

**ATTORNEY GRIEVANCE**

**COMMITTEES**

**2021**

**ANNUAL REPORT**



# 2021 ANNUAL REPORT



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



## **2021 ANNUAL REPORT**

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

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

**Jorge Dopico  
Chief Attorney**



## CONTENTS

INTRODUCTION .....	1
COMMITTEE MEMBERS .....	1
THE DISCIPLINARY PROCESS .....	21
Complaints, Investigations, and Dismissals .....	21
Letters of Advisement [22 NYCRR 1240.2(i)] .....	22
Letters of Admonition [22 NYCRR 1240.2(b)] .....	23
Applications to the Appellate Division .....	23
Formal Disciplinary Proceedings [22 NYCRR 1240.7(d)(2)(vi)].....	23
Collateral Estoppel .....	25
Interim Suspensions [22 NYCRR 1240.9] .....	25
Resignations [22 NYCRR 1240.10] .....	25
Diversion [22 NYCRR 1240.11] .....	25
Convictions [22 NYCRR 1240.12] .....	26
Reciprocal Discipline [22 NYCRR 1240.13].....	26
Incapacity [22 NYCRR 1240.14] .....	26
Reinstatements [22 NYCRR 1240.16, 1240.17] .....	27
REPRESENTATIVE CASES .....	28
Interim Suspensions.....	28
Disbarments .....	28
Disciplinary Resignations.....	29
Suspensions as Discipline.....	29
Suspensions for Medical Disability .....	29
Public Censures .....	30
Reinstatements.....	30
Dishonored Check Investigations.....	30
Immigration Complaints.....	30
PUBLIC DISCIPLINE CASES .....	31

Appendix A: Committee Composition .....	42
Appendix B: Office of the Chief Attorney: Attorneys .....	44
Appendix C: Office of the Chief Attorney: Administrative Staff .....	45
Appendix D: Attorney Discipline Activities .....	46
Appendix E: Budget for Fiscal Year 2021-2022 .....	48
Appendix F: Sample Complaint Form .....	49

## **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 4,193 matters in 2021, including 2,803 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 2021, 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**

### **Robert J. Anello (Chair)**

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 (Chair)

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.

Ricardo E. Oquendo (Vice-Chair)

Mr. Oquendo is the founder and co-managing partner at Oquendo Deraco, PLLC and Affiliates, and was previously associated with Davidoff Malito & Hutcher, LLP, Oquendo

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

Milton L. Williams, Jr. (Vice-Chair)

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.

### 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.

#### Peter A. Bellacosa

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

He is a graduate of Georgetown University (1985) and St. John's University School of Law (1988) and is a member of the NYSBA, NYCBA, and the ABA.

Eleazar F. Bueno\*

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

John P. Buza

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

Rev. Reyn Cabinte\*

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

Miguelina M. Camilo

Ms. Camilo is Associate Counsel at the New York City Board of Elections where she is part of the Office of General Counsel in New York City. She also serves as President of

the Bronx Women's Bar organization and President of the Bronx Chapter for 100 Hispanic Women, Inc. She earned her Bachelor's in Political Science from New York University and her Juris Doctor from New York Law School. She is admitted to practice in New York and New Jersey.

Sylvia F. Chin

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

Catherine A. Christian

Ms. Christian is Chief of the New York County DA's Office's Elder Abuse Unit and Special ADA for External Affairs. Ms. Christian joined the office in 1988 and was

assigned to the trial division where she prosecuted a wide variety of crimes, including, domestic violence and homicides. In 1995, she joined the criminal defense practice of a law firm, and later served as an Assistant Counsel for the New York State Commission of Investigation. She subsequently served as the Principal Law Clerk to the Honorable Rosalyn Richter. Ms. Christian was reappointed an ADA in December 1998 and assigned to the Office of the Special Narcotics Prosecutor (SNP) serving in various positions, first as Senior Trial Counsel in the Special Investigations Bureau supervising complex long-term investigations of international narcotics trafficking organizations, and ultimately as a member of the SNP's Executive Staff. 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. From 2007-2008, she was President of the New York County Lawyers' Association.

#### Anta Cissé-Green

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

#### Susan M. Cofield\*

Prior to her retirement, Ms. Cofield was employed with the New York Department of Education for over 35 years. Over the course of her career with the department, she served

in a number of positions including School Social Worker, District Director of Student Support Services, Citywide Director of Guidance, Executive Director of Manhattan Enrollment, and Deputy Chief Executive of the Office of Enrollment. Ms. Cofield graduated from New York University (BA cum laude) and Columbia University School of Social Work (MS with Distinction). She also received an Educational Administration and Supervision Certificate from The City College of New York.

Robert Stephan Cohen

Mr. Cohen is a Senior Partner at Cohen Clair Lans Greifer Thorpe & Rottenstreich, LLP. His area of concentration is in complex family law matters. Prior to his present affiliation, he was a partner at Morrison Cohen, LLP, where he was also the Managing Partner and Chair of the firm's Executive Committee. He has been the lead lawyer in some of the most important equitable distribution and custody matters in New York and represents individuals in significant matters outside New York including in Connecticut, Florida, Georgia, Illinois, Missouri and New Jersey and jurisdictions outside the US. He has lectured in the US, Europe and Asia and has been, for the past 18 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 US. He has been profiled by both *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 seven marathons.

William F. Dahill

Mr. Dahill is a partner at Dunnington Bartholow & Miller LLP, where he is a member of Dunnington's employment and litigation, arbitration and mediation practice area. Since 1991, Mr. Dahill has concentrated his practice on complex commercial litigation and

employment litigation and counseling. Areas of focus include securities industry litigation, employment litigation, payment processing disputes, asset purchases disputes, secured lending disputes, partnership disputes, shareholder disputes, and construction litigation. Mr. Dahill appears regularly in Federal and State Courts in New York and Connecticut. 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 Professional Discipline Committee of the City Bar, the Network of Bar Leaders, and the Federal Bar Association of the SDNY. 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.

Virginia Goodman Futterman

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

Mark S. Gottlieb\*

Mr. Gottlieb is a licensed certified public accountant in New York and Connecticut. His firm, MSG, specializes in business valuation, forensic accounting, and litigation support. Mr. Gottlieb holds several accreditations in business valuation and forensic accounting. In addition to his professional practice duties, he is also an adjunct professor at Fordham Law School, treasurer of the Chelsea Reform Democratic Club, and New York County Judicial Delegate.

Keisha-Ann G. Gray

Ms. Gray is a distinguished trial lawyer with over 20 years of experience in federal government as a former Assistant United States Attorney, and private sector as a Big Law partner. She is a partner in the Labor & Employment Department of Proskauer Rose LLP, where she litigates claims of discrimination, harassment, and retaliation, and she is frequently called upon by *Fortune 50* companies and major industry leaders to conduct high-profile workplace investigations. Ms. Gray received her BA from The University of Pennsylvania and her JD from New York University School of Law. She is admitted to

practice in New York, the US Court of Appeals for the First and Second Circuits, the US District Courts for the SDNY and EDNY, and the District Court for the District of Puerto Rico. Ms. Gray also serves on the Board of Directors for the Eastern District Association, is the co-Chair of the Employment Litigation Committee of the Federal Bar Council, and frequently speaks and lectures on trial and litigation practice.

**C. Willem Houck\***

Mr. Houck is an executive level proven innovator in blue chip companies, as well as a successful investor and operator in early and growth stage healthcare and technology businesses. Known for his passionate and encouraging leadership approach to build high performance teams, Mr. Houck enjoys an international reputation for finding and extracting value from new products and business models. Most recently, he advised and later became CEO of DEARhealth, a UCLA spin-out of doctors and scientists that help other healthcare workers do all they can to manage people with chronic conditions. DEAR has proven results and science to back up its claims. Mr. Houck joined to accelerate the commercialization of the company now that its product is ready and CE certified as one of the first in the world. Earlier, he identified the market opportunity in the US for automated and personalized consumer healthcare fulfillment services and founded Daklapack US. Allying with FedEx and Veritiv, he signed multi-year contracts with a renowned \$400M Silicon Valley microbiome AI company, as well as a \$1bn Nasdaq listed immune-assays healthcare solutions company. He co-founded the Health Care Financial Exchange, a market-driven healthcare payment system, creating competition through transparency in the opaque Healthcare market. Founder of Girasol NY, a forward looking and pioneering early-stage technology company specializing in medical devices, healthcare business innovation and database technology, he drives the success of the companies he invests in by negotiating strategic alliances and providing executive leadership to identify and introduce new products, expanding global markets and taking them to the next level to drive strong contributions to top-line revenues and profits. Highlights include NICO-lab, an AI assisted acute care diagnostic company; iValue UAB, developer of a biological pacemaker based on groundbreaking research by Columbia University Medical Center; and iDx Ventures, maker of ClariFlow, an affordable DIY early stage enlarged prostate detection kit. As the Chairman and CEO of Philips' global B2B board, 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, living in New York City with his wife and their daughter. Since 2014, he has been the volunteer chairman of The Netherland Club of New York, founded in 1903.

### Jaipat S. Jain

Mr. Jain represents domestic and international technology and other clients in corporate, securities, and commercial transactions. His practice focuses on mergers and acquisitions of private business entities; private securities transactions; choice, organization and governance of business entities; data transfer and privacy; and a wide range of business contracts that include software development, licensing of intellectual properties, employment law issues, distribution and supply agreement, asset-based lending, commercial mortgage lending, leasing and conveyance of commercial real estate, and international trade and trade financing, including complex letters of credit. Mr. Jain also regularly assists clients in cross-border transactions, especially between India and the US. In addition to assisting clients in corporate matters, Mr. Jain 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. Mr. Jain is a Life Fellow of the American Bar Foundation; a member and Secretary of the Board of Directors of the NYCBA; Chair of Legal Practice, Ethics & Delivery of the Legal Services Division of the ABA International Section, Chair of ABA's South Asia/Oceania and India Committee, and Vice-Chair of ABA's ePrivacy 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 New York City Bar.

### Devika Kewalramani

Ms. Kewalramani is a partner and chair of Moses & Singer, LLP's Legal Ethics & Law Firm 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 US District Court, SDNY. Ms. Kewalramani is a member of the Board of Directors of the NYCBA and is a former secretary of the Board, a former co-chair of the City Bar's Council on the Profession, and a former chair of the City Bar's Committee on Professional Discipline. She is a member of the International Board of Advisors of Jindal Global Law School, India, a member of the Editorial Board of The Practical Lawyer, and a former member of the Foundation Board

of CUNY School of Law. Ms. Kewalramani is a former member of the NYSBA's 2020 Restarting the Economy Work Group, and a former member of the New York Commission on Statewide Attorney Discipline and she served as a co-chair of its Subcommittee on Transparency and Access. She is a member of the Attorney Grievance Committee for the First Judicial Department.

Amy L. Legow

Ms. Legow graduated with honors from Tufts University in 1980 with a BA in Social Psychology. After graduating from Cardozo Law School in 1983, she spent two years as an associate at the O'Melveny & Myers Law Firm in Los Angeles. Upon returning to New York in 1985, Ms. Legow joined the Manhattan DA's Office, where she was assigned to the Special Narcotics Prosecutor's Office. There, Ms. Legow specialized in long term investigations, rising to the position of Senior Investigative Counsel. Ms. Legow left the DA's Office in 1994, after which she served as a real estate manager from 1996-1997. In 1997, she became the Principal Court Attorney to the Honorable Leslie Crocker Snyder, where she remained until 1999, at which point Ms. Legow joined the New York State Organized Crime Task Force as Investigative Counsel. As an expert in long term investigations and electronic surveillance, she spent 12 years at the Organized Crime Task Force, from 2008-2011 as its counsel. In 2011, Ms. Legow was appointed to the position of Chief of the Investigations Bureau at the Richmond County DA's Office, where she remained until retiring in 2016. Currently, Ms. Legow serves on the New York Board of the American Jewish Committee, and on the Board of the Tri-State Maxed Out Women's PAC.

Arthur M. Luxenberg

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

Eve Rachel Markewich

Ms. Markewich is a member of Markewich & Rosenstock, LLP, a Manhattan law firm. Her practice is devoted solely to litigation, including business litigation and trusts

and estates litigation. Markewich & Rosenstock has been recognized in *Best Law Firms*, and Ms. Markewich has been designated by *Super Lawyers* and *Best Lawyers*; she is AV rated by Martindale-Hubbell. Ms. Markewich was educated at the Dalton School, Harvard College and Columbia Law School.

#### Scott E. Mollen

Mr. Mollen is a highly experienced commercial litigation partner at Herrick, Feinstein, LLP. He regularly advises prominent corporations, financial institutions, public officials and real estate investors and lenders in litigation, mediation, arbitration, and negotiations. Mr. Mollen has also been a court-appointed receiver for properties in and outside of New York City and has served as a Special Master in the NYS Supreme Court. He was appointed by the Chief Judge of the NY Court of Appeals to the NYS Supreme Court Commercial Division Advisory Council. He has also served on the Mayor's Advisory Committee on the Judiciary and currently serves on the NYC Bar Association Judiciary Committee. Mr. Mollen has helped lead the Anti-Defamation League's lobbying effort to get New York State's Hate Crimes Law enacted. For more than three decades, he has authored *Realty Law Digest*, a weekly column in the *New York Law Journal* that analyzes real estate case law. Over that span, Mr. Mollen has authored more than 1,500 articles on issues such as development, construction, finance, joint ventures, condominiums, cooperatives, brokerage, zoning, foreclosure, condemnation, environmental issues, and landlord/tenant law.

#### Christopher Morel

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

#### Elliot Moskowitz

Mr. Moskowitz is a partner in Davis Polk's Litigation Department, representing major financial institutions and creditors in connection with complex bankruptcies and

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

#### Chibogu Nneka Nzekwu

Ms. Nzekwu graduated *cum laude* from Hofstra Law. While at Hofstra, she served as Historian of the Black Law Students Association. She was also a member of the Hofstra Trial Advocacy Association, competing in the St. John's Civil Rights Mock Trial Competition, as well as the American Association for Justice Student Trial Advocacy Competition. Ms. Nzekwu won the honor of Most Improved as a member of the Mock Trial team. As a Hofstra Child and Family Law Fellow, she worked on a variety of family law issues. At her graduation from Hofstra Law, Ms. Nzekwu was honored with the Distinguished Service to the Law School award. Ms. Nzekwu began her career as an Assistant Corporation Counsel in the Bronx Tort office where she handled a variety of negligence claims against the city and its agencies. She currently works in the Special Litigation Unit at the NYC Law Department handling cases in state and federal court. During her employment at the NYC Law Department, she received three Division Chief awards for her work. Ms. Nzekwu is a member of Delta Gamma Fraternity and volunteers to lead weekly dinner party discussions through her church. Ms. Nzekwu also chairs the Innovation and Strategy Committee at the NYC Law Department and sits on the Hofstra Law Alumni Association committee.

#### Vianny M. Paulino-Pichardo

Ms. Paulino-Pichardo is an experienced commercial litigator with over 10 years' experience litigating claims in federal and state courts as well as mediation and arbitration. She is a former litigation shareholder of a mid-size New York law firm and former corporate associate of a large international law firm. She is currently a member of Beazley's Cyber and Executive Risk Group providing insurance coverage for Tech E&O, IP, media, advertising, cyber and privacy liabilities. Ms. Paulino-Pichardo has been recognized by *Super Lawyers* as a New York Metro Rising Star since 2015. She recently received the 2018 Hispanic National Bar Association's Top Lawyers under 40 award and Fordham LALSA's 2017 Andrew A. Rivera Alumni Achievement Award. Ms. Paulino-

Pichardo has held various high-profile leadership roles including serving as President of The Dominican Bar Association representing the interests of Latino lawyers, judges, and law students in the US and as founder of The DBA's Women's Committee, Las Mariposas. She is also a past member of the Latino Justice PRLDEF's Líderes Board. She is currently a member of the Mayor's Advisory Committee on the Judiciary.

### Virginia A. Reilly

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

### Michael Roberts

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

### Darren Rosenblum

Professor Rosenblum's scholarship focuses on corporate governance, in particular on diversity initiatives and remedies for sex inequality. They joined the Faculty of Law of McGill University as a Full Professor in August 2021, from the Elisabeth Haub School of Law at Pace University. In 2018, they served as a Wainwright Senior Fellow at McGill Law, during which they taught a course on Sexuality, Gender and the Law. Professor Rosenblum clerked in the US District Court of Puerto Rico (1996–1998), after which they practiced international arbitration at Clifford Chance, and at Skadden (1998–2004). They wrote the first article of queer legal theory "Queer Intersectionality" (1994) and the first article on transgender prisoners "Trapped in Sing Sing" (2000). They have presented work on corporate board quotas in English, French, Spanish, and Portuguese. Notably, as a Fulbright Research Scholar in France, they performed a qualitative study on the French

quota for women on corporate boards, which was presented at the French National Assembly in 2011.

Joanna Rotgers

Ms. Rotgers is a Senior Assistant General Counsel serving the Marsh operating company of Marsh & McLennan Companies, Inc. She works in MMC's New York headquarters handling the company's large and complex litigation docket, with a focus on defending against professional liability/errors and omissions claims in the US, Canada, and other geographies globally. Ms. Rotgers has more than 15 years of experience including working in private practice as a commercial litigator. Ms. Rotgers also serves on the New York City Bar's Professional Discipline Committee. She holds a JD from the University of Iowa and a BA from Loyola University Chicago.

Joshua Silber

Mr. Silber is a founding partner of Abend & Silber, PLLC, in Manhattan specializing in civil litigation with a focus on personal injury, medical malpractice and child sexual abuse cases. He has obtained many substantial verdicts and settlements for his clients during more than 25 years representing the injured in civil cases. Ms. Silber has been named to the NY "Super Lawyers" list as one of the top attorneys in New York in each year from 2011 through the current year. He is a dean of the New York State Trial Lawyer's Institute and an executive board member of the New York State Trial Lawyers Association where he has served as co-chair of the Judiciary Committee for many years and has thereby served as chair of the screening panel for candidates to the New York Court of Appeals for the seven most recent vacancies at that Court. In addition, he is a member of the Bronx County Bar Association and has been elected as a Life Fellow of the American Bar Foundation, an honorary organization of attorneys, judges, law faculty, and legal scholars who have been selected by their peers for outstanding achievements and dedication to the welfare of their communities and to the highest principles of the legal profession. Mr. Silber has frequently lectured on legal ethics, personal injury, and trial practice in New York and across the country. He received a bachelor's degree from the State University of New York College at Brockport in 1993 and is a member of the Brockport Foundation Board of Directors which oversees the investment and financial management of the college's endowment. He received his law degree, with honors, from the University of Miami in 1996. He is admitted to practice law in New York, New Jersey, and Florida, as well as the US District Courts in the EDNY, SDNY, Southern District of Florida and the District of New Jersey.

