.D - I.E)	81

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	28
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)	1
	<hr/>
G. Applications for Leave to Resign Pursuant to Rules for Attorney	
Disciplinary Matters (22 NYCRR) § 1240.22 (a)	8
	<hr/>
H. Attorney Solicitation Filings Pursuant to Rules of Professional	
Conduct (22 NYCRR 1200.0) rule 7.3 (c) (1)	65
	<hr/>
I. Disciplinary History Letter Requests and Other Inquiries	69
	<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	174
	<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)	363
	<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)	50
	<hr/>
D. Other⁵	93
	<hr/>
TOTAL DISPOSED OF BY CHIEF ATTORNEY	506
	<hr/>

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
	<hr/>

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)	35
C. Issuance of an Admonition Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (v)	10
D. Matters Referred to the Appellate Division for Action	
1. Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.8	1
2. Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.9 (<u>see</u> Part II.E, <u>supra</u>)	1
3. Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.10 (for Matters under investigation)	1
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	0
6. Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.13	2
7. Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.14	0
TOTAL REFERRED TO APPELLATE DIVISION	5
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) (<u>see</u> Part II.F, <u>supra</u>)	1
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>)	8

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	9
TOTAL DISPOSED OF BY COMMITTEE	24

V. CASES⁶ PROCESSED BY THE APPELLATE DIVISION:

A. Cases Pending at Start of Report Period	14
B. Cases Initiated During Report Period ⁷	17
C. Cases Disposed of During Report Period (<u>see</u> Part VI, <u>infra</u>)	18
D. Cases Pending at End of Report Period (A + B - C)	13

VI. CASES DISPOSED OF BY THE APPELLATE DIVISION:

A. Disbarments, including disciplinary resignation	0
B. Suspensions (Including Pursuant to Rules for Attorney Disciplinary Matters [22 NYCRR] §§ 1240.9 and 1240.14)	3
C. Censures	1
D. Dismissed	2
E. Reinstatements Granted	1
F. Reinstatements Denied	0
G. Nondisciplinary Resignations Granted	10
H. Nondisciplinary Resignations Denied	0
I. Other	1
TOTAL DISPOSED OF BY THE APPELLATE DIVISION	18

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</u> Part II, <u>supra</u>)	17
Pertaining to Prosecutors	
Pertaining to Defense Counsel	156
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	1
Pertaining to Defense Counsel	57
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	0
Pertaining to Defense Counsel	2

B. IMMIGRATION LAW

1. New Matters During Report Period (<u>see</u> Part II, <u>supra</u>)	1
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</u> Part VI.A-VI.C, <u>supra</u>)	0

C. FAMILY & MATRIMONIAL LAW

1. New Matters During Report Period (<u>see</u> Part II, <u>supra</u>)	25
2. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)	24

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
D. REAL PROPERTY	
1. New Matters During Report Period (see Part II, <u>supra</u>)	10
2. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)	3
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>)	1
E. TRUSTS & ESTATES	
1. New Matters During Report Period (see Part II, <u>supra</u>)	30
2. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)	19
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
F. COMMERCIAL LITIGATION	
1. New Matters During Report Period (see Part II, <u>supra</u>)	0
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</u> Part VI.A-VI.C, <u>supra</u>)	0
G. OTHER CIVIL LITIGATION	
1. New Matters During Report Period (<u>see</u> Part II, <u>supra</u>)	45
2. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)	19
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>)	2
H. PRACTICE AREA UNKNOWN	
1. New Matters During Report Period (<u>see</u> Part II, <u>supra</u>)	92
2. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)	50
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>)	19

PROFESSIONAL MATTERS CASELOAD REPORT

GRIEVANCE COMMITTEE: 8TH JUDICIAL DISTRICT
REPORT PERIOD: 01-01-2023 to 12-31-2023
DATE: February 1, 2024

FOURTH DEPARTMENT

I. PROFESSIONAL MATTERS PROCESSED BY THE COMMITTEE:

A. Matters Pending at Start of Report Period	147
B. New Matters During Report Period (<u>see</u> Part II, <u>infra</u>)	771
C. Closed Matters Reactivated During Report Period ²	0
D. Total Matters to be Processed During Report Period (A+B+C)	918
E. Total Matters Disposed of During Report Period (<u>see</u> Parts III & IV, <u>infra</u>)	795
F. Matters Pending at End of Report Period (I.D - I.E)	123

