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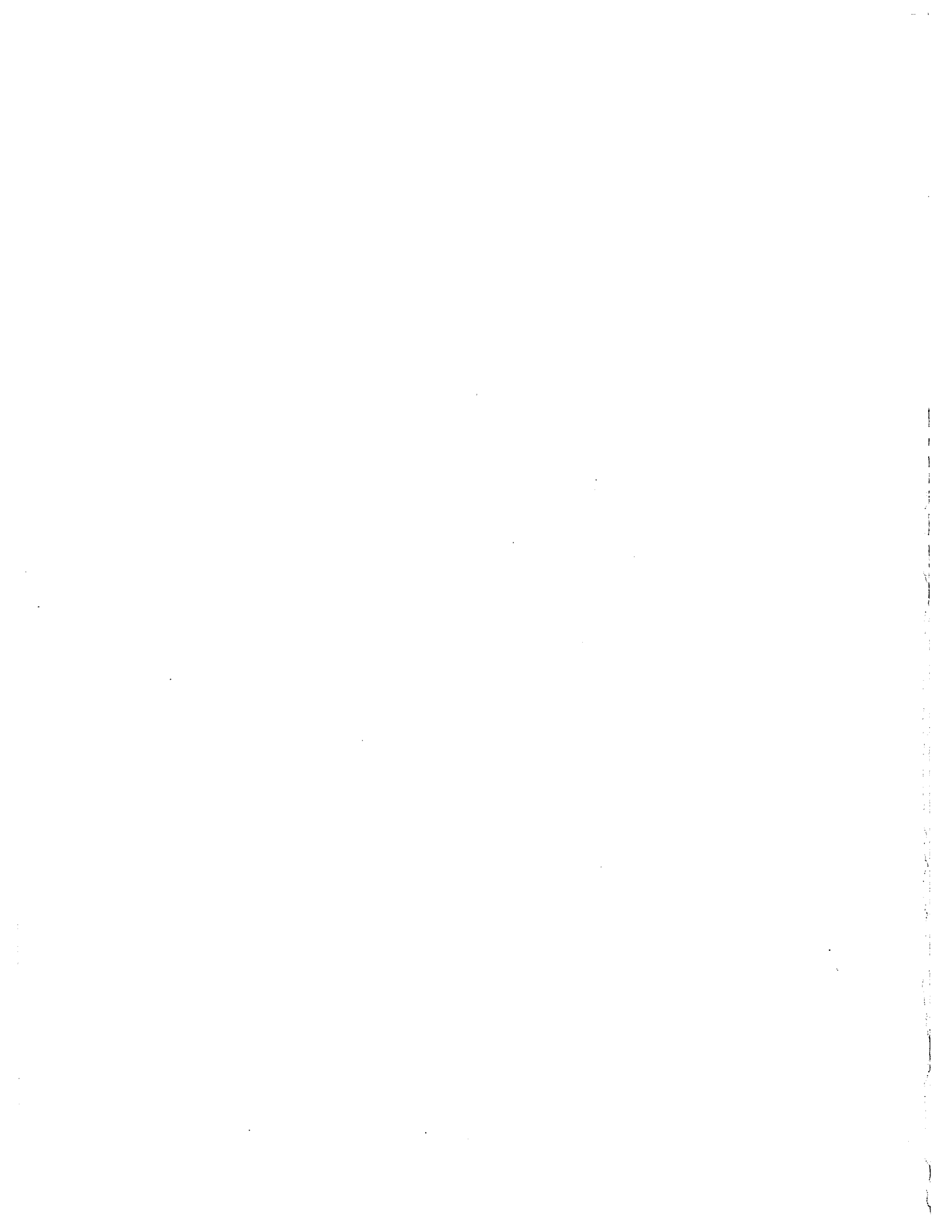
New York State Bar Association