### Joseph Tarver

Mr. Tarver is Vice President of Operations at Educational Alliance, a non-profit agency that has been serving communities in Lower Manhattan for over 130 years. Before joining Educational Alliance, he held a variety of positions in the non-profit, public, and private sectors. In New York City, these include Bend the Arc: A Jewish Partnership for Justice where he was a Managing Director of Operations; the Office of the New York City Comptroller where he worked with the Deputy Comptroller of Public Affairs and managed the Division of Community and Government Relations; Empire State Pride Agenda where he was Communications Director and later Managing Director of Operations; and Organic, an internet professional services firm, where he was a Business Development Manager. In Washington, DC, Mr. Tarver was Director of the Office of White House Liaison at the US Department of State under President Clinton after working on the 1992 Clinton-Gore Presidential Campaign. Mr. Tarver has a M. Philosophy from University of Glasgow, Scotland, and a B. Architecture and BS in Architectural Engineering from the University of Texas at Austin.

### 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.

### 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 New York City College of Technology where he teaches a seminar in legal studies. Mr. Watson is a graduate of 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 Criminal Law Committee.

**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.

**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 New York City Legal Aid Society in the Criminal Defense Division where she tried over fifty felony and misdemeanor cases.

Toby R. Winer\*

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

Mark C. Zauderer

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

## **THE DISCIPLINARY PROCESS**

### **Complaints, Investigations, and Dismissals**

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

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

If the complaint involves the same substantial and material allegations that will be decided in pending litigation, the AGC may defer the matter pending resolution of the litigation, which may result in a judgment binding on the respondent. If 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 forwards 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 or may recommend referral of the matter to a fee dispute arbitrator or a mediator.

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 Committee 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 Committee issues a Letter of Admonition (Admonition) when an investigation reveals that a respondent has violated New York's Rules of Professional Conduct (Rules<sup>1</sup>), 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 Committee 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.<sup>2</sup> 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,

---

<sup>1</sup> 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."

<sup>2</sup> 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.<sup>3</sup> 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

---

<sup>3</sup> 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.

motion with the Court to confirm or disaffirm the Referee's Report. See NYCRR 1240.8(b).

### **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 uncontested 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 is in need of 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 2021, the Court publicly disciplined 40 lawyers as follows: seven disbarments, one resignation by an attorney facing charges (equivalent to disbarment), 24 suspensions, and eight 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 2021, the Court suspended nine attorneys on an interim basis pending resolution of the charges against them in the following cases: *Matter of Patricia M. De Grace D'Aliasi*, 196 AD3d 166; *Matter of Rudolph W. Giuliani*, 197 AD3d 1; *Matter of Stephen L. Fox*, 197 AD3d 36; *Matter of Lavi S. Soloway*, 198 AD3d 169; *Matter of Justin A. Greenblum*, 199 AD3d 84; *Matter of Daniel B. Kamensky*, 199 AD3d 114; *Matter of Rafael J. Espinoza*, 200 AD3d 21; *Matter of Derek Etheridge*, 200 AD3d 52; and *Matter of Lissa G. Luke*, 203 AD3d 27.

### **Disbarments**

In 2021, the Court disbarred seven attorneys. In the *Matter of Don A. Carlos*, 192 AD3d 170, the attorney was disbarred following a two-and-a-half-year suspension. The Court struck the name of one attorney convicted of a felony in the *Matter of Leslie H. Scharf*, 193 AD3d 118. Four interimly suspended attorneys received disbarments, pursuant to 22

NYCRR 1240.9(b), when they failed to write to the AGC or Court to request a hearing or reinstatement within six months of the interim suspension: *Matter of Ra'Shaun J. Kelley*, 194 AD3d 47; *Matter of Lawrence A. Doris*, 195 AD3d 152; *Matter of Paul W. Frieary*, 199 AD3d 1; and *Matter of Craig F. Meltzer*, 201 AD3d 28. Lastly, in the *Matter of Ellen Toback*, 199 AD3d 99, the attorney was disbarred following a petition for reciprocal discipline.

### **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 2021, the Court accepted one resignation under 22 NYCRR 1240.10, and ordered the attorney's name stricken from the roll of attorneys: *Matter of Adam A. Berman*, 200 AD3d 104.

### **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 2021, the Court suspended 15 attorneys for periods ranging from three months to three years: *Matter of Jake Harper*, 192 AD3d 174; *Matter of Youras Ziankovich*, 192 AD3d 180; *Matter of Gordon R. Caplan*, 193 AD3d 86; *Matter of Diego Milara*, 194 AD3d 108; *Matter of Bruce D. Friedberg*, 194 AD3d 126; *Matter of Edan E. Pinkas*, 194 AD3d 126; *Matter of Eric T. Schneiderman*, 194 AD3d 196; *Matter of Ignacio M. Foncillas*, 196 AD3d 16; *Matter of Carmen-Nedda Santiago Malhotra*, 197 AD3d 180; *Matter of Mark D. Weissman*, 197 AD3d 186; *Matter of Michael H. Mui*, 198 AD3d 91; *Matter of Haelee H. Shin*, 198 AD3d 150; *Matter of Laurie A. Parise*, 199 AD3d 94; *Matter of Justin Levine*, 200 AD3d 62; and *Matter of Howard J. Burger*, 201 AD3d 59.

### **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 makes a determination of the attorney's incapacity to continue the practice of law. In 2021, the Court did not suspend attorneys on these grounds.

## **Public Censures**

The least severe form of public discipline that the Court may impose is a censure (*see* 22 NYCRR 1240.2[c]). In 2021, the Court issued public censures in eight cases: *Matter of Robert V. Beltrani*, 193 AD3d 153; *Matter of Gregory K. Mueller*, 194 AD3d 68; *Matter of A. Jared Silverman*, 194 AD3d 217; *Matter of Frederick A. Lovejoy*, 197 AD3d 43; *Matter of John P. DeMaio*, 200 AD3d 140; *Matter of Jeffrey D. Johnson*, 202 AD3d 1; *Matter of Raphael Weitzman*, 202 AD3d 5; and *Matter of Bradley H. Andrews*, 202 AD3d 105.

## **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 2021, the Court granted seven petitions for reinstatement. The Court denied one reinstatement petition.

## **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 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 Legal Education courses regarding immigration matters.

## **PUBLIC DISCIPLINE CASES**

Several of the cases prosecuted by staff attorneys which became a matter of public discipline in 2021 are reviewed below:

*Matter of Adam A. Berman*, 200 AD3d 104 (1<sup>st</sup> Dept 2021)

(Disciplinary resignation.) Berman acknowledged that the AGC was investigating allegations that he misappropriated for his personal use at least \$160,344.35 of \$2,234,438.63, which Duke Energy mistakenly deposited into his escrow account in October 2018, and which he failed to return until January 2021. Berman was also under investigation for depositing personal funds into his attorney trust account in order to evade personal financial liabilities. Berman resigned after attesting that he could not successfully defend against the allegations under investigation. (Staff Attorney Daniel D. Baek)

*Matter of Ellen Toback (Dorfman)*, 199 AD3d 99 (1<sup>st</sup> Dept 2021)

(Disbarment.) The Supreme Court of Florida disbarred Toback for falsely notarizing an agreement, executing a certification in litigation related thereto in which she made false statements, and repeatedly giving false testimony at a deposition. Toback opposed the AGC's motion for reciprocal discipline, arguing that the infirmity of proof defense applies because certain mitigating factors were not adequately applied or considered in the Florida disciplinary proceedings. The Court rejected Toback's arguments and, finding that disbarment was commensurate with the discipline imposed in Florida and was in accord with the Court's precedent involving comparable misconduct, struck her name from the roll of attorneys in New York. (Staff Attorney Daniel D. Baek)

*Matter of Derek Etheridge*, 200 AD3d 52 (1<sup>st</sup> Dept 2021)

(Interim suspension.) The record established that Ethridge repeatedly misappropriated and/or converted client funds for personal use, he declined to familiarize himself with the rules at any time prior to or during his representation of the subject client, and he attempted to prevent an AGC investigation. The AGC met its burden of showing that Ethridge engaged in conduct immediately threatening the public interest, and by order entered on November 4, 2021, the Court interimly suspended him. (Staff Attorney Kevin P. Culley)

*Matter of Jake Harper*, 192 AD3d 174 (1<sup>st</sup> Dept 2021)

(Two-year suspension.) By order entered on January 5, 2021, the Court suspended Harper for two years because he, *inter alia*, commingled personal funds with client funds, failed to file personal income tax returns and pay taxes for the tax years 2004 through 2008 and

2014 through 2017, and purposefully misused escrow accounts to shield personal funds from tax authorities. The Court further determined that Harper's mitigating evidence was outweighed by the sheer magnitude of his misconduct. (Staff Attorney Kevin P. Culley)

*Matter of Rudolph W. Giuliani*, 197 AD3d 1 (1<sup>st</sup> Dept 2021)

(Interim suspension.) The AGC moved for Giuliani's immediate suspension based on uncontested evidence that the former mayor broadly and persistently made demonstrably false and misleading statements in court, to lawmakers, and to the public at large while acting as lawyer for Donald Trump and claiming that President Trump was denied reelection only on account of fraud. The Court recognized that this misconduct immediately threatened the public interest in that it undermined confidence in our government, our elections, and in the integrity of the legal profession. (Staff Attorney Kevin M. Doyle)

*Matter of Frederick A. Lovejoy*, 197 AD3d 43 (1<sup>st</sup> Dept 2021)

(Public censure.) The Connecticut Statewide Grievance Committee issued a public reprimand of Lovejoy for his failure to satisfy a judgment entered against his law firm of which he was the sole principal and for his dilatory and harassing conduct in litigation related to the judgment. Pursuant to the doctrine of reciprocal discipline, the Court imposed a censure on Lovejoy for his venal, petty conduct. (Staff Attorney Kevin M. Doyle)

*Matter of A. Jared Silverman*, 194 AD3d 217 (1<sup>st</sup> Dept 2021)

(Public censure.) Pursuant to the doctrine of reciprocal discipline, under 22 NYCRR 1240.13, the Court publicly censured Silverman, based upon discipline imposed by the Supreme Court of New Jersey. Silverman's censure stemmed from an order dated October 4, 2019, wherein the Supreme Court of New Jersey found that Silverman engaged in an improper business transaction with a client and committed recordkeeping violations with respect to his attorney escrow account. The AGC filed a motion for reciprocal discipline because Silverman's misconduct would violate New York Rules of Professional Conduct 1.8(a)(2), 1.15(d)(2), and 1.15(e), and the Court determined that a public censure was commensurate with the discipline imposed by New Jersey. (Staff Attorney Kelly A. Latham)

*Matter of Haelee H. Shin*, 198 AD3d 150 (1<sup>st</sup> Dept 2021)

(Three-month suspension.) Shin, who committed several acts of impersonation of others to falsely accuse her co-worker and her co-worker's husband of poor job performance and workplace sexual harassment, respectively, made a joint motion with the AGC for

discipline by consent. Based on relevant precedent, Shin's mitigation, and the joint recommendation, the Court found that a three-month suspension was appropriate. (Staff Attorney Thomas M. Lee)

*Matter of Don A. Carlos*, 192 AD3d 170 (1<sup>st</sup> Dept 2021)

(Disbarment.) The Court disbarred Carlos for his intentional conversion of funds. Specifically, Carlos wrongfully obtained funds to use for his own personal purposes by defrauding two clients and a litigation funding company. Carlos obtained litigation loans from the litigation funding company seemingly on behalf of two of his clients, but, in truth, he had forged his clients' signatures on the loan agreements and then falsely notarized his forgeries with a misappropriated notary stamp. At the time of the AGC's proceedings against him in this matter, he was already under suspension in an unrelated matter, and Carlos defaulted in this proceeding even though he was personally served with the petition of charges in hand. (Deputy Chief Attorney Vitaly Lipkansky)

*Matter of Stephen L. Fox*, 197 AD3d 36 (1<sup>st</sup> Dept 2021)

(Interim suspension.) The Court suspended Fox on an interim basis in accordance with its authority under 22 NYCRR 1240.9(a)(3). The suspension was based on his pattern of disregarding the AGC's lawful investigative demands and his failure to heed a subpoena issued by the Court which the AGC obtained in its investigation of Fox's escrow account. (Deputy Chief Attorney Vitaly Lipkansky)

*Matter of Justin Levine*, 200 AD3d 62 (1<sup>st</sup> Dept 2021)

(Six-month suspension.) The Court suspended Levine for six months based on a Discipline-by-Consent agreement with the AGC upon his conviction for the misdemeanor of Promoting Prison Contraband. In particular, while representing a client in a criminal matter, Levine brought a pack of cigarettes to his incarcerated client which Levine had received from the client's friend, and he handed the pack to the client in an attorney-client meeting room in the Manhattan detention facility where the client was being held. This exchange was recorded on surveillance video. Later, when the client was searched by corrections officers, it turned out that, in addition to cigarettes, the pack contained a small, edged weapon and marijuana. In suspending Levine for six months, the Court noted, *inter alia*, the parties' agreed-upon fact that there was no evidence that Levine was aware that the weapon and marijuana were in the pack of cigarettes. The Court also considered Levine's remorse and ongoing recovery from alcohol abuse and mental health issues. (Deputy Chief Attorney Vitaly Lipkansky)

*Matter of John P. DeMaio*, 200 AD3d 140 (1<sup>st</sup> Dept 2021)

(Public censure.) The Court publicly censured DeMaio pursuant to discipline by consent when he admitted to the following disciplinary charges: DeMaio admitted that he neglected a client's matter and failed to act with reasonable diligence and promptness for 18 months after issue was joined in a civil matter; he neglected a client's breach of contract case by waiting almost six years after retention to file a summons, by which time the six-year statute of limitations had nearly elapsed; he advanced an unwarranted claim with intent to delay a foreclosure matter; and he used expletive language toward opposing counsel in a voice message. DeMaio acknowledged that his conduct adversely reflected upon his fitness as a lawyer. (Staff Attorney Norma Lopez)

*Matter of Diego Milara*, 194 AD3d 108 (1<sup>st</sup> Dept 2021)

(One-year suspension.) On March 23, 2021, pursuant to Judiciary Law 90(2) and NYCRR 1240.13, the Court imposed reciprocal discipline upon Milara, who already had an extant suspension for failure to meet his registration obligations. The discipline was based on the New Jersey Supreme Court's order which imposed a one-year suspension on Milara for accepting fees from clients whom he failed to defend and ceased to communicate with. He also failed to file a bankruptcy petition and failed to negotiate a loan modification on behalf of clients who retained him in those matters. (Staff Attorney Norma Lopez)

*Matter of Rafael J. Espinoza*, 200 AD3d 21 (1<sup>st</sup> Dept 2021)

(Interim suspension.) Espinoza, an immigration attorney, was immediately suspended from the practice of law, pursuant to 22 NYCRR 1240.9 (a)(3), until further order of the court based upon his failure to comply with lawful demands of the AGC in its investigation. Between October 2019 and July 2000, the AGC received five complaints against Espinoza alleging, *inter alia*, neglect, failure to communicate, deceit, misrepresentation, and fraud. The Court found that Espinoza engaged in conduct which immediately threatened the public interest, namely, his repeated failure to produce documents and information requested by the AGC over a six-month period, and his flagrant disobedience of a judicial subpoena *duces tecum*. Despite Espinoza's partial compliance with the AGC's request, such conduct demonstrated a willful noncompliance with an AGC investigation and warranted his immediate suspension. (Staff Attorney Norma I. Melendez)

*Matter of Craig F. Meltzer*, 201 AD3d 28 (1<sup>st</sup> Dept 2021)

(Disbarment.) Meltzer, a Manhattan real estate attorney, was disbarred after failing to appear for investigatory proceedings within six-months of being immediately suspended for his alleged misconduct tied to bouncing six escrow-account checks. Meltzer also used

his wife's money to later remedy escrow-account shortfalls, thereby comingling funds. (Staff Attorney Norma I. Melendez)

*Matter of Michael H. Mui*, 198 AD3d 91 (1<sup>st</sup> Dept 2021)

(Six-month suspension.) Pursuant to a joint motion for discipline by consent, the Court issued Mui a six-month suspension with supervision by the New York City Bar Assistance Program for a period of one year. Mui was disciplined for making false and deliberate misrepresentations, throughout the course of two years, about the status of a client's wrongful discharge case. Mui stipulated to having engaged in conduct involving dishonesty, fraud, deceit or misrepresentation; failed to file a lawsuit on behalf of his client; failed to act with reasonable diligence and promptness in representing a client; failed to carry out a contract of employment; and engaged in conduct that adversely reflected on his fitness as a lawyer. (Staff Attorney Norma I. Melendez)

*Matter of Carmen-Nedda Santiago Malhotra*, 197 AD3d 180 (1<sup>st</sup> Dept 2021)

(Two-year suspension.) Malhotra was suspended for two years pursuant to the parties' joint motion for discipline by consent, pursuant to 22 NYCRR 1240.8(a)(5), because she misused her escrow account, submitted a false statement and falsified bank records to the AGC, gave false testimony at her deposition, and inexcusably failed to answer the complaint for nearly two and a half years after service, in violation of Rules 1.15(b)(1) and 8.4(c), (d), and (h). (Staff Attorney Elisabeth Palladino)

*Matter of Bruce D. Friedberg*, 194 AD3d 126 (1<sup>st</sup> Dept 2021)

*Matter of Edan E. Pinkas*, 194 AD3d 126 (1<sup>st</sup> Dept 2021)

(18-month suspension.) The Court suspended Friedberg and his law partner, Pinkas, for 18 months, and sustained five disciplinary charges against them, based on a referee's findings that they assisted a suspended attorney in the unauthorized practice of law, thereby engaging in conduct involving dishonesty, fraud, deceit or misrepresentation, conduct that is prejudicial to the administration of justice, conduct reflecting adversely on their fitness as lawyers, and other misconduct. (Staff Attorney Orlando Reyes)

*Matter of Justin A. Greenblum*, 199 AD3d 84 (1<sup>st</sup> Dept 2021)

(Interim suspension.) The Court immediately suspended Greenblum based on, *inter alia*, findings that he failed to comply with the AGC's inquiries and failed to comply with a judicial subpoena *duces tecum*. (Staff Attorney Orlando Reyes)

*Matter of Lissa G. Luke*, 203 AD3d 27 (1<sup>st</sup> Dept 2021)

(Interim suspension.) The Court immediately suspended Luke based on, *inter alia*, findings that she failed to comply with the AGC's inquiries, failed to comply with a judicial subpoena duces tecum, and willfully failed or refused to pay money owed to a client. (Staff Attorney Orlando Reyes)

*Matter of Robert V. Beltrani*, 193 AD3d 153 (1<sup>st</sup> Dept 2021)

(Public censure.) Beltrani, an attorney who served as an administrative law judge for the Department of Corrections, became intoxicated at a social event, punched the victim, and pleaded guilty to second degree harassment. The Court publicly censured him by consent. (Staff Attorney Yvette Rosario)