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	9
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)	2
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)	1
G. Applications for Leave to Resign Pursuant to Rules for Attorney	
Disciplinary Matters (22 NYCRR) § 1240.22 (a)	5
H. Attorney Solicitation Filings Pursuant to Rules of Professional	
Conduct (22 NYCRR 1200.0) rule 7.3 (c) (1)	60
I. Disciplinary History Letter Requests and Other Inquiries	146
J. All Other Complaints Filed or Transferred in Pursuant to Rules for	1
Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (a) (1) or (2)	
TOTAL NEW MATTERS	224

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)	522
B. Matters Referred to Other Agencies Pursuant to Rules for Attorney	
Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) (ii)	1
C. Matters Transferred to Another Grievance Committee Pursuant to	
Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (a) (2)	24
D. Other⁵	170
TOTAL DISPOSED OF BY CHIEF ATTORNEY	717

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

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)	38
C. Issuance of an Admonition Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (v)	9
D. Matters Referred to the Appellate Division for Action	
1. Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.8	14
2. Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.9 (<u>see</u> Part II.E, <u>supra</u>)	0
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	0
6. Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.13	1
7. Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.14	0
TOTAL REFERRED TO APPELLATE DIVISION	15
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) (<u>see</u> Part II.F, <u>supra</u>)	2
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>)	5

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
	<hr/>
TOTAL RESPONSIVE FILINGS	7
	<hr/>
TOTAL DISPOSED OF BY COMMITTEE	31
	<hr/>

V. CASES⁶ PROCESSED BY THE APPELLATE DIVISION:

A. Cases Pending at Start of Report Period	12
	<hr/>
B. Cases Initiated During Report Period ⁷	19
	<hr/>
C. Cases Disposed of During Report Period (<u>see</u> Part VI, <u>infra</u>)	14
	<hr/>
D. Cases Pending at End of Report Period (A + B - C)	17
	<hr/>

VI. CASES DISPOSED OF BY THE APPELLATE DIVISION:

A. Disbarments, including disciplinary resignation	1
	<hr/>
B. Suspensions (Including Pursuant to Rules for Attorney Disciplinary Matters [22 NYCRR] §§ 1240.9 and 1240.14)	0
	<hr/>
C. Censures	1
	<hr/>
D. Dismissed	1
	<hr/>
E. Reinstatements Granted	1
	<hr/>
F. Reinstatements Denied	0
	<hr/>
G. Nondisciplinary Resignations Granted	6
	<hr/>
H. Nondisciplinary Resignations Denied	0
	<hr/>
I. Other	4
	<hr/>
TOTAL DISPOSED OF BY THE APPELLATE DIVISION	14
	<hr/>

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</u> Part II, <u>supra</u>)	30
Pertaining to Prosecutors	
Pertaining to Defense Counsel	141
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	1
Pertaining to Defense Counsel	62
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	1
Pertaining to Defense Counsel	2

B. IMMIGRATION LAW

1. New Matters During Report Period (<u>see</u> Part II, <u>supra</u>)	11
2. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)	4
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>)	0

C. FAMILY & MATRIMONIAL LAW

1. New Matters During Report Period (<u>see</u> Part II, <u>supra</u>)	100
2. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)	57

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
D. REAL PROPERTY	
1. New Matters During Report Period (see Part II, <u>supra</u>)	25
2. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)	15
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>)	1
E. TRUSTS & ESTATES	
1. New Matters During Report Period (see Part II, <u>supra</u>)	32
2. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)	13
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
F. COMMERCIAL LITIGATION	
1. New Matters During Report Period (see Part II, <u>supra</u>)	17
2. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)	2