*Matter of Patricia M. De Grace D'Aliasi*, 196 AD3d 166 (1<sup>st</sup> Dept 2021)

(Interim suspension.) In September 2019, the Court granted the AGC's motion and ordered D'Aliasi to submit to medical and psychiatric examination by qualified experts to determine whether she is incapacitated from practicing law due to physical or mental infirmity. After numerous postponements, D'Aliasi failed to appear, and the AGC sought an order, pursuant to NYCRR 1240.9(a)(3), to immediately suspend her from the practice of law based on her failure to submit to the examination. By order entered on June 22, 2021, the Court interimly suspended D'Aliasi. (Staff Attorney Yvette Rosario)

*Matter of Lawrence A. Doris*, 195 AD3d 152 (1<sup>st</sup> Dept 2021)

(Disbarment.) Doris, who was suspended for failure to cooperate with the AGC's investigation into allegations of professional misconduct, neither responded to, nor appeared for, further investigatory or disciplinary proceedings since the date of his suspension more than six months ago. The AGC moved to disbar Doris, which he did not oppose. Pursuant to 22 NYCRR 1240.9(b), on June 8, 2021, the Court granted the AGC's motion and struck his name from the roll of attorneys. (Staff Attorney Yvette Rosario)

*Matter of Paul W. Frieary*, 199 AD3d 1 (1<sup>st</sup> Dept 2021)

(Disbarment.) Frieary, who was suspended for failure to cooperate with the AGC's investigation into allegations of professional misconduct, neither responded to, nor appeared for, further investigatory or disciplinary proceedings since the date of his suspension more than six months ago. The AGC's motion, which sought an order to disbar him pursuant to 22 NYCRR 1240.9(b), stated further evidence of serious misconduct, including practicing law while suspended and failure to answer the allegations of a subsequent complaint made against him. Frieary did not submit a response to the AGC's

motion, and by order entered on August 26, 2021, the Court disbarred him. (Staff Attorney Yvette Rosario)

*Matter of Ra'Shaun J. Kelley, 194 AD3d 47 (1<sup>st</sup> Dept 2021)*

(Disbarment.) In June 2020, the Court suspended Kelley for failure to comply with the AGC's investigation into allegations of professional misconduct and for failure to comply with OCA biennial registration and fee requirements for the 2018-2019 registration cycle. As Kelley neither responded to, nor appeared for, further investigatory or disciplinary proceedings since the date of his suspension more than six months ago, the AGC sought an order to disbar him pursuant to 22 NYCRR 1240.9(b). The AGC served the motion on Kelley, who did not respond, and on March 23, 2021, the Court struck his name from the roll of attorneys. (Staff Attorney Yvette Rosario)

*Matter of Lavi S. Soloway, 198 AD3d 169 (1<sup>st</sup> Dept 2021)*

(Interim suspension.) By order entered on August 26, 2021, the Court interimly suspended Soloway because, despite repeated requests from the AGC, he failed to answer two complaints which alleged that he mishandled immigration matters. He also failed to appear for a deposition as directed by judicial subpoena. (Staff Attorney Yvette Rosario)

*Matter of Howard J. Burger, 201 AD3d 59 (1<sup>st</sup> Dept 2021)*

(Two-year suspension.) The Court imposed reciprocal discipline upon Burger based on a two-year suspension which he received in New Jersey because he entered into loan transactions with a client without providing the client with the required written advisories, failed to obtain written informed conflict waivers from the client, and failed to declare interest payments he received from the client as income on his state and federal tax returns. Burger received notice of the charges against him, was given an adequate opportunity to defend himself, and the record fully supported New Jersey's misconduct findings. (Staff Attorney Remi E. Shea)

*Matter of Laurie A. Parise, 199 AD3d 94 (1<sup>st</sup> Dept 2021)*

(Nine-month suspension.) Parise received a nine-month suspension by consent because, over a three-year period, she misappropriated funds from a non-profit organization which she personally founded and served as its executive director, by increasing her compensation without board approval. (Staff Attorney Remi E. Shea)

*Matter of Raphael Weitzman*, 202 AD3d 5 (1<sup>st</sup> Dept 2021)

(Public Censure.) The AGC issued Weitzman a letter of admonition which it confirmed after he appeared before the AGC for reconsideration. Weitzman moved to vacate the admonition and the Court remanded the case back to the AGC, who filed formal charges. The parties thereafter filed a joint motion for discipline by consent and Weitzman was publicly censured for violating Rule 1.3(b), neglect of a legal matter; Rule 1.4(a)(3), failure to keep clients reasonably informed about the status of their matter; Rule 3.1(a), assertion of a frivolous claim (three counts); and Rule 8.4(h), other conduct adversely reflecting on his fitness as a lawyer. In mitigation, the parties noted that Weitzman had no prior disciplinary history and that, while representing his clients, he experienced great personal loss and hardship. (Staff Attorney Remi E. Shea)

*Matter of Eric T. Schneiderman*, 194 AD3d 196 (1<sup>st</sup> Dept 2021)

(One-year suspension.) Pursuant to a joint motion for discipline between the AGC and former New York Attorney General Schneiderman, the Court issued Schneiderman a one-year suspension commencing in April 2021 and directed that he continue with his mental health treatment and be monitored by the Lawyer Assistance Program during his suspension. Schneiderman resigned as Attorney General in May 2018 after the *New Yorker* published an article alleging that he had engaged in nonconsensual physical violence against several romantic partners. In consenting to the Court's discipline, Schneiderman admitted to physically, verbally, and emotionally abusing the women; he also admitted that his conduct adversely reflected on his fitness as a lawyer, in violation of Rule 8.4(h) of the New York Rules of Professional Conduct. (Staff Attorney Denice M. Szekely)

*Matter of Youras Ziankovich*, 192 AD3d 180 (1<sup>st</sup> Dept 2021)

(30-month suspension.) In January 2021, the Court ordered a 30-month suspension for Ziankovich based upon discipline imposed by the Supreme Court of Colorado in September 2020. Ziankovich previously received a six-month reciprocal suspension in New York, effective in February 2020, due to a suspension in Colorado. Although Ziankovich is not admitted in Colorado, he was subject to their jurisdiction under Rule 8.5(a) of the Colorado Rules of Professional Conduct, based upon his practice of immigration law within that state. In July 2020, Ziankovich moved to be reinstated. The AGC cross-moved for an order denying Ziankovich's reinstatement application and sought an order for reciprocal discipline, pursuant to 22 NYCRR 1240.12, based upon additional discipline imposed by the Supreme Court of Colorado, who found that Ziankovich treated his retainer fee as nonrefundable, failed to provide his clients with diligent representation, failed to keep them informed about their case, failed to respond to their reasonable requests

for information, and failed to notify them in writing of his suspension from practicing law in Colorado and his inability to act as their lawyer after the suspension took effect. In denying his motion for reinstatement and granting the AGC's cross motion, the Court found that Ziankovich's additional misconduct in Colorado would constitute misconduct in New York in violation of Rules 1.3(a), 1.4(a)(5), 1.4(b), 1.5(a) and 1.5(d)(4) of the New York Rules of Professional Conduct. (Staff Attorney Denice M. Szekely)

*Matter of Bradley H. Andrews*, 202 AD3d 105 (1<sup>st</sup> Dept 2021)

(Public censure.) Bradley Andrews was issued a public admonition by the Supreme Court of Arizona for engaging in a sexual relationship with a matrimonial client during his legal representation. The Court found the mitigating factors included Andrews' initial rejection of his client's sexual advances; that he withdrew from the representation, which was limited in scope; there was no evidence of harm to the client; his cooperation with the disciplinary authorities; and that he had no prior discipline. In granting a motion for reciprocal discipline, the Court ordered that Andrews be publicly censured. (Deputy Chief Attorney Raymond Vallejo)

*Matter of Gordon R. Caplan*, 193 AD3d 86 (1<sup>st</sup> Dept 2021)

(Two-year suspension.) Gordon R. Caplan pleaded guilty, in the United States District Court, for the District of Massachusetts, to the federal felony of Conspiracy to Commit Mail Fraud and Honest Services Mail Fraud. Caplan's conviction stemmed from his involvement in the widely publicized college admissions bribery and cheating scandal, known as the Varsity Blues Scandal. Specifically, Caplan, a former partner and co-chairman at Willkie Farr & Gallagher, paid a consultant \$75,000 to rig his daughter's ACT college admissions score so that she would have a better chance of getting into an Ivy League school. The Court, in suspending Caplan for two years, found substantial factors in mitigation such as his sincere remorse, his long history of charitable work and impressive character evidence. (Deputy Chief Attorney Raymond Vallejo)

*Matter of Ignacio M. Foncillas*, 196 AD3d 16 (1<sup>st</sup> Dept 2021)

(One-year suspension.) Ignacio M. Foncillas pleaded guilty, in the United States District Court, for the SDNY, to the federal felony of Operation of an Unlicensed Money Transmitting Business. Foncillas' criminal conduct included many wire and money transfers by dozens of entities and individuals over the course of one year in cross-border money transmitting businesses. In granting a motion for discipline by consent, the Court ordered Foncillas suspended for one year. (Deputy Chief Attorney Raymond Vallejo)

*Matter of Jeffrey D. Johnson*, 202 AD3d 1 (1<sup>st</sup> Dept 2021)

(Public censure.) Johnson received a public censure from the Supreme Court of Tennessee for making online comments in response to a former client's negative online review of Johnson's representation of him, wherein he disparaged the client, revealed the nature of the client's underlying litigation, and revealed health and medical information about the client. In granting a motion for reciprocal discipline, the Court censured Johnson. (Deputy Chief Attorney Raymond Vallejo)

*Matter of Daniel B. Kamensky*, 199 AD3d 114 (1<sup>st</sup> Dept 2021)

(Interim suspension.) Kamensky pleaded guilty, in the United States District Court for the SDNY, to the federal felony of committing an act of bribery or extortion in connection with bankruptcy laws. Kamensky's conviction arose from his efforts to pressure a global investment bank to refrain from bidding to purchase shares of a company from unsecured creditors of Neiman Marcus Group Ltd. in its chapter 11 bankruptcy proceeding so that a firm managed by Kamensky could obtain the shares at a lower price. As part of his efforts, Kamensky threatened to use his position on the official committee of unsecured creditors in Neiman Marcus' bankruptcy proceeding to ensure that the investment bank's bid would be rejected. The Court found that Kamensky's conviction constituted a "serious crime," and interimly suspended him pending a hearing on sanction. (Deputy Chief Attorney Raymond Vallejo)

*Matter of Gregory K. Mueller*, 194 AD3d 68 (1<sup>st</sup> Dept 2021)

(Public censure.) Mueller was issued a public reprimand in New Jersey for engaging in a concurrent conflict of interest and for failure to supervise another lawyer. Specifically, Mueller represented the defendant in a civil action. The plaintiff in the action was represented by an attorney who was "of counsel" to Mueller's law firm and who held himself out as having a professional relationship with Mueller. In granting a motion for reciprocal discipline, the Court ruled that a public censure was the equivalent to a reprimand in New Jersey. (Deputy Chief Attorney Raymond Vallejo)

*Matter of Leslie H. Scharf*, 193 AD3d 118 (1<sup>st</sup> Dept 2021)

(Disbarment.) Scharf pled guilty in New York County Supreme Court, to grand larceny in the first degree, a felony. Scharf, as general counsel and senior vice president of Ellison Systems, Inc., transferred more than \$5.9 million from the company's PayPal account to PayPal accounts in his own name, using those funds for personal purposes. The Court ordered Scharf automatically disbarred based upon his felony conviction. (Deputy Chief Attorney Raymond Vallejo)

*Matter of Mark D. Weissman*, 197 AD3d 186 (1<sup>st</sup> Dept 2021)

(Three-year suspension.) Weissman pled guilty, in the United States District Court for the Eastern District of New York, to the federal felony of conspiracy to obstruct an official proceeding. Weissman's conviction stemmed from his efforts to assist a childhood friend who had been convicted of, *inter alia*, securities fraud, in extorting money from the friend's convicted co-defendant, who happened to be Weissman's relative through marriage. In granting a motion for discipline by consent, the Court ordered Weissman suspended for three years. (Deputy Chief Attorney Raymond Vallejo)

2021

### **Appendix A: Committee Composition**

Committee Members from January 1, 2021 through September 30, 2021

#### **Committee 1**

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

#### **Committee 2**

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

\*Lay member

Committee Members from October 1, 2021 through December 31, 2021

**Committee 1**

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

**Committee 2**

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

2021

**Appendix B: Office of the Chief Attorney: Attorneys**

Chief Attorney  
Jorge Dopico

Deputy Chief Attorneys  
Angela Christmas  
Naomi F. Goldstein  
Vitaly Lipkansky  
Raymond Vallejo

Staff Attorneys  
Daniel Baek  
Sean A. Brandveen  
Kevin P. Culley  
Kevin M. Doyle  
Peter M. Hertzog  
Kelly A. Latham  
Jun H. Lee  
Thomas M. Lee  
Norma I. Lopez  
Norma I. Melendez  
Elisabeth Palladino  
Kathy W. Parrino  
Orlando Reyes  
Yvette A. Rosario  
Remi E. Shea  
Denice M. Szekely

**Appendix C: Office of the Chief Attorney: Administrative Staff**

**Investigators**

Nancy DeLeon, Chief  
Robert F. Murphy  
Anthony Rodriguez

**Paralegals**

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

**Office Manager**

Marcy Sterling

**Computer Personnel**

Mark Hernandez, Data Entry

**Accountant**

Martin Schwinger

**Administrative Assistants**

Lauren Cahill  
Monique R. Hudson-Nlemchi  
Donna M. Killian  
Lokhmattie Mahabeer  
Tina M. Nardelli  
Celina M. Nelson  
Michael J. Ramirez  
Sharon Ramirez  
Natasha S. Solomon  
Leonard Zarrillo

## Appendix D: Attorney Discipline Activities

PERIOD COVERED: 2021  
 FIRST JUDICIAL DISTRICT - FIRST DEPARTMENT  
 ATTORNEY GRIEVANCE COMMITTEE

### I. **MATTERS PROCESSED**①

- A. Matters Pending at Start of Period
- B. New Matters During Period
- C. Closed Matters Reactivated During Period
- D. Total Matters To Be Processed During Period (A+B+C)
- E. Total Matters Disposed Of During Period
- F. Matters Pending at End of Period

<b>1379</b>	
2803	
11	
4193	
(2913)	
<b>1280</b>	

### II. **MATTERS DISPOSED OF BY COMMITTEE**

- A. Rejected As Failing to State a Complaint
- B. Referred To Other Disciplinary Committees
- C. Referred To Other Agencies
- D. Dismissed or Withdrawn
- E. Dismissed Through Mediation
- F. Letter of Advisement
- G. Letter of Admonition
- H. Reprimand (after hearing)
- I. Referred to Appellate Division (Disciplinary Proceeding)
- Total Disposed of During Period ("Matters" same as I.,E. above)

Cases ② Matters

1092	1618
371	389
165	168
430	444
3	3
78	81
64	74
0	0
118	136
2321	<b>2913</b>

### III. **CASES PROCESSED IN ALL COURTS**

- A. Cases Pending at Start of Period
  - 1. Disciplinary Proceedings
  - 2. Other
- B. Cases Received at Start of Period
  - 1. Disciplinary Proceedings
  - 2. Other
- C. Total to be Processed During Period

	30
19	
11	
280	
56	
222	
<b>310</b>	

## ATTORNEY DISCIPLINE ACTIVITIES (2021)

**D. Cases Closed**

1. Disbarred
2. Disciplinary Resignations
3. Suspended<sup>③</sup>
4. Censured
5. Privately Censured<sup>④</sup>
6. Remanded to Grievance Committee
7. Withdrawn
8. Dismissed
9. Reinstatements Granted<sup>⑤</sup>
10. Reinstatements Denied
11. Non-Disciplinary Resignations
12. All Other Dispositions
13. **Total Closed**

7	
1	
24	
8	
1	
13	
2	
1	
124	
1	
46	
62	
<b>290</b>	(290)

**E. Total Cases Pending at End of Period**

1. Disciplinary Proceedings
2. Other

	<b>20</b>
14	
6	

- ① Matters include: complaints, inquiries (excluding telephone inquiries) and *sua sponte* investigations.
- ② Cases refers to the number of respondent attorneys. Since some attorneys are the subject of multiple complaints, the number of matters may exceed the number of cases.
- ③ Includes: (15) definite, (9) interim, and (0) indefinite suspensions.
- ④ Reported as "Private Reprimand" until September 2016, now "Admonition by Court Order."
- ⑤ Includes (115) reinstatements following suspensions for failing to register (468-a default), (7) disciplinary reinstatements and (2) non-disciplinary reinstatements.

2021

**Appendix E: Budget for Fiscal Year 2021-2022**

Attorney Grievance Committee Budget  
Fiscal Year April, 2021 – March, 2022

	<u>Allocation</u>
<b>Personal Service Total:</b>	<b>\$4,601,930</b>
<b>Non-Personal Service</b>	
Office Supplies	15,600
EDP Supplies	2,340
Postage	14,950
Legal Reference & Subscriptions	9,100
Miscellaneous Supplies and Materials	2,340
Travel	500
Equipment Rentals	26,061
Equipment Repairs	3,770
Printing	3,780
Telephones	3,284
Building and Property Services	4,680
Records Management Services	15,298
Professional Services – Expert Witnesses	750
Other Court Appointed Services	28,700
Other General Services	10,000
Professional Services Per Diem Interpreters	150
Transcript Costs	49,000
<b>Non-Personal Service Total:</b>	<b>\$190,303</b>
<b>TOTAL BUDGET FISCAL YEAR 2020-2021</b>	<b>\$4,792,233</b>

2021

## **Appendix F: Sample Complaint Form**

Rev. 7.30.2020

### **ATTORNEY GRIEVANCE COMMITTEE**

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

**JORGE DOPICO**  
**Chief Attorney**

Email Complaint and Attachments to: [AD1-AGC-newcomplaints@nycourts.gov](mailto: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: \_\_\_\_\_

## 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): \_\_\_\_\_

**ATTORNEY DISCIPLINARY ACTIVITIES**  
**PERIOD COVERED (1/1/21 to 12/31/21 - ANNUAL)**

SECOND, ELEVENTH AND THIRTEENTH JUDICIAL DISTRICTS

SECOND DEPARTMENT

**I. MATTERS PROCESSED:**

A.	Matters Pending at Start of Period	1,093
B.	New Matters During Period	<u>2,433</u>
C.	Closed Matters Reactivated During Period	5
D.	Total Matters to be Processed During Period (A+B+C)	3,531
E.	Total Matters Disposed of During Period	<u>2,441</u>
F.	Matters Pending at End of Period	<u>1,090</u>

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

		CASES*	MATTERS**
A.	Rejected as Failing to State a Complaint	959	959
B.	Referred to Other Disciplinary Committees	<u>296</u>	296
C.	Referred to Other Agencies	11	11
D.	Dismissed or Withdrawn	90	94
E.	Dismissed through Mediation	0	0
F.	Letter of Caution	0	0
F-1	Letter of Advisement	135	139
G.	Letter of Admonition	16	23
H.	Reprimand	0	0
I.	Referred to Appellate Division (Disc. Proc.)	32	39
J.	Other***	<u>877</u>	<u>880</u>
Total Disposed of During Period (Same as I E above)		<u>2,416</u>	<u>2,441</u>

**III. CASES PROCESSED IN ALL COURTS:**

A.	Cases Pending at Start of Period	60
1.	Disciplinary Proceedings****	30
2.	Other*****	<u>30</u>
B.	Cases Received During Period	61
1.	Disciplinary Proceedings	28
2.	Other	<u>33</u>
C.	Total to be Processed During Period	<u>121</u>

D. Cases Closed

1.	Disbarred	8
2.	Disciplinary Resignations	6
3.	Suspended*****	12
4.	Censured	3
5.	Privately Censured	0
6.	Remanded to Grievance Committee	3
7.	Discontinued	1
8.	Dismissed	3
9.	Reinstatement Granted	6
10.	Reinstatement Denied	5
11.	Non-Disciplinary Resignations	4
12.	All other Dispositions	15
13.	Total Closed	66

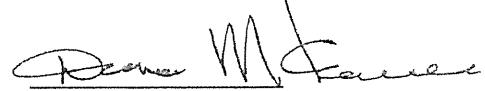
Total Cases Pending at End of Period 55

E.

1.	Disciplinary Proceedings	29
2.	Other	26

Dated: Brooklyn, New York  
11-Mar-22

Respectfully Submitted,

  
Diana Maxfield Kearse  
Chief Counsel

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

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

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

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

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

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

## SECOND DEPARTMENT

### Second, Eleventh and Thirteenth Judicial Districts

#### 2021

Jon A. Lefkowitz, admitted as Jon Ari Lefkowitz, a suspended attorney	Reinstatement denied	
Reginald W. Hamilton, admitted as Reginald Wayne Hamilton	Interim suspension	Misappropriation.
Craig A. Fine, admitted as Craig Albert Fine, a suspended attorney 191 A.D.3d 782	Reinstated	
Stephen E. Kalba, a suspended attorney 193 A.D.3d 97	Disbarred (resigned)	Engaged in dishonesty, fraud, deceit, or misrepresentation; engaged in conduct prejudicial to the administration of justice; made false statements of fact to a tribunal; engaged in conduct that adversely reflects on his fitness as a lawyer; and continued to communicate with a former client regarding a legal matter after his suspension.
Vincent Chirico, a suspended attorney 191 A.D.3d 977	Reinstated	
Robert P. Santoriella, admitted as Robert Philip Santoriella 194 A.D.3d 51	Disbarred (on default)	Failure to cooperate with the Grievance Committee in its investigation of 15 complaints filed against him.
David Jay Bernstein 193 A.D.3d 162	Suspended 3 years	Reciprocal discipline – Florida
Raleigh Douglas Herbert	Interim suspension	Misappropriation.

Davis Branco 194 A.D.3d 134	Disbarred (on default)	Failure to cooperate.
Satish Kumar Goli, a disbarred attorney	Reinstatement denied	
Hugo G. Salazar, admitted as Hugo Gustavo Salazar 194 A.D.3d 177	Disbarred (on default)	Misappropriation; failure to cooperate.
Frances Yetta Ruiz, admitted as Frances Yetta Newman, a suspended attorney 193 A.D.3d 939	Reinstated	
Neil C. Luke, a suspended attorney 193 A.D.3d 1054	Reinstated	
Ira S. Levine, admitted as Ira Levine 195 A.D.3d 70	Disbarred (resigned)	Misappropriation; failure to maintain required escrow records; and failure to close his escrow account during the period of his previous suspension.
Stephanie G. Reich, admitted as Stephanie Gayle Reich 195 A.D.3d 95	Suspended 6 months	Reciprocal discipline – District of Columbia
Leonard B. Sukherman 196 A.D.3d 92	Disbarred (resigned)	Neglect; failure to communicate; failure to refund an unearned fee; failure to maintain required escrow records; commingling; and misappropriation.
Andrew Y. Lin, admitted as Andrew Youngson Lin, a suspended attorney 197 A.D.3d 52	Suspended 1 year	Neglect; failure to timely register as an attorney with the Office of Court Administration; and failure to cooperate.

Martin E. Kofman, a suspended attorney 198 A.D.3d 9	Suspended 2 years	Serious crime conviction – conspiracy to make false statements to lenders (18 USC § 371).
Joseph George Costello, a suspended attorney 197 A.D.3d 192	Disbarred (resigned)	Failure to safeguard funds held as a fiduciary on behalf of an estate; disbursed at least one check from the estate account in his capacity as an attorney, during his suspension.
Joseph Richard Costello, a suspended attorney 196 A.D.3d 691	Reinstated	
Maxim Maximov 198 A.D.3d 62	Disbarred (resigned)	Shared legal fees with a nonlegal organization.
Donald P. Vernon, admitted as Donald Patrick Vernon 198 A.D.3d 77	Suspended 6 months	Misappropriation; deposited client funds into a non-escrow account; and failure to maintain required escrow records.
Freddie J. Berg, a suspended attorney 198 A.D.3d 53	Disbarred	Misappropriation; neglect.
Richard A. Stavin 198 A.D.3d 97	Public Censure	Reciprocal discipline – California
Jasmine Rodriguez 198 A.D.3d 119	Public Censure	Serious crime conviction – (Illinois) resisting or obstructing a peace officer, firefighter, or correctional institutional employee (720 ILCS 5/31-1).
Robert D. Grace, admitted as Robert Darius Grace 198 A.D.3d 145	Suspended 18 months	Serious crime conviction – attempted endangering the welfare of a child (Penal Law §§ 110, 260.10[1]).
Raghbir K. Gupta, a disbarred attorney	Reinstatement denied	

Antoni Moszczynski 198 A.D.3d 116	Disbarred (on default)	Failure to cooperate; misappropriation.
Steven H. Salami, admitted as Steven Hosseyn Salami, a suspended attorney 198 A.D.3d 166	Disbarred	Reciprocal discipline – New Jersey
Mitchell Bruce Young 199 A.D.3d 105	Disbarred	Reciprocal discipline – California
Geoffrey Robert Batsiyan 199 A.D.3d 80	Suspended 6 months	Serious crime conviction – (Florida) improper exhibition of a dangerous weapon or firearm (Florida Statutes § 790.10); driving while license suspended (first offense) (Florida Statutes § 322.34[a][2]).
Irene Marie Costello 199 A.D.3d 146	Suspended 18 months	Reciprocal discipline – U.S. District Court for the Southern District of New York
Michael Gerard Grimm, a suspended attorney	Reinstatement denied (with leave to renew upon submission of proof of the resolution of outstanding tax liabilities)	
Michael Eran Talassazan 201 A.D.3d 135	Disbarred (resigned)	Misappropriation; cash withdrawals from escrow account; submitted falsified escrow account bank statements and a falsified escrow account ledger to the Grievance Committee; and improperly labeled his escrow account checks.
Jorge A. Vasquez, admitted as Jorge Armando Vazquez, a suspended attorney 202 A.D.3d 40	Suspended 3 years	Misappropriation; failure to safeguard fiduciary funds.

Dong-Won Lee 203 A.D.3d 39	Disbarred (on default)	Misrepresented the status of a case to his client; presented his client with falsified communications and documentation; neglect.
William G. Berotti 202 A.D.3d 71	Public Censure	Failure to timely re-register as an attorney with the Office of Court Administration.

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

**Staff - 2021**

Diana Maxfield Kearse, Chief Counsel  
Mark F. DeWan, Deputy Chief Counsel  
Susan Korenberg, Staff Counsel  
Susan B. Master, Staff Counsel  
Kathryn Donnelly, Staff Counsel  
Thomas Graham Amon, Staff Counsel  
Sasha N. Holguin, Staff Counsel  
David W. Chandler, Staff Counsel  
Thomas J. Murphy, Staff Counsel  
Sara Mustafa, Staff Counsel

Erika Edinger, Accountant  
Timothy McCormick, Paralegal  
Karen Fazio, Assistant Court Analyst  
Claudette Coleman, Secretary  
Helen Dermake, Clerk  
Vanessa Mendez, Assistant Court Analyst

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

**2021**

Andrea E. Bonina, Esq. - Chair

Michael D. Abneri, Esq.

Marianne E. Bertuna, Esq.

Helmut Borchert, Esq.

Mercedes S. Cano, Esq.

Joseph Carola III, Esq.

Ronald Martin Cereachio\*

Allyn J. Crawford, Esq.

Michael C. Farkas, Esq.

Michael V. Gervasi, Esq.

Yvette A. Hinds Wills, Esq.

Vivia L. Joseph, Esq.

Adam Kalish, Esq.

Richard A. Klass, Esq.

Lisa Lewis, Esq.

Angelicque M. Moreno, Esq.

Donna B Ng\*

Everett N. Nimetz, Esq.

Violet E. Samuels, Esq.

Anthony W. Vaughn, Jr., Esq.

Christine A. Walsh, M.D.\*

\*Lay members



*Organized 1876*

# QUEENS COUNTY BAR ASSOCIATION

90-35 148<sup>th</sup> Street, Jamaica, New York 11435 • (718) 291-4500 • Fax: (718) 657-1789 • [WWW.QCBA.ORG](http://WWW.QCBA.ORG)

November 4, 2022

**ADAM M. ORLOW**  
*President*

**Michael D. Abneri**  
*President-Elect*

**Zenith T. Taylor**  
*Vice President*

**Kristen Dubowski Barba**  
*Secretary*

**Deborah Marie Garibaldi**  
*Treasurer*

Sent via email: Karen Fazio [kfazio@nycourts.gov](mailto:kfazio@nycourts.gov)

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

Re: Grievance Committee  
Annual Statistics – 2021

Dear Ms. Kearse:

**Class of 2023**

Alla Allison Ageyeva  
Joseph Carola, III  
Joshua R. Katz  
Michael Kohan  
Joel Serrano

**Class of 2024**

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

**Class of 2025**

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

**Jonathan Riegel**  
*Executive Director*

Pursuant to the usual request of your office find the following statistics covering the above captioned period.

Complaints Received – 1  
Dismissals – 1

I hope these statistics will help you in making your report. If any further information is needed, please call me.

Yours truly,

JONATHAN RIEGEL  
Executive Director

**ATTORNEY DISCIPLINARY ACTIVITIES**  
**PERIOD COVERED (1/1/21 to 12/31/21 - ANNUAL)**

SECOND, ELEVENTH AND THIRTEENTH JUDICIAL DISTRICTS

SECOND DEPARTMENT

**I. MATTERS PROCESSED:**

A.	Matters Pending at Start of Period	1,093
B.	New Matters During Period	<u>2,433</u>
C.	Closed Matters Reactivated During Period	5
D.	Total Matters to be Processed During Period (A+B+C)	3,531
E.	Total Matters Disposed of During Period	<u>2,441</u>
F.	Matters Pending at End of Period	<u>1,090</u>

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

		CASES*	MATTERS**
A.	Rejected as Failing to State a Complaint	959	959
B.	Referred to Other Disciplinary Committees	<u>296</u>	<u>296</u>
C.	Referred to Other Agencies	11	11
D.	Dismissed or Withdrawn	90	94
E.	Dismissed through Mediation	0	0
F.	Letter of Caution	0	0
F-1	Letter of Advisement	135	139
G.	Letter of Admonition	16	23
H.	Reprimand	0	0
I.	Referred to Appellate Division (Disc. Proc.)	32	39
J.	Other***	<u>877</u>	<u>880</u>
Total Disposed of During Period (Same as I E above)		<u>2,416</u>	<u>2,441</u>

**III. CASES PROCESSED IN ALL COURTS:**

A.	Cases Pending at Start of Period	60
1.	Disciplinary Proceedings****	30
2.	Other*****	<u>30</u>
B.	Cases Received During Period	61
1.	Disciplinary Proceedings	28
2.	Other	<u>33</u>
C.	Total to be Processed During Period	<u>121</u>

D. Cases Closed

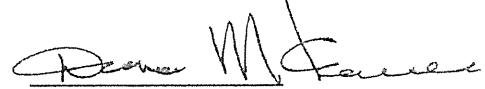
1. Disbarred	8
2. Disciplinary Resignations	6
3. Suspended*****	12
4. Censured	3
5. Privately Censured	0
6. Remanded to Grievance Committee	3
7. Discontinued	1
8. Dismissed	3
9. Reinstatement Granted	6
10. Reinstatement Denied	5
11. Non-Disciplinary Resignations	4
12. All other Dispositions	15
13. Total Closed	66

Total Cases Pending at End of Period

E.	1. Disciplinary Proceedings	29
	2. Other	26

Dated: Brooklyn, New York  
11-Mar-22

Respectfully Submitted,

  
Diana Maxfield Kearse  
Chief Counsel

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

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

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

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

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

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

## SECOND DEPARTMENT

### Second, Eleventh and Thirteenth Judicial Districts

#### 2021

Jon A. Lefkowitz, admitted as Jon Ari Lefkowitz, a suspended attorney	Reinstatement denied	
Reginald W. Hamilton, admitted as Reginald Wayne Hamilton	Interim suspension	Misappropriation.
Craig A. Fine, admitted as Craig Albert Fine, a suspended attorney 191 A.D.3d 782	Reinstated	
Stephen E. Kalba, a suspended attorney 193 A.D.3d 97	Disbarred (resigned)	Engaged in dishonesty, fraud, deceit, or misrepresentation; engaged in conduct prejudicial to the administration of justice; made false statements of fact to a tribunal; engaged in conduct that adversely reflects on his fitness as a lawyer; and continued to communicate with a former client regarding a legal matter after his suspension.
Vincent Chirico, a suspended attorney 191 A.D.3d 977	Reinstated	
Robert P. Santoriella, admitted as Robert Philip Santoriella 194 A.D.3d 51	Disbarred (on default)	Failure to cooperate with the Grievance Committee in its investigation of 15 complaints filed against him.
David Jay Bernstein 193 A.D.3d 162	Suspended 3 years	Reciprocal discipline – Florida
Raleigh Douglas Herbert	Interim suspension	Misappropriation.

Davis Branco 194 A.D.3d 134	Disbarred (on default)	Failure to cooperate.
Satish Kumar Goli, a disbarred attorney	Reinstatement denied	
Hugo G. Salazar, admitted as Hugo Gustavo Salazar 194 A.D.3d 177	Disbarred (on default)	Misappropriation; failure to cooperate.
Frances Yetta Ruiz, admitted as Frances Yetta Newman, a suspended attorney 193 A.D.3d 939	Reinstated	
Neil C. Luke, a suspended attorney 193 A.D.3d 1054	Reinstated	
Ira S. Levine, admitted as Ira Levine 195 A.D.3d 70	Disbarred (resigned)	Misappropriation; failure to maintain required escrow records; and failure to close his escrow account during the period of his previous suspension.
Stephanie G. Reich, admitted as Stephanie Gayle Reich 195 A.D.3d 95	Suspended 6 months	Reciprocal discipline – District of Columbia
Leonard B. Sukherman 196 A.D.3d 92	Disbarred (resigned)	Neglect; failure to communicate; failure to refund an unearned fee; failure to maintain required escrow records; commingling; and misappropriation.
Andrew Y. Lin, admitted as Andrew Youngson Lin, a suspended attorney 197 A.D.3d 52	Suspended 1 year	Neglect; failure to timely register as an attorney with the Office of Court Administration; and failure to cooperate.

Martin E. Kofman, a suspended attorney 198 A.D.3d 9	Suspended 2 years	Serious crime conviction – conspiracy to make false statements to lenders (18 USC § 371).
Joseph George Costello, a suspended attorney 197 A.D.3d 192	Disbarred (resigned)	Failure to safeguard funds held as a fiduciary on behalf of an estate; disbursed at least one check from the estate account in his capacity as an attorney, during his suspension.
Joseph Richard Costello, a suspended attorney 196 A.D.3d 691	Reinstated	
Maxim Maximov 198 A.D.3d 62	Disbarred (resigned)	Shared legal fees with a nonlegal organization.
Donald P. Vernon, admitted as Donald Patrick Vernon 198 A.D.3d 77	Suspended 6 months	Misappropriation; deposited client funds into a non-escrow account; and failure to maintain required escrow records.
Freddie J. Berg, a suspended attorney 198 A.D.3d 53	Disbarred	Misappropriation; neglect.
Richard A. Stavin 198 A.D.3d 97	Public Censure	Reciprocal discipline – California
Jasmine Rodriguez 198 A.D.3d 119	Public Censure	Serious crime conviction – (Illinois) resisting or obstructing a peace officer, firefighter, or correctional institutional employee (720 ILCS 5/31-1).
Robert D. Grace, admitted as Robert Darius Grace 198 A.D.3d 145	Suspended 18 months	Serious crime conviction – attempted endangering the welfare of a child (Penal Law §§ 110, 260.10[1]).
Raghbir K. Gupta, a disbarred attorney	Reinstatement denied	

Antoni Moszczynski 198 A.D.3d 116	Disbarred (on default)	Failure to cooperate; misappropriation.
Steven H. Salami, admitted as Steven Hosseyn Salami, a suspended attorney 198 A.D.3d 166	Disbarred	Reciprocal discipline – New Jersey
Mitchell Bruce Young 199 A.D.3d 105	Disbarred	Reciprocal discipline – California
Geoffrey Robert Batsiyan 199 A.D.3d 80	Suspended 6 months	Serious crime conviction – (Florida) improper exhibition of a dangerous weapon or firearm (Florida Statutes § 790.10); driving while license suspended (first offense) (Florida Statutes § 322.34[a][2]).
Irene Marie Costello 199 A.D.3d 146	Suspended 18 months	Reciprocal discipline – U.S. District Court for the Southern District of New York
Michael Gerard Grimm, a suspended attorney	Reinstatement denied (with leave to renew upon submission of proof of the resolution of outstanding tax liabilities)	
Michael Eran Talassazan 201 A.D.3d 135	Disbarred (resigned)	Misappropriation; cash withdrawals from escrow account; submitted falsified escrow account bank statements and a falsified escrow account ledger to the Grievance Committee; and improperly labeled his escrow account checks.
Jorge A. Vasquez, admitted as Jorge Armando Vazquez, a suspended attorney 202 A.D.3d 40	Suspended 3 years	Misappropriation; failure to safeguard fiduciary funds.