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>)	0
G. OTHER CIVIL LITIGATION	
1. New Matters During Report Period (<u>see</u> Part II, <u>supra</u>)	143
2. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)	61
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>)	1
H. PRACTICE AREA UNKNOWN	
1. New Matters During Report Period (<u>see</u> Part II, <u>supra</u>)	89
2. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)	71
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>)	15

**FOURTH DEPARTMENT
(Fifth Judicial District)**

Attorney	Disposition	Summary of Charges
Laura A. Alderman 214 A.D.3d 168 04/28/23	Suspended Two Years Effective June 15, 2022	22 NYCRR 1200.0 - Rule 8.4(b)- engaging in illegal conduct that adversely reflects on her honesty, trustworthiness, or fitness as a lawyer; and Rule 8.4(h) - engaging in conduct that adversely reflects on her fitness as a lawyer.
Joseph S. Cote, III 218 A.D.3d 30 07/28/23	Suspended Six Months	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)(1)(iii) - failing to promptly inform a client about material developments in a matter; Rule 1.4(a)(3) - failing to keep a client reasonably informed about the status of a matter; 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.
Todd S. Engel 222 A.D.3d 1452 12/07/23	Reinstated	
Marsha A. Hunt 220 A.D.3d 67 09/29/23	Censured	22 NYCRR 1200.0 - Rule 8.4(b) - engaging in illegal conduct that adversely reflects on her honesty, trustworthiness, or fitness as a lawyer; Rule 8.4(c) - engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation; and Rule 8.4(h) - engaging in conduct that adversely reflects on her fitness as a lawyer.
Kerilyn E. Micale 217 A.D.3d 1451 04/14/23	Interim Suspension	Judiciary Law §90(4)

Kerilyn E. Micale 217 A.D.3d 8 06/30/23	Suspended Three Months Effective April 14, 2023	Judiciary Law §90(4)
Kerilyn E. Micale 221 A.D.3d 1602 10/30/23	Reinstated	
Raymond Shanley 222 A.D.3d 26 11/17/23	Suspended Three Years Effective October 28, 2022	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)(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(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 for rate of the fee for which the client will be responsible, including any changes thereto; Rule 1.5(d)(4) - entering into an arrangement for, charging, or collecting a non-refundable 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; 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; and 22 NYCRR 1400.3.

(Seventh Judicial District)

Attorney	Disposition	Summary of Charges
Kevin W. Connell 215 A.D.3d 86 04/28/23	Censured	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.
Ryan B. Feeney 220 A.D.3d 56 09/29/23	Suspended Six Months	22 NYCRR 1240.13(c)
Catherine H. Josh 213 A.D.3d 1284 01/18/23	Interim Suspension	22 NYCRR 1240.9

(Eighth Judicial District)

Attorney	Disposition	Summary of Charges
Richard W. Cole 216 A.D.3d 146 06/30/23	Censured	22 NYCRR 1200.0 - Rule 1.3(a) - failing to act with reasonable diligence and promptness in representing a client; Rule 1.4(a)(4) - failing to adequately respond to 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 his fitness as a lawyer; 22 NYCRR 1400.3.
Nicholas D. D'Angelo 217 A.D.3D 1451 05/11/23	Disbarred	Judiciary Law §90(4)(b)
Anthony L. Pendergrass 217 A.D.3d 1597 06/30/23	Reinstated	

2023

**FOURTH DEPARTMENT
DISTRICT GRIEVANCE COMMITTEES**

Grievance Committee for the 5th Judicial District

Anthony S. Bottar, Chair
Cora Alsante
Justin F. Brotherton
Hon. John V. Centra
Herbert I. Cully
Kathleen M. Dougherty
Anthony J. Gigliotti
Dean L. Gordon
Kevin T. Hunt
Bradley E. Keem

Donald R. Kimber*
Judith A. LaManna
Robert M. Lazzaro*
Joseph C. Macri
Karl Manne
Timothy M. McClusky
Lourdes P. Rosario
Aaron J. Ryder
Juan J. Sotomayor*
Lydia L. Young

Grievance Committee for the 7th Judicial District

Steven V. Modica, Chair
Peter H. Abdella
Stefanie Barnes
Danielle E. Bernard
Leah Tarantino Cintineo
Lauren Dixon*
Heidi Feinberg

Margaret Meath*
Duffy Palmer*
Edward J. Pelta
Cassandra C. Rich
Tyler Savage
Sara Valencia

Grievance Committee for the 8th Judicial District

Pamela Thibodeau, Chair
Ursuline Bankhead*
Thomas C. Brady
J.R. Santana Carter
Peter Cutler*
Reetuparna Dutta
Robert R. Fogg
John Gavenda

Jacqueline M. Grasso
Michael F. Griffith
Sarah B. Hedden
Charles F. Koller*
Kristin M. Lee Yaw
Anna S.M. McCarthy
Mary Ann Oliver
Larry E. Waters

* Lay Member

2023

**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
Timothy J. Flynn, 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
Carissa A. Pershyn, Secretary

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

GRIEVANCE COMMITTEE: Grievance Committee for the Ninth Judicial District

REPORT PERIOD: Year End 2023

DATE: January 1, 2023 - December 31, 2023

I. PROFESSIONAL MATTERS¹ PROCESSED BY THE COMMITTEE:

A. Matters Pending at Start of Report Period	<u>1032</u>
B. New Matters During Report Period (see Part II, <u>infra</u>)	<u>1149</u>
C. Closed Matters Reactivated During Report Period ²	<u>8</u>
D. Total Matters to be Processed During Report Period (A+B+C)	<u>2189</u>
E. Total Matters Disposed of During Report Period (see Parts III & IV, <u>infra</u>)	<u>1387</u>
F. Matters Pending at End of Report Period (I.D - I.E)	<u>802</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>113</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>3</u>
D. Matters Arising Under Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.13 (d)	<u>8</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) § 1240.9 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>4</u>
G. Applications for Leave to Resign Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.22 (a)	<u>15</u>
H. Attorney Solicitation Filings Pursuant to Rules of Professional Conduct (22 NYCRR 1200.0) rule 7.3 (c) (1)	<u>38</u>
I. Disciplinary History Letter Requests and Other Inquiries	<u>378</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>598</u>
TOTAL NEW MATTERS	<u>1157</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>335</u>
B. Matters Referred to Other Agencies Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) (ii)	<u>12</u>
C. Matters Transferred to Another Grievance Committee Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (a) (2)	<u>99</u>
D. Other ⁵	<u>523</u>
TOTAL DISPOSED OF BY CHIEF ATTORNEY	<u>969</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)	<u>39</u>
B. Issuance of a Letter of Advisement Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (iv)	<u>224</u>
C. Issuance of an Admonition Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (v)	<u>113</u>
D. Matters Referred to the Appellate Division for Action	
1. Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.8	<u>20</u>
2. Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.9 (<u>see</u> Part II.E, <u>supra</u>)	<u>4</u>
3. Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.10 (for Matters under investigation)	<u>5</u>
4. Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.11	<u>1</u>
5. Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.12	<u>4</u>
6. Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.13	<u>2</u>
7. Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.14	<u>0</u>
TOTAL REFERRED TO APPELLATE DIVISION	<u>36</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) (<u>see</u> Part II.F, <u>supra</u>)	<u>4</u>

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>10</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>0</u>
TOTAL RESPONSIVE FILINGS	<u>14</u>
TOTAL DISPOSED OF BY COMMITTEE	<u>1387</u>
V. <u>CASES⁶ PROCESSED BY THE APPELLATE DIVISION:</u>	
A. Cases Pending at Start of Report Period	<u>42</u>
B. Cases Initiated During Report Period ⁷	<u>46</u>
C. Cases Disposed of During Report Period (<u>see</u> Part VI, <u>infra</u>)	<u>26</u>
D. Cases Pending at End of Report Period (A + B - C)	<u>62</u>
VI. <u>CASES DISPOSED OF BY THE APPELLATE DIVISION:</u>	
A. Disbarments, including disciplinary resignation	<u>6</u>
B. Suspensions (Including Pursuant to Rules for Attorney Disciplinary Matters [22 NYCRR] §§ 1240.9 and 1240.14)	<u>3</u>
C. Censures	<u>1</u>
D. Dismissed	<u>0</u>
E. Reinstatements Granted	<u>0</u>
F. Reinstatements Denied	<u>3</u>
G. Nondisciplinary Resignations Granted	<u>5</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	0
I. Other	8
TOTAL DISPOSED OF BY THE APPELLATE DIVISION	26