Dong-Won Lee 203 A.D.3d 39	Disbarred (on default)	Misrepresented the status of a case to his client; presented his client with falsified communications and documentation; neglect.
William G. Berotti 202 A.D.3d 71	Public Censure	Failure to timely re-register as an attorney with the Office of Court Administration.

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

**Staff - 2021**

Diana Maxfield Kearse, Chief Counsel  
Mark F. DeWan, Deputy Chief Counsel  
Susan Korenberg, Staff Counsel  
Susan B. Master, Staff Counsel  
Kathryn Donnelly, Staff Counsel  
Thomas Graham Amon, Staff Counsel  
Sasha N. Holguin, Staff Counsel  
David W. Chandler, Staff Counsel  
Thomas J. Murphy, Staff Counsel  
Sara Mustafa, Staff Counsel

Erika Edinger, Accountant  
Timothy McCormick, Paralegal  
Karen Fazio, Assistant Court Analyst  
Claudette Coleman, Secretary  
Helen Dermake, Clerk  
Vanessa Mendez, Assistant Court Analyst

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

**2021**

Andrea E. Bonina, Esq. - Chair

Michael D. Abneri, Esq.

Marianne E. Bertuna, Esq.

Helmut Borchert, Esq.

Mercedes S. Cano, Esq.

Joseph Carola III, Esq.

Ronald Martin Cereachio\*

Allyn J. Crawford, Esq.

Michael C. Farkas, Esq.

Michael V. Gervasi, Esq.

Yvette A. Hinds Wills, Esq.

Vivia L. Joseph, Esq.

Adam Kalish, Esq.

Richard A. Klass, Esq.

Lisa Lewis, Esq.

Angelicque M. Moreno, Esq.

Donna B Ng\*

Everett N. Nimetz, Esq.

Violet E. Samuels, Esq.

Anthony W. Vaughn, Jr., Esq.

Christine A. Walsh, M.D.\*

\*Lay members

A

# PROFESSIONAL MATTERS CASELOAD REPORT

GRIEVANCE COMMITTEE: Third Judicial Department

REPORT PERIOD: **Annual 2021**

DATE: 07-20-22

## I. PROFESSIONAL MATTERS<sup>1</sup> PROCESSED BY THE COMMITTEE:

A. Matters Pending at Start of Report Period	<u>2498</u>
B. New Matters During Report Period (see Part II, <i>infra</i> )	<u>2993</u>
C. Closed Matters Reactivated During Report Period <sup>2</sup>	<u>14</u>
D. Total Matters to be Processed During Report Period (A+B+C)	<u>5505</u>
E. Total Matters Disposed of During Report Period (see Parts III & IV, <i>infra</i> )	<u>3132</u>
F. Matters Pending at End of Report Period (I.D - I.E)	<u>2373</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) <sup>3</sup>	<u>23</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>3</u>
C. Matters Arising Under Judiciary Law § 90 (4) (c) and Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.12 (a)	<u>5</u>
D. Matters Arising Under Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.13 (d)	<u>31</u>
E. Matters Arising Under Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.9 <sup>4</sup>	<u>13</u>

---

<sup>1</sup> 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.

<sup>2</sup> 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.

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

<sup>4</sup> 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

## **VII. PRACTICE AREA STATISTICS:**

### **A. CRIMINAL LAW**

<b>1. New Matters During Report Period (see Part II, <u>supra</u>)</b>	
Pertaining to Prosecutors	_____ 35
Pertaining to Defense Counsel	_____ 123
<b>2. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)</b>	
Pertaining to Prosecutors	_____ 33
Pertaining to Defense Counsel	_____ 123
<b>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>)</b>	
Pertaining to Prosecutors	_____ 0
Pertaining to Defense Counsel	_____ 1

### **B. IMMIGRATION LAW**

<b>1. New Matters During Report Period (see Part II, <u>supra</u>)</b>	_____ 31
<b>2. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)</b>	_____ 27
<b>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>)</b>	_____ 3

### **C. FAMILY & MATRIMONIAL LAW**

<b>1. New Matters During Report Period (see Part II, <u>supra</u>)</b>	_____ 92
<b>2. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or</b>	

(2) (i), (ii) or (iv)	<u>121</u>
<b>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>)</b>	<u>1</u>
<b>D. REAL PROPERTY</b>	
<b>1. New Matters During Report Period (see Part II, <u>supra</u>)</b>	<u>27</u>
<b>2. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)</b>	<u>26</u>
<b>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>)</b>	<u>1</u>
<b>E. TRUSTS &amp; ESTATES</b>	
<b>1. New Matters During Report Period (see Part II, <u>supra</u>)</b>	<u>40</u>
<b>2. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)</b>	<u>49</u>
<b>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>)</b>	<u>0</u>
<b>F. COMMERCIAL LITIGATION</b>	
<b>1. New Matters During Report Period (see Part II, <u>supra</u>)</b>	<u>0</u>
<b>2. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)</b>	<u>0</u>
<b>3. Matters Disposed of Pursuant to Rules for Attorney</b>	

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 ( <u>see Part II, <i>supra</i></u> )	<u>112</u>
2. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (1) or (2) (i), (ii) or (iv)	<u>137</u>
3. Matters Disposed of Pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.7 (d) (2) (v) and Cases Disposed of by the Appellate Division ( <u>see Part VI.A-VI.C, <i>supra</i></u> )	<u>4</u>

B

**2021**  
**LIST OF PROFESSIONAL MATTERS DECISIONS**  
**APPELLATE DIVISION**  
**THIRD JUDICIAL DEPARTMENT**

**DECIDED AND ENTERED:**

*January 7, 2021*

**REINSTATEMENT** [(22 NYCRR) §1240.16(a)]

Granted:

[Matter of Peter Thomas Luce - PM-01-21](#)

*January 21, 2021*

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

Denied:

[Matter of Eden Lee Lim - PM-02-21](#)

[Matter of Charles K. Mone - PM-04-21](#)

[Matter of Meredith Tavenner Shepherd Deming - PM-05-21](#)

Granted:

[Matter of Astrid Marie Elisabeth de Parry - PM-03-21](#)

*January 28, 2021*

**SUSPENSION** [(22 NYCRR) §1240.13]

[Matter of Jarred Shawn Freeman - PM-06-21](#)

**REINSTATEMENT** [(22 NYCRR) §1240.16(a)]

Granted:

[Matter of Erica Margaret Kelly - PM-07-21](#)

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

Denied:

[Matter of Damon Akhi Brown - PM-08-21](#)  
[Matter of Christy Lea Lay-Mumin - PM-09-21](#)

*February 18, 2021*

**DISBARMENT [(22 NYCRR) §1240.13]**

[Matter of Rhashea Lynn Harmon - PM-10-21](#)

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

Granted:

[Matter of Bernard J. Hamill - PM- 11-21](#)

*February 25, 2021*

**SUSPENSION [(22 NYCRR) §1240.13]**

[Matter of Edward Andrew Long - PM-20-21](#)

**REINSTATEMENT [(22 NYCRR) §1240.16(a)]**

Granted:

[Matter of Sinead Eileen Fizpatrick - PM-17-21](#)  
[Matter of Kenneth Joseph Catanzarite - PM-19-21](#)

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

Granted:

[Matter of Holly C. Janney - PM-12-21](#)  
[Matter of Keith J. Mendelson - PM-13-21](#)  
[Matter of Sean Michael Boden - PM-14-21](#)  
[Matter of Timothy Robert McCormick - PM-15-21](#)

[Matter of Arthur Chun Hong Shum - PM-16-21](#)  
[Matter of Michael Sherman Ross - PM-18-21](#)

***March 4, 2021***

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

Granted:

[Matter of Richard H. Sauer - PM-21-21](#)  
[Matter of Roland Mark Cavalier -PM-22-21](#)  
[Matter of William Francis Burke - PM-23-21](#)  
[Matter of Joshua Jones Moore - PM-24-21](#)  
[Matter of Michael J. Revness - PM-25-21](#)  
[Matter of William Patrick Shelley - PM-26-21](#)  
[Matter of Sara Winslow - PM-27-21](#)

***March 11, 2021***

**REINSTATEMENT [(22 NYCRR) §1240.16(a)]**

Granted:

[Matter of Jennifer Lynne Murray - PM-28-21](#)  
[Matter of Emma Lance - PM-31-21](#)

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

Granted:

[Matter of George Charles Bruno - PM-29-21](#)  
[Matter of Kendall Nicole Collins - PM-30-21](#)  
[Matter of Kevin Daniel Homiak - PM-32-21](#)  
[Matter of Daniel M. Cohn - PM-33-21](#)

***March 18, 2021***

**REINSTATEMENT [(22 NYCRR) §1240.16(a)]**

Granted:

[Matter of Shawnequa Lauren Callier - PM-34-21](#)

**REINSTATEMENT** [(22 NYCRR) §1240.16(d)]

Granted:

[Matter of Jarred Shawn Freeman - PM-35-21](#)

*March 25, 2021*

**SUSPENSION** [(22 NYCRR) §1240.13]

[Matter of Yana Chechelnitsky - PM-36-21](#)

**REINSTATEMENT** [(22 NYCRR) §1240.16(a)]

Granted:

[Matter of Jamie Lynn Hopkins, a/k/a Jamie Lynn Cicerelle - PM-38-21](#)

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

Granted:

[Matter of Katherine Paulette Perryman - PM-37-21](#)

*April 1, 2021*

**SUSPENSION** [(22 NYCRR) §1240.9]

[Matter of Deanna L. Siegel - PM-44-21](#)

**REINSTATEMENT** [(22 NYCRR) §1240.16(a)]

Granted:

[Matter of Seema Akhtar Aziz, a/k/a Seema Aziz-Khan - PM-39-21](#)

[Matter of Roy Warren Breslow - PM-43-21](#)

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

Granted:

[Matter of Joshua Sindey Hyman - PM-40-21](#)  
[Matter of Jason Boolhack Levoy - PM-41-21](#)

Denied:

[Matter of Larry D. Sobel - PM-42-21](#)

*April 8, 2021*

**DISBARMENT [(22 NYCRR) §1240.12]**

[Matter of Jay R. Werther - PM-47-21](#)

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

Denied:

[Matter of Douglas V. Rigler PM-46-21](#)

*April 15, 2021*

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

Granted:

[Matter of Richard W. Forad, III - PM-48-21](#)

*April 22, 2021*

**REINSTATEMENT [(22 NYCRR) §1240.16(a)]**

Granted:

[Matter of Dominic Johannes Mueller - PM-49-21](#)

*April 29, 2021*

**SUSPENSION** [(22 NYCRR) §1240.9(a)]

[Matter of Roy Karl Nestler - PM-51-21](#)

**REINSTATEMENT** [(22 NYCRR) §1240.16(a)]

Granted:

[Matter of Kelly Summers Lawrence - PM-50-21](#)

*May 13, 2021*

**DISBARMENT** [(22 NYCRR) §1240.9(b)]

[Matter of Chinedu Oluwatobi Patrick Enekwe - PM-54-21](#)

**DISBARMENT** [(22 NYCRR) §1240.12]

[Matter of Milan K. Patel - PM-55-21](#)

**REINSTATEMENT** [(22 NYCRR) §1240.16]

Granted:

[Matter of Yana Chechelintsky - PM-52-21](#)

**REINSTATEMENT** [(22 NYCRR) §1240.16(a)]

Granted:

[Matter of John Stephen Taylor - PM-53-21](#)

*May 20, 2021*

**REINSTATEMENT** [(22 NYCRR) §1240.16(a)]

Granted:

[Matter of Avi Joshua Lipman - PM-60-21](#)  
[Matter of Bernard Pastor - PM-62-21](#)

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

Granted:

[Matter of Raymond Scott Dietrich - PM-56-21](#)  
[Matter of Lawrence Robert Perchick - PM-57-21](#)  
[Matter of Mark Leonard Rienzi - PM-58-21](#)  
[Matter of David Alan Thomas - PM-59-21](#)  
[Matter of Hadley Tomlinson Ajana - PM-61-21](#)

*May 27, 2021*

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

Granted:

[Matter of Zachary Jon Peters - PM-63-21](#)  
[Matter of Steven Andrew Pozefsky - PM-64-21](#)  
[Matter of Tracy Lee Dayton - PM-65-21](#)  
[Matter of Brienne Elizabeth Henderson - PM-66-21](#)  
[Matter of Andrew Dean Novick - PM-67-21](#)

*June 3, 2021*

**SUSPENSION** [(22 NYCRR) §1214.0(b)]

[Matter of Edward R. Purser - PM-75-21](#)

**SUSPENSION** [(22 NYCRR) §1240.9(a)]

[Matter of Pery D. Krinsky - PM-76-21](#)

**REINSTATEMENT** [(22 NYCRR) §1240.16(a)]

Granted:

[Matter of Edward William Wayland - PM-73-21](#)

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

Granted:

[Matter of Lawrence Allen Hobel - PM-68-21](#)

[Matter of Kevin Yeh - PM-69-21](#)

[Matter of Sachiko Jensen Jepson - PM-70-21](#)

[Matter of Alana Jean Hughes - PM-71-21](#)

[Matter of Stephen Thomas Tower - PM-72-21](#)

[Matter of Robert Henry Rankin - PM-74-21](#)

*June 10, 2021*

**SUSPENSION** [(22 NYCRR) §1240.9(a)]

[Matter of Keith R. Wolfe - PM-80-21](#)

**REINSTATEMENT** [(22 NYCRR) §1240.16(a)]

Granted:

[Matter of John Alexander Stone - PM-81-21](#)

[Matter of Hima Naidu Vatti - PM-85-21](#)

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

Granted:

[Matter of Francine Denice Laursen - PM-77-21](#)

[Matter of Katherine Paulette Perryman - PM-78-21](#)

[Matter of Stephanie Nichole Richter - PM-79-21](#)

[Matter of Amanda Nicole Bashi - PM-82-21](#)

[Matter of Marie-Noel Marie Saint-Hilaire - PM-83-21](#)

[Matter of Brett Lee Hamilton - PM-84-21](#)

*June 17, 2021*

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

Granted:

[Matter of Olivia Ann Mercandante - PM-86-21](#)  
[Matter of Caroline Emille De Luca - PM-87-21](#)

Denied:

[Matter of Sa'Adiyah Kanel Masoud - PM-88-21](#)

*June 24, 2021*

**SUSPENSION [(22 NYCRR) §1240.8(a)(5)]**

[Matter of Japheth Nthautha Matemu - PM-90-21](#)

**REINSTATEMENT [(22 NYCRR) §1240.16(a)]**

Granted:

[Matter of Corey Marika Endo - PM-89-21](#)

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

Granted:

[Matter of Clark Lassiter Hildabrand - PM-91-21](#)

*July 1, 2021*

**DISBARMENT [(22 NYCRR) §1240.13]**

[Matter of Andrew Bennett Spark - PM-94-21](#)

**REINSTATEMENT** [(22 NYCRR) §1240.16(a)]

Granted:

[Matter of Etienne Clement Toussaint - PM-96-21](#)

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

Granted:

[Matter of Frederick Thomas Mendenhall - PM-92-21](#)

[Matter of Stuart Fries Pierson - PM-93-21](#)

[Matter of Lindsey Ann Spinelli - PM-95-21](#)

*July 22, 2021*

**CENSURE** [(22 NYCRR) §1240.13]

[Matter of Gregory Scott Hoover - PM-97-21](#)

*July 29, 2021*

**REINSTATEMENT** [(22 NYCRR) §1240.16(a)]

Granted:

[Matter of Christopher Gayle Waldron - PM-98-21](#)

*August 5, 2021*

**REINSTATEMENT** [(22 NYCRR) §1240.16(a)]

Denied:

[Matter of Norman Anthony Roberts II - PM-103-21](#)

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

Granted:

[Matter of Wexuan Yang - PM-99-21](#)

Matter of Catherine Corrine Griffith - PM-100-21  
Matter of James A. Jones III - PM-101-21  
Matter of Katharine Collins Hinkle - PM-102-21  
Matter of Christopher Robert Tillotson - PM-104-21

*August 12, 2021*

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

Granted:

Matter of Kenneth Keshen Gu - PM-105-21

*August 19, 2021*

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

Granted:

Matter of Steven John Durham - PM-106-21  
Matter of Marc Gary Tarlow - PM-107-21

*August 26, 2021*

**DISBARMENT [(22 NYCRR) §1240.12]**

Matter of Bobby Wally Boye - PM-108-21

**REINSTATEMENT [(22 NYCRR) §1240.16(a)]**

Denied:

Matter of Leon R. Koziol - PM-109-21

*September 2, 2021*

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

Granted:

Matter of Randall J. Carreira - PM 110-21  
Matter of Christina Renee Davis - PM-112-21

[Matter of Sarah Maria Epprecht - PM-113-21](#)  
[Matter of Christine Michelle Duffy - PM-114-21](#)

Denied:

[Matter of Bruce L. Decker Jr. - PM-111-21](#)

*September 9, 2021*

**SUSPENSION** [(22 NYCRR) §1240.13]

[Matter of Thomas Carwin Caraco - PM-117-21](#)

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

Granted:

[Matter of Bridge O'Connor - PM-115-21](#)

Denied:

[Matter of Jennifer Jan Caballero - PM-116-21](#)

*September 16, 2021*

**DISBARMENT** [(22 NYCRR) §1240.13]

[Matter of Sean Patrick Sheppard - PM-118-21](#)

**SUSPENSION** [(22 NYCRR) §1240.9(a)]

[Matter of James Michael Bruhn, Jr. - PM-120-21](#)

**CENSURE** [(22 NYCRR) §1240.13]

[Matter of Japheth Nthautha Matemu - PM-123-21](#)

**REINSTATEMENT** [(22 NYCRR) §1240.16(a)]

*Modified Order as to conditions of Reinstatement:*  
[Matter of Regina Wanjiru Njogu - PM-119-21](#)

**REINSTATEMENT** [(22 NYCRR) §1240.16(a)]

Denied:

[Matter of Timothy Devlin - PM-121-21](#)

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

Granted:

[Matter of Hwa Young Shin, a/k/a Hwa Young Shin Lumley - PM-122-21](#)

*September 30, 2021*

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

Granted:

[Matter of Laurie Ann Mayes - PM-125-21](#)

*October 7, 2021*

**SUSPENSION** [Judiciary Law §468(a)]

[In the Matter of Attorneys in Violation of Judiciary Law §468-a -PM-131-21](#)

**REINSTATEMENT** [(22 NYCRR) §1240.16(a)]

Granted:

[Matter of Jay Marshall Coggan - PM-126-21](#)

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

Granted:

[Matter of John Michael D'Elia - PM-127-21](#)  
[Matter of Meredith Blake Martin - PM-128-21](#)  
[Matter of Joanne Patricia Sheehan - PM-130-21](#)

Denied:

[Matter of Aurora Maria Maskall - PM-129-21](#)  
[Matter of Warren Redlich - PM-132-21](#)

*October 14, 2021*

**CENSURE [(22 NYCRR) §1240.8(a)(5)]**

[Matter of Laura J. Cail - PM-138-21](#)