VII. PRACTICE AREA STATISTICS:

A. CRIMINAL LAW

1. New Matters During Report Period (<u>see</u> Part II, <u>supra</u>)	
Pertaining to Prosecutors	20
Pertaining to Defense Counsel	82
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	21
Pertaining to Defense Counsel	77
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	0
Pertaining to Defense Counsel	0

B. IMMIGRATION LAW

1. New Matters During Report Period (<u>see</u> Part II, <u>supra</u>)	18
2. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)	10
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>)	0

C. FAMILY & MATRIMONIAL LAW

- | | |
|---|------------|
| 1. New Matters During Report Period (<u>see</u> Part II, <u>supra</u>) | <u>107</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>99</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>0</u> |

D. REAL PROPERTY

- | | |
|---|-----------|
| 1. New Matters During Report Period (<u>see</u> Part II, <u>supra</u>) | <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) | <u>61</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>0</u> |

E. TRUSTS & ESTATES

- | | |
|---|-----------|
| 1. New Matters During Report Period (<u>see</u> Part II, <u>supra</u>) | <u>44</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>43</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>1</u> |

F. COMMERCIAL LITIGATION

- | | |
|--|-----------|
| 1. New Matters During Report Period (<u>see</u> Part II, <u>supra</u>) | <u>10</u> |
|--|-----------|

2. Matters Disposed of Pursuant to Rules for Attorney
Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or
(2) (i), (ii) or (iv) 9

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) 0

G. OTHER CIVIL LITIGATION

1. New Matters During Report Period (see Part II, supra) 125

2. Matters Disposed of Pursuant to Rules for Attorney
Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or
(2) (i), (ii) or (iv) 101

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) 0

LOCAL BAR ASSOCIATION ACTIVITIES

JANUARY – DECEMBER 2023

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	1
B. Cases Closed to Mediation	0
Total Referred	1

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	2
B. Cases Closed to Mediation	0
Total referred	2

**GRIEVANCE COMMITTEE FOR THE
NINTH JUDICIAL DISTRICT**

**PUBLIC DISPOSITIONS / DISCIPLINE
2023**

Abood, Randolph G.	Non-Disciplinary Resignation - Granted December 14, 2023	
Blatt, Arnold William	Disbarred August 2, 2023	Misappropriation of client funds; failed to account; failed to provide competent representation; counseled or assisted executor in illegal or fraudulent conduct; failed to provide retainer agreement
Buddington, Leonard, Jr.	Reinstatement – Denied July 10, 2023	
Cypser, Darlene A.	Non-Disciplinary Resignation - Granted June 1, 2023	
DeSantiago-Keene, Gareth	Suspension – Three months August 16, 2023	Reciprocal discipline based on the order of Supreme Court of New Jersey dated March 22, 2022
DeSantiago-Keene, Gareth	Censure August 2, 2023	Reciprocal discipline based on the order of Supreme Court of New Jersey dated January 9, 2018
Faller, Julie M.	Reinstatement – Denied December 20, 2023	
Fenzel, Joseph E.	Non-Disciplinary Resignation - Granted June 1, 2023	
Fishman, Martin S.	Disbarred October 18, 2023	Failed to cooperate with the Grievance Committee’s investigation
Greebal, Evan Marc	Adhere to disbarment April 27, 2023	Motion to modify disbarment order – Denied