**CENSURE [(22 NYCRR) §1240.13]**

[Matter of Jay S. Spechler - PM-140-21](#)

**REINSTATEMENT [(22 NYCRR) §1240.16(a)]**

Granted:

[Matter of Kanchana Nilmini Fernando - PM-139-21](#)

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

Granted:

[Matter of Michael Alan Fetzner - PM-133-21](#)  
[Matter of Kim Bernard Battaglini - PM-134-21](#)  
[Matter of Martha A. Dean - PM-135-21](#)  
[Matter of Catherine Marie Leon PM-136-21](#)  
[Matter of Naida Azalea Henao PM-137-21](#)

*October 21, 2021*

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

Granted:

[Matter of Amy Lee Manfred - PM-141-21](#)

*October 28, 2021*

**SUSPENSION** [(22 NYCRR) §1240.9(a)]

[Matter of Peter Hughes Barry - PM-144-21](#)

**REINSTATEMENT** [(22 NYCRR) §1240.16(a)]

Denied:

[Matter of Regina Lynn Blasdell - PM-142-21](#)

**REINSTATEMENT** [(22 NYCRR) §1240.16(a)]

Granted:

[Matter of Kyra MAura Sanin, a/k/a Kyra Maura Sanin Lilien - PM-143-21](#)

[Matter of Mary Ann Lazo Villamor - PM-145-21](#)

*November 4, 2021*

**REINSTATEMENT** [(22 NYCRR) §1240.16(a)]

Denied:

[Matter of Robert John Nickol - PM-146-21](#)

**REINSTATEMENT** [(22 NYCRR) §1240.16]

Granted:

[Matter of Jonathan Marc Binstock - PM-147-21](#)

[Matter of Daniella Dawn DaCunzo, a/k/a Daniella DaCunzo - PM-149-21](#)

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

Granted:

[Matter of Christina Marie Davitt - PM-148-21](#)

*November 10, 2021*

**REINSTATEMENT [(22 NYCRR) §1240.16(a)]**

Granted:

[Matter of Udoka Obie Amah - PM-150-21](#)

[Matter of Cheryl Janette Colston - PM-151-21](#)

[Matter of Jonathan Jamaal Whitaker - PM-152-21](#)

[Matter of Sanghan Wang - PM-153-21](#)

*November 18, 2021*

**REINSTATEMENT [(22 NYCRR) §1240.16(a)]**

Granted:

[Matter of Ankur Mody - PM-156-21](#)

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

Granted:

[Matter of Matthew Francis Finamore - PM-154-21](#)

[Matter of David Benjamin Hatef - PM-155-21](#)

[Matter of Kimberly Ann Schalz - PM-157-21](#)

[Matter of Christina Nicole Thoda - PM-158-21](#)

[Matter of Amy Lynn Weber - PM-159-21](#)

[Matter of Barrett Wadsworth Hyde - PM-160-21](#)

*November 24, 2021*

**REINSTATEMENT** [(22 NYCRR) §1240.16(a)]

Granted:

[Matter of Rochelle Lyn Haller - PM-165-21](#)

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

Granted:

[Matter of Christine Anne Hugel - PM-161-21](#)

[Matter of Roni Yashaev - PM-162-21](#)

[Matter of Pushkal Mishra - PM-163-21](#)

[Matter of Brian Gabriel Benhamou - PM-164-21](#)

*December 2, 2021*

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

Granted:

[Matter of Lauren Christine O'Leary - PM-166-21](#)

[Matter of Harry Jay Weiss - PM-167-21](#)

[Matter of Susan M. Kalp, a/k/a Susan M. Palmer - PM-168-21](#)

[Matter of Robert L. Keates, PM-169-21](#)

*December 9, 2021*

**SUSPENSION** [Judiciary Law §§90(2) and 750] and

**SUSPENSION** [(22 NYCRR) §1240.9(a)] (indefinite)

[Matter of Lawrence Joseph Mahar - PM-174-21](#)

**REINSTATEMENT** [(22 NYCRR) §1240.22(b)]

Granted:

[Matter of Jean-Pierre S. Lavielle - PM-171-21](#)

**REINSTATEMENT** [(22 NYCRR) §1240.16(a)]

Granted:

[Matter of Ximena T. Cajiao - PM-172-21](#)  
[Matter of Seung Bum Choi - PM-173-21](#)  
[Mater of Rachel Y. Marshall - PM-177-21](#)

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

Granted:

[Matter of Michelle Rebecca Seares - PM-170-21](#)  
[Matter of Christos Theodore Antoniou - PM-175-21](#)  
[Matter of Hugh Hamill Campbell III - PM-176-21](#)

*December 16, 2021*

**REINSTATEMENT** [(22 NYCRR) §1240.16(a)]

[Matter of William Castro - PM-178-21](#)  
[Matter of Gianina Gotuzzo - PM-179-21](#)

*December 23, 2021*

**DISBARMENT** [(22 NYCRR) §1240.13)]

[Matter of Gordon Scott Christenson - PM-180-21](#)

**SUSPENSION** [(22 NYCRR) §1240.9(a)]

[Matter of Michael Salvatore Fauci - PM-181-21](#)

*December 30, 2021*

**SUSPENSION** [(22 NYCRR) §1240.13)]

[Matter of Kevin C. Fogle - PM-186-21](#)

**CENSURE** [(22 NYCRR) §1240.130]

[Matter of Shazia N. Sparkman - PM-187-21](#)

**REINSTATEMENT** [(22 NYCRR) §1240.16(a)]

Granted:

[Matter of William Daniel Collins - PM-182-21](#)

[Matter of Howard Dean Komisar - PM-183-21](#)

[Matter of Sara Raquel Paniagua de Aponte - PM-184-21](#)

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

Granted:

[Matter of Steven Michael Baugh - PM-185-21](#)

C

**Attorney Grievance Committee  
Third Judicial Department  
Committee Members  
April 1, 2021 - March 31, 2022**

**Thomas D. Spain, Esq.**

Chair

**Third Judicial District**  
(Rensselaer County)

**Third Judicial District**

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

**William T. Little, Esq. \***  
(Albany County)

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

**Jacqueline Ricciani, Esq.**  
(Sullivan County)

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

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

**Fourth Judicial District**

**Michael E. Basile, Esq.**  
(Schenectady County)

**Maryanne Malecki**  
(Schenectady County)

**Carrie McLoughlin Noll, Esq.**  
(Warren County)

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

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

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

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

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

**Sixth Judicial District**

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

**Mark S. Gorgos, Esq.**  
(Broome County)

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

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

**R. James Miller, Esq.**  
(Tompkins County)

**Michelle C. Philpott, Esq.**  
(Broome County)

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

D

**Attorney Grievance Committee  
Third Judicial Department  
Staff**

**April 1, 2021 - March 31, 2022**

Monica A. Duffy  
*Chief Attorney*

Sarah L. Lloyd  
Christine M. Adams  
*Investigators*

Michael G. Gaynor  
*Deputy Chief Attorney*

Kayla A. Battiste  
*Fiscal Analyst*

Alison M. Coan  
Lauren S. Cousineau  
Michael K. Creaser  
Anna E. Remet  
Sarah A. Richards  
*Principal Attorneys*

Jean R. Picard  
*Office Manager*

Tiffany Coozy  
Michelle McHale  
Josephine M. Rimmer  
*Legal Assistants*

**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

October 17, 2022

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

**Re: 2021 Richmond County Grievance Committee Report**

Dear Ms. Kearse:

For the period commencing January 1, 2021, through December 31, 2021, the Grievance Committee received five new complaints.

One of those complaints were retained by the Appellate Division Grievance Committee for investigation.

Four of the complaints were referred back to our committee for investigation. Of those four complaints, three complaints have been dismissed or withdrawn and one complaint continues to be investigated by the committee.

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

Very truly yours,

  
Claire Cody Miller  
Co-Chair Grievance Committee

cc: Victor T. Carasaniti, Esq.  
Co-Chair Grievance Committee

*Gregory T. Cerchione  
Attorney at Law  
150 Broadway, 23rd Floor  
New York, New York 10038*

---

*(212) 285-3800*

October 19, 2022

Brooklyn Bar Association Grievance Committee

Attn: Karen Fazio [kfazio@nycourts.gov](mailto:kfazio@nycourts.gov)

Re: 2021 stats

Matters Pending: 4

Matters Dismissed: 0

Gregory T. Cerchione,  
Chair

**ATTORNEY DISCIPLINARY ACTIVITIES**  
**FOURTH JUDICIAL DEPARTMENT**  
**PERIOD COVERED: 1/01/21 - 12/31/21**

**FIFTH, SEVENTH, AND EIGHTH DISTRICTS**

**I. MATTERS PROCESSED:\***

A.	Matters Pending at Start of Period	<u>405</u>
B.	New Matters During Period	<u>1486</u>
C.	Closed Matters Reactivated During Period	<u>6</u>
D.	Total Matters to be Processed During Period (A+B+C)	<u>1897</u>
E.	Total Matters Disposed of During Period	<u>1461</u>
F.	Matters Pending at End of Period	<u>436</u>

**II. MATTERS DISPOSED OF BY COMMITTEE:**      Cases\*\*      Matters

A.	Rejected as Failing to State a Complaint	<u>571</u>	<u>684</u>
B.	Referred to Other Disciplinary Committees	<u>91</u>	<u>92</u>
C.	Referred to Other Agencies	<u>0</u>	<u>0</u>
D.	Dismissed or Withdrawn	<u>412</u>	<u>471</u>
E.	Dismissed through Mediation	<u>0</u>	<u>0</u>
F.	Letter of Advisement	<u>86</u>	<u>105</u>
G.	Letter of Admonition	<u>21</u>	<u>38</u>
H.	Admonition (or Reprimand)	<u>0</u>	<u>0</u>
I.	Referred to Appellate Division (Disc. Proc.)	<u>50</u>	<u>71</u>
Total Disposed of During Period (same as I.E above)		<u>1231</u>	<u>1461</u>

**III. CASES PROCESSED IN ALL COURTS:\*\***

A.	Cases Pending at Start of Period	<u>69</u>
1.	Disciplinary Proceedings	<u>28</u>
2.	Other	<u>41</u>
B.	Cases Received During Period	<u>50</u>
1.	Disciplinary Proceedings	<u>6</u>
2.	Other	<u>44</u>
C.	Total to be Processed During Period	<u>119</u>

**ATTORNEY DISCIPLINARY ACTIVITIES**  
**FOURTH JUDICIAL DEPARTMENT**  
**PERIOD COVERED: 1/01/21 - 12/31/21**

D. Cases Closed

1.	Disbarred	<u>3</u>
2.	Disciplinary Resignations	<u>1</u>
3.	Suspended***	<u>27</u>
4.	Censured	<u>2</u>
5.	Privately Censured	<u>0</u>
6.	Remanded to Grievance Committee	<u>1</u>
7.	Discontinued	<u>4</u>
8.	Dismissed	<u>2</u>
9.	Reinstatements Granted	<u>9</u>
10.	Reinstatements Denied	<u>1</u>
11.	Non-Disciplinary Resignations	<u>11</u>
12.	All Other Dispositions	<u>14</u>
13.	Total closed	<u>75</u>

E. Total Cases Pending at End of Period 44

1.	Disciplinary Proceedings	<u>22</u>
2.	Other	<u>22</u>

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

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

\* Matters represents individual complaints and inquiries.

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

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

**ATTORNEY DISCIPLINARY ACTIVITIES****PERIOD COVERED (01-01-2021 to 12-31-2021)****5TH JUDICIAL DISTRICT****FOURTH DEPARTMENT****I. MATTERS PROCESSED:\***

A.	Matters Pending at Start of Period	<u>156</u>
B.	New Matters During Period	<u>353</u>
C.	Closed Matters Reactivated During Period	<u>1</u>
D.	Total Matters to be Processed During Period (A+B+C)	<u>510</u>
E.	Total Matters Disposed of During Period	<u>327</u>
F.	Matters Pending at End of Period	<u>183</u>

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

		Cases**	Matters
A.	Rejected as Failing to State a Complaint	<u>141</u>	<u>152</u>
B.	Referred to Other Disciplinary Committees	<u>25</u>	<u>26</u>
C.	Referred to Other Agencies	<u>0</u>	<u>0</u>
D.	Dismissed or Withdrawn	<u>65</u>	<u>87</u>
E.	Dismissed through Mediation	<u>0</u>	<u>0</u>
F.	Letter of Advisement	<u>27</u>	<u>29</u>
G.	Letter of Admonition	<u>8</u>	<u>11</u>
H.	Admonition (or Reprimand)	<u> </u>	<u> </u>
I.	Referred to Appellate Division (Disc. Proc.)	<u>14</u>	<u>22</u>
Total Disposed of During Period (same as I.E above)		<u>280</u>	<u>327</u>

**III. CASES PROCESSED IN ALL COURTS:\*\***

A.	Cases Pending at Start of Period	<u>17</u>
1.	Disciplinary Proceedings	<u>12</u>
2.	Other	<u>5</u>
B.	Cases Received During Period	<u>14</u>
1.	Disciplinary Proceedings	<u>4</u>
2.	Other	<u>10</u>
C.	Total to be Processed During Period	<u>31</u>

## ATTORNEY DISCIPLINARY ACTIVITIES

D. Cases Closed

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

E. Total Cases Pending at End of Period

1. Disciplinary Proceedings	<u>12</u>
2. Other	<u>7</u>

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

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

\* Matters represents individual complaints and inquiries.

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

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

**ATTORNEY DISCIPLINARY ACTIVITIES****PERIOD COVERED (01-01-2021 to 12-31-2021)****7TH JUDICIAL DISTRICT****FOURTH DEPARTMENT****I. MATTERS PROCESSED:\***

A.	Matters Pending at Start of Period	<u>80</u>
B.	New Matters During Period	<u>511</u>
C.	Closed Matters Reactivated During Period	<u>0</u>
D.	Total Matters to be Processed During Period (A+B+C)	<u>591</u>
E.	Total Matters Disposed of During Period	<u>498</u>
F.	Matters Pending at End of Period	<u>93</u>

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

		Cases**	Matters
A.	Rejected as Failing to State a Complaint	<u>221</u>	<u>270</u>
B.	Referred to Other Disciplinary Committees	<u>48</u>	<u>48</u>
C.	Referred to Other Agencies	<u>0</u>	<u>0</u>
D.	Dismissed or Withdrawn	<u>96</u>	<u>109</u>
E.	Dismissed through Mediation	<u>0</u>	<u>0</u>
F.	Letter of Advisement	<u>37</u>	<u>46</u>
G.	Letter of Admonition	<u>6</u>	<u>7</u>
H.	Admonition (or Reprimand)	<u> </u>	<u> </u>
I.	Referred to Appellate Division (Disc. Proc.)	<u>18</u>	<u>18</u>
Total Disposed of During Period (same as I.E above)		<u>426</u>	<u>498</u>

**III. CASES PROCESSED IN ALL COURTS:\*\***

A.	Cases Pending at Start of Period	<u>15</u>
1.	Disciplinary Proceedings	<u>11</u>
2.	Other	<u>4</u>
B.	Cases Received During Period	<u>18</u>
1.	Disciplinary Proceedings	<u>0</u>
2.	Other	<u>18</u>
C.	Total to be Processed During Period	<u>33</u>

## ATTORNEY DISCIPLINARY ACTIVITIES

D. Cases Closed

1. Disbarred	<u>2</u>
2. Disciplinary Resignations	<u>0</u>
3. Suspended***	<u>1</u>
4. Censured	<u>1</u>
5. Privately Censured	<u>0</u>
6. Remanded to Grievance Committee	<u>0</u>
7. Discontinued	<u>1</u>
8. Dismissed	<u>0</u>
9. Reinstatements Granted	<u>5</u>
10. Reinstatements Denied	<u>1</u>
11. Non-Disciplinary Resignations	<u>5</u>
12. All Other Dispositions	<u>5</u>
13. Total closed	<u>21</u>

E. Total Cases Pending at End of Period

1. Disciplinary Proceedings	<u>5</u>
2. Other	<u>6</u>

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

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

\* Matters represents individual complaints and inquiries.

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

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

**ATTORNEY DISCIPLINARY ACTIVITIES****PERIOD COVERED (01-01-2021 to 12-31-2021)****8TH JUDICIAL DISTRICT****FOURTH DEPARTMENT****I. MATTERS PROCESSED:\***

A.	Matters Pending at Start of Period	<u>169</u>
B.	New Matters During Period	<u>622</u>
C.	Closed Matters Reactivated During Period	<u>5</u>
D.	Total Matters to be Processed During Period (A+B+C)	<u>796</u>
E.	Total Matters Disposed of During Period	<u>636</u>
F.	Matters Pending at End of Period	<u>160</u>

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

		Cases**	Matters
A.	Rejected as Failing to State a Complaint	<u>209</u>	<u>262</u>
B.	Referred to Other Disciplinary Committees	<u>18</u>	<u>18</u>
C.	Referred to Other Agencies	<u>0</u>	<u>0</u>
D.	Dismissed or Withdrawn	<u>251</u>	<u>275</u>
E.	Dismissed through Mediation	<u>0</u>	<u>0</u>
F.	Letter of Advisement	<u>22</u>	<u>30</u>
G.	Letter of Admonition	<u>7</u>	<u>20</u>
H.	Admonition (or Reprimand)	<u> </u>	<u> </u>
I.	Referred to Appellate Division (Disc. Proc.)	<u>18</u>	<u>31</u>
Total Disposed of During Period (same as I.E above)		<u>525</u>	<u>636</u>

**III. CASES PROCESSED IN ALL COURTS:\*\***

A.	Cases Pending at Start of Period	<u>37</u>
1.	Disciplinary Proceedings	<u>5</u>
2.	Other	<u>32</u>
B.	Cases Received During Period	<u>18</u>
1.	Disciplinary Proceedings	<u>2</u>
2.	Other	<u>16</u>
C.	Total to be Processed During Period	<u>55</u>

## ATTORNEY DISCIPLINARY ACTIVITIES

D. Cases Closed

1. Disbarred	<u>0</u>
2. Disciplinary Resignations	<u>0</u>
3. Suspended***	<u>25</u>
4. Censured	<u>1</u>
5. Privately Censured	<u>0</u>
6. Remanded to Grievance Committee	<u>1</u>
7. Discontinued	<u>2</u>
8. Dismissed	<u>1</u>
9. Reinstatements Granted	<u>3</u>
10. Reinstatements Denied	<u>0</u>
11. Non-Disciplinary Resignations	<u>6</u>
12. All Other Dispositions	<u>3</u>
13. Total closed	<u>42</u>

E. Total Cases Pending at End of Period

1. Disciplinary Proceedings	<u>5</u>
2. Other	<u>9</u>

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

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

\* Matters represents individual complaints and inquiries.

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

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

**FOURTH DEPARTMENT**  
**(Fifth Judicial District)**

<b>Attorney</b>	<b>Disposition</b>	<b>Summary of Charges</b>
Salvatore F. Lanza 199 A.D.3d 154 10/08/21	Censured	22 NYCRR 1200.0 - Rule 4.4(a) - using means in the representation of a client that have no substantial purpose other than to embarrass or harm a third person; and Rule 8.4(d) - engaging in conduct that is prejudicial to the administration of justice.
Joseph D. Pozzi 198 A.D.3d 1336 09/15/21	Disbarred (Resigned)	22 NYCRR 1240.10
Martin J. Rothschild 06/11/21	Reinstatement Denied	
George H. Sallaway 194 A.D.3d 42 03/19/21	Suspended Two Years	22 NYCRR 1200.0 - Rule 1.1(c)(2) - intentionally prejudicing or damaging a client during the course of a professional relationship; 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 5.4(a) - sharing legal fees with a non-lawyer; Rule 5.5(b) - aiding another in the unauthorized practice of law; and Rule 8.4(h) - engaging in conduct that adversely reflects on his fitness as a lawyer.
Thomas J. Whitney 202 A.D.3d 99 12/23/21	Disbarred	22 NYCRR 1240.13

Keith R. Wolfe  
195 A.D.3d 1224  
06/11/21

Suspended  
One Year

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; and Rule 8.4(d) - engaging in conduct that is prejudicial to the administration of justice.

**(Seventh Judicial District)**

<b>Attorney</b>	<b>Disposition</b>	<b>Summary of Charges</b>
Paul Argentieri 196 A.D.3d 56 06/17/21	Censured	22 NYCRR 1200.0 - Rule 3.1(a) - bringing or defending a proceeding, or asserting or controverting an issue therein, without a basis in law or fact for doing so that is not frivolous; Rule 3.3(a)(1) - making a false statement of fact or law to a tribunal or failing to correct a false statement of material fact or law previously made to a tribunal by the lawyer; Rule 4.2(a) - communicating during the course of the representation of a client about the subject of the representation with a party the lawyer knows to be represented by a lawyer in the matter; Rule 8.2(a) - knowingly making a false statement of fact concerning the qualifications, conduct or integrity of a judge or other adjudicatory officer; Rule 8.4(c) - engaging in conduct that involves dishonesty, fraud, deceit or misrepresentation; and Rule 8.4(h) - engaging in conduct that adversely reflects on his fitness as a lawyer.
Karen Ann Deeley 195 A.D.3d 1503 06/02/21	Reinstated	
Craig Fritzsch 06/21/21	Reinstatement Denied	
Henry Gitter 192 A.D.3d 1634 03/03/21	Reinstated	
Michael R. Miller 195 A.D.3d 89 04/03/21	Suspended Six Months (Effective 12/08/20)	Criminal Contempt in the Second Degree conviction (Penal Law §215.50(3), a Class "A" misdemeanor.

Michael R. Miller  
197 A.D.3d 1024  
08/05/21

Reinstated

Simon K. Moody  
203 A.D.3d 1  
12/23/21

Disbarred

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 1.15(c)(4) - failing to deliver to a client or third person in a prompt manner, as requested by the client or third person, funds or other property in his possession that the client or third person is entitled to receive; 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. In addition, respondent violated Judiciary Law §468-a and 22 NYCRR 118.1 by failing to comply with attorney registration requirements.

Toni A. Nichels  
196 A.D.3d 1093  
06/22/21

Disbarred

Judiciary Law §90(4)(b)

Ratanakorn Lucky  
Sayasith  
196 A.D.3d 1093  
06/22/21

Reinstated

Jonathan H. Yellen  
195 A.D.3d 1503  
05//26/21

Reinstated

**(Eighth Judicial District)**

<b>Attorney</b>	<b>Disposition</b>	<b>Summary of Charges</b>
Matt A. Albert 195 A.D. 3d 51 02/05/21	Suspended Six Months	22 NYCRR 1200.0 - Rule 1.7(a)(2) - representing a client in a matter in which a reasonable lawyer would conclude that there will be a significant risk that the lawyer's professional judgment on behalf of a client will be adversely affected by the lawyer's own financial, business, property or other personal interest, without obtaining from each affected client informed consent, confirmed in writing; Rule 1.8(j)(1)(iii) - entering into sexual relations with a client during the course of the representation of the client in a domestic relations matter; Rule 1.15(a) - commingling personal funds with funds belonging to another person that were received incident to the practice of law; Rule 1.15(d)(1) - failing to maintain for seven years required bookkeeping records, including records of all deposits and withdrawals from any bank account concerning or affecting his practice of law and records showing the source and amounts of all funds deposited into, or disbursed from, any such accounts; Rule 1.15(d)(2) - failing to make contemporaneous and accurate entries of all financial transactions in his records of receipts and disbursements, ledger books, and any other books of account kept by him in the regular course of his practice; Rule 3.3(f)(2) - engaging in undignified or discourteous conduct in appearing as a lawyer before a tribunal; Rule 3.4(a)(6) - knowingly engaging in illegal conduct or conduct contrary to the Rules of Professional Conduct; Rule 3.4(c) - disregarding or advising a client to disregard a standing rule of a tribunal or a rule of a tribunal made in the course of a proceeding; Rule 8.2(a) - knowingly making a false

statement of fact concerning the qualifications, conduct or integrity of a judge or other adjudicatory officer; Rule 8.4(b) - engaging in illegal conduct that adversely reflects on his honesty, trustworthiness, or fitness as a lawyer; Rule 8.4(d) engaging in conduct that is prejudicial to the administration of justice; and Rule 8.4(h) - engaging in conduct that adversely reflects on his fitness as a lawyer.

Matt A. Albert  
199 A.D.3d 1406  
10/27/21

Reinstated

Ambar Bhargava  
197 A.D.3d 89  
07/09/21

Censured

22 NYCRR 1200.0 - Rule 1.15(a) - commingling personal funds with funds belonging to another person; Rule 1.15(b)(1) - failing to maintain funds belonging to another person in a segregated account separate from any accounts maintained in his capacity as executor, receiver, or any other fiduciary capacity; Rule 1.15(c)(1) - failing to notify promptly a client or third person of the receipt of funds in which the client or third person has an interest; Rule 1.5(c)(3) - failing to maintain complete records of all funds and other properties of a client or third person coming into his possession and failing to render appropriate accounts of the client or third person regarding the funds; Rule 1.15(d)(1) - failing to maintain required bookkeeping and other records concerning transactions involving his attorney trust account; Rule 1.15(e) - making attorney trust account withdrawals in a manner other than by check, without obtaining prior written approval of the party entitled to the proceeds; and Rule 8.4(d) - engaging in conduct that is prejudicial to the administration of justice.

Merlyn E. Bissell 191 A.D.3d 1403 01/13/21	Reinstated	
B. Kevin Burke, Jr. 195 A.D.3d 1503 05/26/21	Reinstated	
Julie Ann Lang 196 A.D.3d 1093 06/22/21	Interim Suspension	22 NYCRR 1240.9
Anthony L. Pendergrass 196 A.D.3d 1092 06/22/21	Interim Suspension	22 NYCRR 1240.9

**2021**

**FOURTH DEPARTMENT  
DISTRICT GRIEVANCE COMMITTEES**

***Grievance Committee for the 5<sup>th</sup> Judicial District***

Anthony S. Bottar, Chair	Richard P. James
Cora Alsante	Donald R. Kimber*
Christopher R. Bray	John J. Kirwan, Jr.*
Justin F. Brotherton	Robert M. Lazzaro*
Lanessa L. Owen-Chaplin	Nicholas A. Macri
Herbert I. Cully	Timothy M. McClusky
Paula M. Engel	Edward Z. Menkin
Robert M. Germain	Thomas A. Reynolds
Anthony J. Gigliotti	Lourdes P. Rosario
Dean L. Gordon	Aaron J. Ryder
	Lydia L. Young

***Grievance Committee for the 7<sup>th</sup> Judicial District***

Steven V. Modica, Chair	Margaret Meath*
Peter H. Abdella	Christi L. Miller
Amanda M. Chafee	Elizabeth Nicolas
V. Bruce Chambers	Duffy Palmer*
Leah Tarantino Cintineo	Edward J. Pelta
Heidi Feinberg	Cassandra C. Rich
Bradley P. Kammholz	Angelo A. Rose
Susa Kramarsky*	Tyler Savage
James A. Leone	Leon T. Sawyko
Mary Walpole Lightsey	Sara Valencia
	Stephanie L. Woodward

***Grievance Committee for the 8<sup>th</sup> Judicial District***

Lauren E. Breen, Chair	John Gavenda
Ursuline Bankhead*	Lyle T. Hajdu
Laurie Beckerink	Ian M. Jones
Thomas C. Brady	Charles F. Koller*
Francis X. Carroll	Joseph A. Matteliano
J.R. Santana Carter	Anna S.M. McCarthy
Peter Cutler*	Mary Ann Oliver
John J. DelMonte	David M. Roach
Reetuparna Dutta	Pamela Thibodeau
Robert R. Fogg	Mary Ann E Wiater
	Ruth R. Wiseman

\* Lay Member

**2021**

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

***Grievance Committee for the 5<sup>th</sup> Judicial District***  
224 Harrison Street, Suite 408  
Syracuse, NY 13202  
(315) 401-3344

Gregory J. Huether, 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 7<sup>th</sup> Judicial District***  
50 East Avenue, Suite 404  
Rochester, NY 14604  
(585) 530-3180

Gregory J. Huether, Chief Counsel  
Mark W. Bennett, Principal Counsel  
Andrea E. Tomaino, Principal Counsel  
Kelly A. Page, Investigator  
Kristen M. Reynolds, Assistant Court Analyst

***Grievance Committee for the 8<sup>th</sup> Judicial District***  
438 Main Street, Suite 800  
Buffalo, NY 14202  
(716) 845-3630

Gregory J. Huether, Chief Counsel  
Margaret C. Callanan, Principal Counsel  
Erin E. Hart, Principal Counsel  
Cydney A. Kelly, Principal Counsel  
Mary E. Davis, Investigator  
Carolyn M. Stachura, Investigator  
Craig E. Semple, Investigator  
Anna M. Hunt, Senior Court Analyst  
Lisa A. Jacobs, Assistant Court Analyst



AMERICAN BAR ASSOCIATION  
CENTER FOR PROFESSIONAL RESPONSIBILITY  
STANDING COMMITTEE ON PROFESSIONAL REGULATION  
SURVEY ON LAWYER DISCIPLINE SYSTEMS (S.O.L.D.)  
2020/2021 QUESTIONNAIRE

The American Bar Association Standing Committee on Professional Regulation is the only organization that collects, analyzes, and compiles statistics about lawyer regulatory systems on a national basis. This data, which is published as the ABA Survey on Lawyer Disciplinary Systems (S.O.L.D.), educates the public, the profession, the news media, the judiciary, and disciplinary agencies about lawyer disciplinary sanctions, disciplinary agency caseload, staffing, and budgetary activity in each jurisdiction. For decades, the Survey has been used to effect positive changes in caseload management, staffing, and funding for disciplinary systems. As a result, it is essential that the Center maintain accurate data with respect to each jurisdiction.

Please note that this Survey Questionnaire covers the years 2020 and 2021. We appreciate your cooperation in helping us to collect this vital data. Your timely responses are especially appreciated. Prompt responses allow us to publish the data in a manner that is most useful to courts, disciplinary agencies, and the public. If you have any questions regarding your response, please contact Regulation and Global Initiatives Counsel Ellyn Rosen, at [Ellyn.Rosen@americanbar.org](mailto:Ellyn.Rosen@americanbar.org).

"Terms and Phrases" are included and referenced at several points in the Survey questionnaire. You may find it convenient to print them prior to starting the Survey.

The Survey is published electronically on the Center for Professional Responsibility's web site at [Survey on Lawyer Discipline Systems](#).

***Any suggestions for future modifications that would increase the usefulness of the Survey are welcome and appreciated.***

**PLEASE RETURN THE COMPLETED QUESTIONNAIRE VIA EMAIL BY SEPTEMBER 15, 2022**

**TO:**

Ellyn Rosen  
[Ellyn.Rosen@americanbar.org](mailto:Ellyn.Rosen@americanbar.org)  
American Bar Association Center for Professional Responsibility  
321 North Clark Street, 20<sup>th</sup> Floor  
Chicago, Illinois 60654-7598  
P: 312/988-5311

Please provide the following Jurisdiction Contact Information

Jurisdiction:	NYS Grievance Committee, Tenth Judicial District
Person Reporting:	Kerry E. Smith
Title:	Court Analyst
Telephone:	631-231-3775
E-Mail Address:	Ksmith4@nycourts.gov

So that we may maintain accurate information for the ABA [Directory of Lawyer Disciplinary Agencies](#), please complete the following information for the Chief Disciplinary Counsel and the Disciplinary Board Chair.

Name of Chief Disciplinary Counsel:	Catherine A. Sheridan
Title:	Chief Counsel
Address:	150 Motor Parkway, #102, Hauppauge, NY 11788
General Phone:	631-231-3775
Direct Phone:	
Fax:	631-231-2041
E-Mail Address:	<a href="mailto:csherida@nycourts.gov">csherida@nycourts.gov</a>
Website (if available):	
Name of Disciplinary Board Chair:	Dorian A. Glover
Title:	Chair
Name of Chief Adjudicative Counsel or other Head of the Adjudicative Office of the Disciplinary System:	N/A
Title:	
Address:	
Phone:	
Fax:	
E-Mail Address:	

## TERMS & PHRASES

The following explanation of terms and phrases used in the Survey on Lawyer Discipline Systems is provided to assist in the collection of data.

**Adjudicative Office of the Disciplinary System:**

The adjudicative office of the disciplinary system is comprised of the professional lawyer and nonlawyer staff, as defined below, who support the system's adjudicators in the performance of their duties, including administrative functions. For purposes of this Survey, the actual adjudicators are excluded from this definition of the adjudicative office. The adjudicative office may operate from a different location than the investigative/prosecutorial branch of the disciplinary agency, or it may be located within the same office space but separated physically. Examples of titles of the adjudicative office include the Lawyer/Attorney Disciplinary Board, Disciplinary Review Board, Board of Disciplinary Appeals, Board of Professional Responsibility, or Commission.

**Adjudicative Counsel:**

Lawyers employed by the disciplinary agency to work for the adjudicative branch of the system (excluding counsel to the jurisdiction's highest court). These lawyers do not perform investigative or prosecutorial functions. They are responsible for assisting disciplinary system adjudicators, including Hearing Committees/Panels, Appellate Board members, and Presiding Disciplinary Judges. Their duties include conducting legal research, assisting adjudicators with trial and oral argument preparation, and preparing bench briefs, draft reports, and recommendations. The Chief Adjudicative Counsel may also be referred to as the Executive Director, Counsel or General Counsel of the Disciplinary Board.

**Adjudicative Staff:**

All nonlawyer staff in the adjudicative office of the disciplinary agency (excluding staff of the jurisdiction's highest court). In some jurisdictions, the head of the adjudicative office is not a lawyer and may be referred to as the Executive Director or Administrator of the Disciplinary Board.

**Alternatives to Discipline Program (also known as Diversion):**

A program allowing for complaints involving lesser misconduct to be handled administratively prior or subsequent to the filing of charges. The respondent and disciplinary counsel enter into an contract tailored to the circumstances of the case whereby the respondent is referred to a remedial program that may include fee arbitration, arbitration, mediation, law office management assistance, a lawyer assistance program, psychological counseling, continuing legal education programs, ethics school or any other program authorized by the court. The respondent's participation is voluntary. Upon the respondent's successful completion of the program, the

contract is terminated, and the complaint dismissed. A breach of the contract may result in the resumption of the disciplinary proceedings. An Alternatives to Discipline Program is not a disciplinary sanction.

**Complaint:**

Any information received by the disciplinary agency regarding lawyer conduct that requires a determination as to whether the disciplinary agency has jurisdiction over the lawyer or matter(s) complained of, or whether sufficient facts are alleged that would, if true, constitute misconduct. These complaints are sometimes called "grievances" or "requests for the investigation of a lawyer." These complaints may be in the form of a written submission, e-mail submission, a telephone or in-person discussion whose contents are reduced to writing, or other information received by the disciplinary agency, including written, audio or visual media reports, records of criminal convictions, etc.

**Disbarment on Consent:**

A form of discipline on consent whereby a lawyer against whom formal charges are pending tenders a conditional admission to the allegations of misconduct, agrees that the appropriate sanction for that misconduct is disbarment and requests that the appropriate authority, typically the highest court, impose that sanction. In some jurisdictions, disbarment on consent is referred to as resignation with charges pending. In other jurisdictions, a resignation, with or without charges pending, means that a lawyer who is retired, or no longer engaged in the practice of law in that jurisdiction, asks to assume inactive status. The latter form of resignation does not constitute a disciplinary sanction for purposes of this Survey and should not be reported.

**Charges:**

After a determination has been made that there is probable cause to believe that misconduct occurred, any document, pleading or notice filed by the disciplinary agency or appropriate authority with the designated adjudicatory tribunal, wherein a lawyer is charged with specified acts of misconduct and violations of the rules of professional conduct and a disciplinary sanction is sought.

**Investigation:**

Any inquiry into allegations of misconduct contained in the initial complaint to the disciplinary agency, including, but not limited to, asking the lawyer who is the subject of the complaint to respond to the allegations, interviewing witnesses and/or obtaining documentary evidence concerning the allegations.

**Misconduct:** A violation of the applicable rules of professional conduct.

**Private/Non-Public Sanction:**

Any disciplinary sanction where the identity of the lawyer sanctioned is kept confidential. Such private sanctions may include censure, admonition or reprimand. In cases where a lawyer receives a private sanction, a description of the conduct for which that lawyer has been disciplined, without disclosing the name of the lawyer, may still be published for the education of the profession and the public. For purposes of this Survey, if such publication occurs the sanction is still considered private/non-public.

**Screened Out/Summarily Dismissed Without Investigation:**

The disposal of a complaint by the disciplinary agency, whether or not that complaint is accorded file status or is docketed, without seeking any information in addition to that which is contained in the initial complaint, including but not limited to complaints disposed of for lack of jurisdiction or for not alleging sufficient facts that would, if true, constitute misconduct.

Please fill in the appropriate figures for the calendar/fiscal year 2020 and 2021. If data is provided for a fiscal year, please identify the time period below. Where a question asks for an average, such as in Part II, please provide that number for the calendar/fiscal year that you use. Some questions will ask for data relating to other years.

The Survey questionnaire is intended to be as brief as possible, while still allowing us to gather essential, accurate, and complete information. We understand that this can be complicated by the diversity of lawyer discipline systems and terminology utilized by the various agencies. As a result, where necessary, please provide footnotes on the last page of the questionnaire to any responses where there is a major variation in procedures. We will include those explanatory footnotes to the extent possible.