Knapp, Joseph A.	Non-Disciplinary Resignation - Granted June 1, 2023	
Kulak, Andrew H.	Motion to stay effective date of Court's suspension	Denied
Macelus, Edwyn D.	Motion to vacate suspension April 27, 2023	Denied
Messina, Joseph C.	Disciplinary Resignation February 15, 2023	Misappropriation of funds; commingling personal funds with funds incident to practice of law; failing to properly title IOLA account; failing to maintain bookkeeping records and engaging in a conflict of interest.
Primes, Brian David	Motion for payment of funds January 13, 2023	Motion granted funds paid to US Claims Opco, LLC
Rauschenbach, Ronald John	Disbarment November 1, 2023	Engaged in conduct involving dishonesty, fraud, deceit or misrepresentation; failed to cooperate with the Grievance Committee's investigation
Rizzo, Cristina Fonseca.	Non-Disciplinary Resignation - Granted June 1, 2023	
Rubino, Jennielena	Suspended – Two Years September 13, 2023	Engaged in pattern and practice of aiding a nonlawyer in the unauthorized practice of law
Thatcher, Wayne	Reinstatement Withdrawn August 2, 2023	Reinstatement held in abeyance and forwarded to Committee on Character and Fitness to investigate
Varble, Michael R.	Grievance Committee appointed as inventory attorney July 10, 2023	Prior court-appointed attorney, discharged

Grievance Committee Members
(At the End of December 2023)

MEMBERS

Yellen, Susan (Chair)

Aldridge-Henry, Nicole P.

Constantino, James P.

Copeland, Lisa A.*

Dorsanvil, Laurie A.

Filiberto, Richard L.

Gearity, Victoria*

Glazer, Dennis E.

Haffner, James

Hernandez, Jasmine

Khateeb, Atheeb U.

Kollias, Steve*

Lerman, Barbara

Matthie, Sharon G.

McGee, Dean

Pressler, Kelly A.

Preston, Kevin F.

Sohng, Won J.

Varma, Vikas

Weis, Robert A.

Zlotogura, Mindy

*Lay Member

Personnel of the Grievance Committee – 9th Judicial District
(At the End of December 2023)

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

Melody Rolon, Court Analyst

Erin Osborn, Court Analyst

Lucia Gennusa, Secretary

Monique Lewis, Secretary

Carol Godino, Secretary

Angela Pellegrino, Secretary

Attorney Discipline - 1st Department

<u>Title</u>	<u>Comp Rate</u>	<u>Category</u>
Chief Atty Grievance Comm 1st	172,170	ATT
Deputy Chief Attorney	169,516	ATT
Deputy Chief Attorney	169,516	ATT
Deputy Chief Attorney	169,516	ATT
Deputy Chief Attorney	162,011	ATT
Principal Attorney	159,296	ATT
Principal Attorney	159,296	ATT
Principal Attorney	159,296	ATT
Principal Attorney	154,263	ATT
Principal Attorney	154,263	ATT
Principal Attorney	154,263	ATT
Principal Attorney	154,263	ATT
Principal Attorney	154,263	ATT
Special Projects Counsel	154,170	ATT
Principal Attorney	149,230	ATT
Principal Attorney	149,230	ATT
Principal Attorney	144,197	ATT
Principal Attorney	139,164	ATT
Principal Attorney	134,131	ATT
Associate LAN Administrator	122,906	ADM
Principal Attorney	119,032	ATT
Principal Attorney	119,032	ATT
Principal Court Analyst	103,713	ADM
Senior Court Analyst	100,665	ADM
Senior Court Analyst	97,222	ADM
Senior Court Analyst	93,777	ADM
Senior Court Analyst	90,664	ADM
Court Analyst	80,641	ADM
Court Analyst	80,641	ADM
Court Analyst	80,641	ADM
Court Analyst	77,616	ADM
Court Analyst	71,566	ADM
Court Analyst	70,656	ADM
Assistant Court Analyst	69,658	ADM
Law Stenographer	65,119	ADM
Administrative Secretary	56,220	ADM
Assistant Court Analyst	53,176	ADM
Secretary	47,521	ADM
Secretary	47,521	ADM
Total FTE - 38		
Personal Service	4,455,778	
Non-Personal Service	215,005	
Total	4,670,783	