*If your jurisdiction does not maintain the type of data or engage in the type of activity requested, please answer with the designation N/A. Please indicate estimates by adding an asterisk\* to that response.*

Question	Calendar Year 2020	Calendar Year 2021	Fiscal Year
Data provided is based on:	2020 Annual Statistical Report	2021 Annual Statistical Report	From: To:
If your jurisdiction publishes an Annual Report electronically, please provide the link:			

## PART I: CASE PROCESSING & SANCTION STATISTICS

### A. LAWYER POPULATION

Question	Response 2020	Response 2021
Q1. Total number of lawyers, resident and nonresident, with <u>active</u> licenses to practice law in your jurisdiction in the calendar/fiscal year:	23,604	24,002

## B. CASE PROCESSING STATISTICS

	Question	Response 2020	Response 2021
<b>Q2.</b>	Total number of complaints ( <i>as defined in Terms &amp; Phrases</i> ) received by the disciplinary agency during the calendar/fiscal year:	<b>2,218</b>	<b>1,144</b>
<b>Q2-a.</b>	Does your jurisdiction have a Central Intake Program ( <i>sometimes referred to as Consumer Assistance Program</i> ):	Yes	Yes
<b>Q2-b.</b>	If the total number of complaints received by the agency <u>excludes</u> matters handled by Central Intake or other Consumer Assistance Program, how many matters were handled separately by Central Intake or the Consumer Assistance Program?	N/A	N/A
<b>Q3.</b>	Total number of complaints received by the disciplinary agency <u>prior</u> to calendar/fiscal year <b>2020</b> that were <u>still pending</u> on the first day of calendar/fiscal year: Total also for <b>2021</b> ?	558	971
<b>Q4.</b>	Total number of <u>complaints</u> that were <u>screened out/ summarily dismissed without investigation</u> ( <i>as defined in Terms &amp; Phrases</i> ) during the calendar/fiscal year <b>2020</b> . (This number may include complaints that were received prior to the calendar/fiscal year, but were not so disposed of until then): Total for <b>2021</b> ?	<b>686</b>	<b>464</b>
<b>Q5.</b>	Total number of complaints that were <u>investigated</u> during the calendar/fiscal year <b>2020</b> . (This number should include complaints from previous years that were still pending as of the first day of the calendar/fiscal year, as well as complaints received during that year): And in <b>2021</b> ?	<b>1,609</b>	<b>257</b>
<b>Q6.</b>	Of the total number of complaints reported in response to <b>Question 5</b> , how many were closed or dismissed by the disciplinary agency during calendar/fiscal year after a determination that there was not a sufficient basis to warrant charges ( <i>as defined in Terms &amp; Phrases</i> ).	<b>346</b>	<b>417</b>
<b>Q7.</b>	<u>Total number of lawyers</u> against whom charges ( <i>as defined in Terms &amp; Phrases</i> ) were brought in the calendar/fiscal year:	<b>103</b>	<b>53</b>

### C. DIVERSION

Question		Response 2020	Response 2021
<b>Q8.</b>	Does your jurisdiction have an Alternatives to Discipline Program/ Diversion Program ( <i>as defined in Terms &amp; Phrases</i> )?	Yes	Yes
<b>Q8-a.</b>	Yes, we have a program but data is not maintained:	-	-
<b>Q9.</b>	Total number of lawyers referred by the disciplinary agency to an Alternatives to Discipline Program/Diversion Program in calendar/fiscal year <b>2020</b> ? And in <b>2021</b> ?	0	0
Of the <u>total number</u> reported in response to <b>Question 9</b> , what is the number of lawyers who:			
<b>Q9-a.</b>	Successfully completed the program:	0	0
<b>Q9-b.</b>	Did not successfully complete the program:	0	0
<b>Q9-c.</b>	Are still participating in the program:	0	0

### D. SANCTIONS IMPOSED

Question		Response 2020	Response 2021
<b>Q10.</b>	What is the total number of lawyers who received <u>private/ non-public</u> disciplinary sanctions during the <b>2020</b> calendar/fiscal year? And for <b>2021</b> ?	111	262
Of the total number of lawyers who received private/non-public disciplinary sanctions in response to <b>Question 10</b> , what is <b>the total number of lawyers</b> who received the following:			
<b>Q10-a.</b>	Admonition:	24	49
<b>Q10-b.</b>	Private Reprimand:	0	0
<b>Q10-c.</b>	Letter of Warning/Caution or other ( <i>please specify</i> ):	87	213

Question		Response 2020	Response 2021
<b>Q11.</b>	Total number of lawyers who received public disciplinary sanctions in the calendar/fiscal year <b>2020</b> : And for <b>2021</b> ?	<b>81</b>	<b>28</b>
Of the total number of lawyers who received public disciplinary sanctions in response to <b>Question 11</b> , what is the total number of lawyers who received the following:			
<b>Q11-a.</b>	Involuntary/Adjudicated Disbarment:	<b>19</b>	<b>10</b>
<b>Q11-b.</b>	Disbarment on Consent ( <i>including applicable Resignations as defined in the Terms &amp; Phrases</i> ):	<b>1</b>	<b>4</b>
<b>Q11-c.</b>	Suspension ( <i>excluding interim suspensions</i> ):	<b>54</b>	<b>7</b>
<b>Q11-d.</b>	Interim Suspension ( <i>for risk of harm, criminal conviction, finding of guilt, or other reason</i> ):	<b>3</b>	<b>3</b>
<b>Q11-e.</b>	Admonishment, Reprimand, or Censure:	<b>4</b>	<b>4</b>
<b>Q11-f.</b>	Probation ( <i>including probation imposed in combination with other sanctions, e.g., a suspension for a period of time followed by probation</i> ):	<b>N/A</b>	<b>N/A</b>
<b>Q11-g.</b>	Restitution:	<b>0</b>	<b>0</b>
<b>Q11-h.</b>	Payment of Costs:	<b>0</b>	<b>0</b>

## E. REINSTATEMENT AND READMISSION STATISTICS

Question		Response 2020	Response 2021
<b>Q12.</b>	Total number of lawyers who sought reinstatement/readmission to the practice of law during the calendar/fiscal year:	<b>11</b>	<b>15</b>
Total number of lawyers who were reinstated/readmitted in the calendar/fiscal year after:			
<b>Q13-a.</b>	Disbarment-Involuntary/Adjudicated or Consensual ( <i>as defined in the Terms &amp; Phrases</i> ):	<b>0</b>	<b>0</b>
<b>Q13-b.</b>	Suspension:	<b>6</b>	<b>4</b>
<b>Q13-c.</b>	Transfer to disability inactive status:	<b>0</b>	<b>0</b>
<b>Q14.</b>	Total number of lawyers whose requests for reinstatement / readmission were denied and/or dismissed, voluntarily or involuntarily, during the calendar/fiscal year:	<b>6</b>	<b>6</b>

## PART II: CASE LOAD STATISTICS

### A. DISCIPLINARY COUNSEL

Question		Response 2020	Response 2021
<b>Q15.</b>	What was the average caseload per staff lawyer in calendar/fiscal year <b>2020? And for 2021?</b> ( <i>Caseload or cases means the number of investigations, charges and reinstatements/readmissions</i> ).	160	25
<b>Q16.</b>	What was the average number of cases per staff lawyer carried over from previous years into the calendar/fiscal year <b>2020? And 2021?</b>	55	97
<b>Q17.</b>	What was the average number of new cases assigned per staff lawyer in the calendar/fiscal year <b>2020? And 2021?</b>	221	114
<b>Q18.</b>	What was the average number per staff lawyer of cases closed/dismissed during calendar/fiscal year <b>2020? And 2021?</b>	118	156

### A. CASE PROCESSING TIMES

Question		Response 2020	Response 2021
During each of the calendar/fiscal year <b>2020 and 2021</b> , What was:			
<b>Q19.</b>	The average number of <b>days</b> to process a complaint from its receipt to screening out/summary dismissal without investigation, ( <i>as defined in Terms &amp; Phrases</i> )?	1-2 WEEKS	1-2 WEEKS
<b>Q20.</b>	The average number of <b>days</b> to process a complaint from its receipt to closure/dismissal <u>after investigation</u> , if no charges are filed?	4-6 MONTHS	4-6 MONTHS
<b>Q21.</b>	The average number of <b>days</b> to process a complaint from its receipt to the filing of charges ( <i>as defined in Terms &amp; Phrases</i> )?	6 MONTHS – 1 YEAR	6 MONTHS – 1 YEAR
The average number of <b>days</b> to process a complaint from the <u>filing of charges</u> to the imposition of:			
<b>Q22-a.</b>	Private/Non-Public Sanction:	VARIES	VARIES
<b>Q22-b.</b>	Public Sanction:	VARIES	VARIES
<b>Q23.</b>	The average number of days to process a petition, motion or request for reinstatement/readmission to the practice of law, from the time the petition, motion or request is filed to final disposition?	VARIES	VARIES

*Please indicate estimates by asterisks*

### PART III: ANNUAL REGISTRATION DUES & FEES / BUDGET

#### A. BUDGET AND SOURCES OF FUNDING

Question		Response 2020	Response 2021
Q24.	Total budget for the lawyer discipline system--disciplinary counsel's office and the adjudicative office ( <i>as defined in Terms &amp; Phrases</i> ) -- in calendar/fiscal year:	\$2,484,036	\$2,566,605
Q25.	Of the amount in response to <b>Question 24</b> , the total budget for disciplinary counsel's office:	N/A	N/A
Q26.	Of the amount in response to <b>Question 25</b> , the total budget for the adjudicative office of the disciplinary system ( <i>as defined in Terms &amp; Phrases</i> ):	N/A	N/A
<b>Please indicate the percentage of funding from each source.</b>			
Q27-a.	Bar Association Dues:	N/A	N/A
Q27-b.	Supreme Court Assessed Fees:	N/A	N/A
Q27-c.	Supreme Court General Budget:	N/A	N/A
Q27-d.	Legislative Appropriation:	N/A	N/A
Q27-e.	Other ( <i>please specify</i> ):	N/A	N/A

#### B. ANNUAL REGISTRATION DUES AND FEES

*Please respond to the following for the calendar/fiscal year 2020 and 2021.*

Question		Response 2020	Response 2021
Q28.	Annual fees/dues required per lawyer to practice law:	\$375	375

*If there is a scale related to years of practice, please include from lowest to highest:*

Years in Practice 2020	Annual Fees/Dues 2020	Years in Practice 2021	Annual Fees/Dues 2021
N/A	N/A	N/A	N/A

## PART IV: STAFFING OF DISCIPLINARY AGENCY

Please report the total number of full-time equivalents for calendar/fiscal year **2020 and 2021** in each category, e.g., when two individuals are each employed part-time for 50% of the work week, they equal one full-time equivalent. Decimals may be used, e.g., when three individuals are each employed part-time for 50% of the work week, they equal 1.5 full-time equivalents. Please report paid staff only.

### A. DISCIPLINARY COUNSEL OFFICES

Position		Full-Time 2020	Part-Time 2020	Full-Time 2021	Part-Time 2021
Q29.	Chief Disciplinary Counsel:	1		1	
Q30.	Other Disciplinary Counsel: DEPUTY	1		1	
Q31.	Other Lawyers on Staff:	10		10	
Q32.	Investigators:	3		3	
Q33.	Legal Assistants/Paralegals:	0		0	
Q34.	Secretarial/Clerical/Administrative Personnel:	5	1	5	
Q35.	Law Students/Clerks:	0		0	
Q36.	Auditors:	0		0	
Q37.	Probation Monitors:	0		0	
Q38.	Other Staff not reflected above: <i>(please specify category of personnel)</i>	0		0	
Q39.	<b>TOTAL</b> number of paid disciplinary counsel's office staff: <i>(should be the sum of Q29 through Q 38)</i>	20	1	20	

## B. ADJUDICATIVE OFFICES

Position		Full-Time 2020	Part-Time 2020	Full-Time 2021	Part-Time 2021
<b>Q40.</b>	Nonlawyer Head of Office:	N/A		N/A	
<b>Q41.</b>	Chief Adjudicative Counsel (Head of Office):	N/A		N/A	
<b>Q42.</b>	Other Adjudicative Counsel:	N/A		N/A	
<b>Q43.</b>	Other Lawyers on Staff:	N/A		N/A	
<b>Q44.</b>	Legal Assistants/Paralegals:	N/A		N/A	
<b>Q45.</b>	Secretarial/Clerical/Administrative Personnel:	N/A		N/A	
<b>Q46.</b>	Law Students/Clerks:	N/A		N/A	
<b>Q47.</b>	Other Staff not reflected above: <i>(please specify category of personnel)</i>	N/A		N/A	
<b>Q48.</b>	<b>TOTAL</b> number of paid staff for Disciplinary Board: <i>(should be the sum of Q40 through Q47)</i>	N/A		N/A	

Discipline Systems Adjudicators			
<b>Q49.</b>	What is the percentage of nonlawyers serving as adjudicators at the:	2020	2021
<b>Q49-a.</b>	Hearing Committee/Trial Level:	N/A	N/A
<b>Q49-b.</b>	Presiding Disciplinary Judge/Trial Level:	N/A	N/A
<b>Q49-c.</b>	Appellate/Board Level:	N/A	N/A



AMERICAN BAR ASSOCIATION  
CENTER FOR PROFESSIONAL RESPONSIBILITY  
STANDING COMMITTEE ON PROFESSIONAL REGULATION  
SURVEY ON LAWYER DISCIPLINE SYSTEMS (S.O.L.D.)  
2020/2021 QUESTIONNAIRE

Please use the below space for any footnotes to any responses where there is a major variation in procedures.

### Attorney Discipline - 1st Department

<u>Title</u>	<u>Comp Rate</u>	<u>Category</u>
Chief Atty Grievance Comm 1st	165,484	ATT
Deputy Chief Attorney	162,933	ATT
Deputy Chief Attorney	162,933	ATT
Deputy Chief Attorney	162,933	ATT
Deputy Chief Attorney	155,719	ATT
Principal Attorney	153,109	ATT
Principal Attorney	153,109	ATT
Principal Attorney	153,109	ATT
Principal Attorney	148,272	ATT
Special Projects Counsel	148,183	ATT
Principal Attorney	133,761	ATT
Principal Attorney	133,761	ATT
Principal Attorney	128,924	ATT
Principal Attorney	124,087	ATT
Principal Attorney	119,250	ATT
Associate LAN Administrator	118,133	ADM
Principal Court Analyst	99,685	ADM
Associate Attorney	97,522	ATT
Associate Attorney	97,522	ATT
Senior Court Analyst	96,755	ADM
Senior Court Analyst	93,446	ADM
Senior Court Analyst	88,782	ADM
Court Analyst	83,319	ADM
Senior Court Analyst	80,523	ADM
Court Analyst	77,508	ADM
Court Analyst	77,508	ADM
Court Analyst	77,508	ADM
Assistant Court Analyst	74,873	ADM
Court Analyst	68,790	ADM
Secretary	65,005	ADM
Court Analyst	62,978	ADM
Law Stenographer	62,590	ADM
Assistant Court Analyst	61,673	ADM
Assistant Court Analyst	56,393	ADM
Law Stenographer	48,191	ADM
Secretary	48,100	ADM
Total FTE - 39		
Personal Service	4,287,187	
Non-Personal Service	261,900	
Total	4,549,087	

## Attorney Discipline - 2nd Department

<u>Title</u>	<u>Comp Rate</u>	<u>Category</u>
Chief Attorney	167,432	ATT
Chief Attorney	167,432	ATT
Deputy Chief Attorney	165,695	ATT
Deputy Chief Attorney	165,695	ATT
Chief Attorney	163,863	ATT
Deputy Chief Attorney	162,934	ATT
Principal Attorney	157,946	ATT
Principal Attorney	153,109	ATT
Principal Attorney	148,272	ATT
Principal Attorney	133,761	ATT
Principal Attorney	133,761	ATT
Principal Attorney	119,250	ATT
Senior LAN Administrator	106,888	ADM
Principal Court Analyst	106,888	ADM
Principal Court Analyst	106,888	ADM
Asst Appellate Court Attorney	103,287	ATT
Associate Attorney	101,878	ATT
Associate Attorney	101,878	ATT
Senior Attorney	95,648	ATT
Senior Court Analyst	93,446	ADM
Senior Attorney	91,584	ATT
Senior Attorney	91,584	ATT
Senior Court Analyst	90,135	ADM
Senior Court Analyst	90,135	ADM
Senior Attorney	87,520	ATT
Court Analyst	83,319	ADM
Assistant Court Analyst	72,233	ADM
Assistant Court Analyst	72,233	ADM
Court Analyst	65,884	ADM
Assistant Court Analyst	64,313	ADM
Secretary	62,590	ADM

Secretary		62,590		ADM
Secretary		62,590		ADM
Secretary		62,590		ADM
Secretary		62,590		ADM
Secretary		50,515		ADM
Snr Appellate Office Assistant		47,378		ADM
Secretary		45,685		ADM
Snr Appellate Office Assistant		34,248		ADM
Total FTE - 51				
Personal Service		5,797,812		
Non-Personal Service		883,768		
Total		6,681,580		

### Attorney Discipline - 3rd Department

<u>Title</u>	<u>Comp Rate</u>	<u>Category</u>
Chf Atty Grievance Commission	161,702	ATT
Deputy Chief Attorney	158,096	ATT
Principal Attorney	153,109	ATT
Principal Attorney	142,524	ATT
Principal Attorney	128,974	ATT
Associate Attorney	117,431	ATT
Associate Attorney	112,490	ATT
Associate Attorney	104,363	ATT
Court Analyst	75,405	ADM
Senior Court Analyst	72,504	ADM
Secretary	62,590	ADM
Assistant Court Analyst	60,623	ADM
Assistant Court Analyst	59,033	ADM
Secretary	52,930	ADM
Secretary	45,685	ADM
Total FTE - 15		
Personal Service	1,507,459	
Non-Personal Service	220,400	
Total	1,727,859	

### Attorney Discipline - 4th Department

<u>Title</u>	<u>Comp Rate</u>	<u>Category</u>
Chf Atty Grievance Commission	166,119	ATT
Principal Attorney	157,946	ATT
Principal Attorney	153,109	ATT
Principal Attorney	148,272	ATT
Principal Attorney	148,272	ATT
Principal Attorney	119,250	ATT
Principal Attorney	114,413	ATT
Senior Court Analyst	96,755	ADM
Senior Court Analyst	93,446	ADM
Senior Court Analyst	93,446	ADM
Court Analyst	77,508	ADM
Court Analyst	77,508	ADM
Assistant Court Analyst	69,593	ADM
Assistant Court Analyst	66,350	ADM
Assistant Court Analyst	64,095	ADM
Assistant Court Analyst	53,753	ADM
Total FTE - 16		
Personal Service	1,699,835	
Non-Personal Service	316,790	
Total	2,016,625	