Attorney Discipline - 2nd Department

<u>Title</u>	<u>Comp Rate</u>	<u>Category</u>
Chief Attorney	174,197	ATT
Deputy Chief Attorney	172,390	ATT
Chief Attorney	170,484	ATT
Deputy Chief Attorney	169,517	ATT
Chief Attorney	164,384	ATT
Principal Attorney	164,328	ATT
Principal Attorney	164,328	ATT
Principal Attorney	164,328	ATT
Principal Attorney	164,328	ATT
Principal Attorney	159,296	ATT
Principal Attorney	159,296	ATT
Principal Attorney	159,296	ATT
Principal Attorney	159,296	ATT
Principal Attorney	159,296	ATT
Deputy Chief Attorney	154,420	ATT
Principal Attorney	154,263	ATT
Principal Attorney	154,263	ATT
Principal Attorney	154,263	ATT
Principal Attorney	154,263	ATT
Principal Attorney	154,263	ATT
Principal Attorney	151,894	ATT
Principal Attorney	149,230	ATT
Principal Attorney	149,230	ATT
Principal Attorney	134,131	ATT
Principal Attorney	120,091	ATT
Principal Attorney	119,032	ATT
Associate Attorney	115,055	ATT
Senior LAN Administrator	111,207	ADM
Principal Court Analyst	111,207	ADM
Asst Appellate Court Attorney	107,461	ATT
Senior Attorney	103,738	ATT
Senior Court Analyst	97,222	ADM
Senior Court Analyst	93,777	ADM
Senior Attorney	91,051	ATT
Court Analyst	86,686	ADM
Court Analyst	80,641	ADM
Court Analyst	75,706	ADM
Assistant Court Analyst	75,152	ADM
Court Analyst	74,591	ADM
Court Analyst	71,167	ADM
Secretary	65,119	ADM
Secretary	65,119	ADM
Court Analyst	62,491	ADM
Court Analyst	59,466	ADM
Secretary	57,577	ADM

Attorney Discipline - 2nd Department

Secretary		52,596		ADM
Secretary		47,594		ADM
Secretary		47,521		ADM
Total FTE - 47				
Personal Service		5,651,988		
Non-Personal Service		968,342		
Total		6,620,330		

Attorney Discipline - 3rd Department

<u>Title</u>	<u>Comp Rate</u>	<u>Category</u>
Chf Atty Grievance Commission	168,236	ATT
Deputy Chief Attorney	164,484	ATT
Principal Attorney	159,296	ATT
Principal Attorney	154,263	ATT
Principal Attorney	144,250	ATT
Associate Attorney	126,101	ATT
Associate Attorney	117,644	ATT
Senior Court Analyst	82,322	ADM
Court Analyst	80,641	ADM
Assistant Court Analyst	68,567	ADM
Secretary	47,521	ADM
Secretary	47,521	ADM
Total FTE - 12		
Personal Service	1,360,846	
Non-Personal Service	191,155	
Total	1,552,001	

Attorney Discipline - 4th Department

<u>Title</u>	<u>Comp Rate</u>	<u>Category</u>
Chf Atty Grievance Commission	166,464	ATT
Principal Attorney	164,328	ATT
Principal Attorney	154,263	ATT
Principal Attorney	154,263	ATT
Principal Attorney	134,131	ATT
Principal Attorney	129,098	ATT
Principal Attorney	119,032	ATT
Principal Court Analyst	100,968	ADM
Senior Court Analyst	100,665	ADM
Senior Court Analyst	97,222	ADM
Court Analyst	80,641	ADM
Court Analyst	80,641	ADM
Assistant Court Analyst	77,899	ADM
Assistant Court Analyst	72,405	ADM
Assistant Court Analyst	72,405	ADM
Assistant Court Analyst	61,417	ADM
Total FTE - 16		
Personal Service	1,765,842	
Non-Personal Service	298,221	
Total	2,064,063	