Committee on  
Professional Discipline

# The State of Discipline in New York State

Annual Report for the Year 1989

One Elk Street, Albany, New York 12207





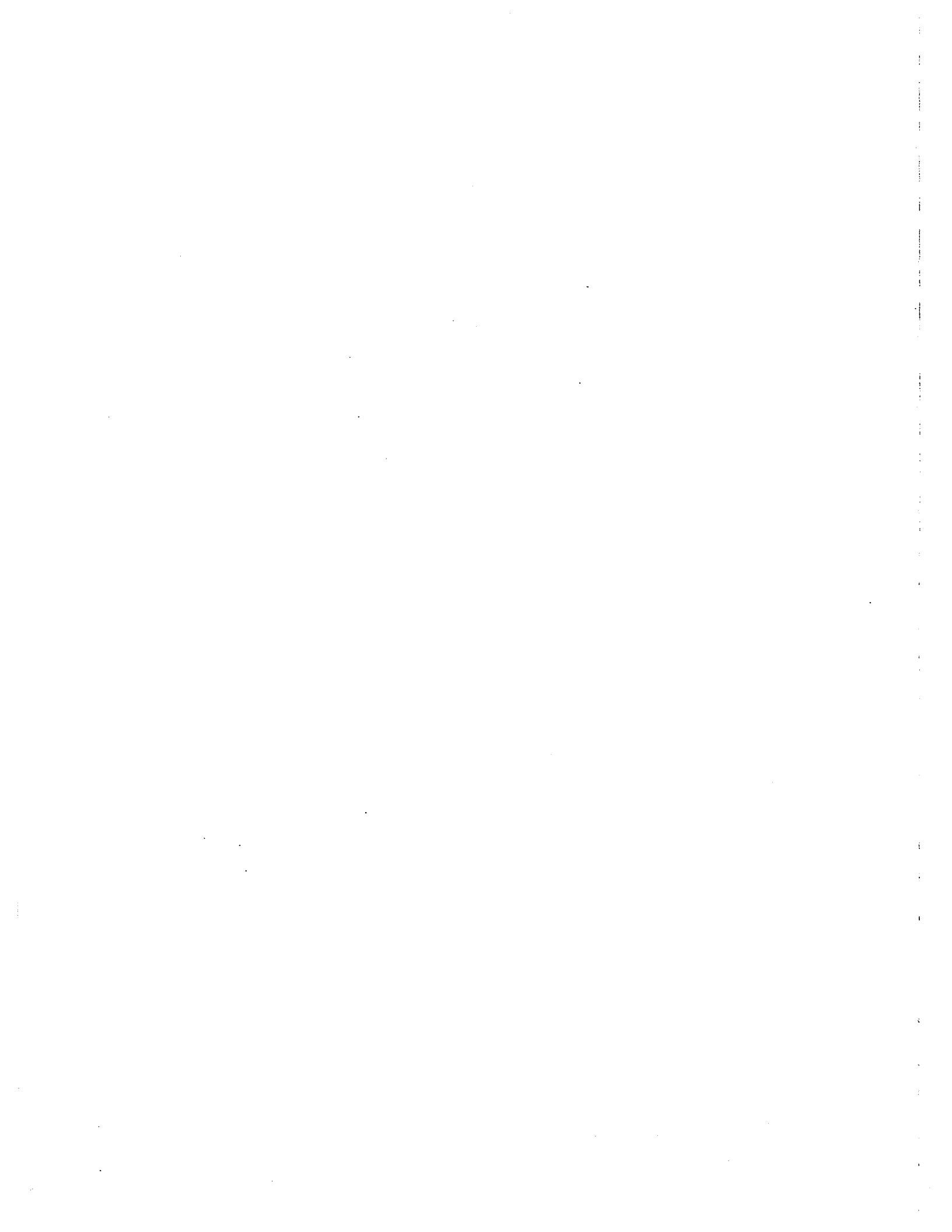
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New York State Bar Association  
Committee on Professional Discipline

1990-1991

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## Introduction

As this latest issue of *The State of Discipline in New York State* goes to print, attorneys in New York State are becoming familiar with changes which have been made to the Lawyer's Code of Professional Responsibility, effective September 1, 1990. These changes are the result of a lengthy process, culminating in the adoption of the Disciplinary Rules by the Appellate Division of Supreme Court. Some of the significant changes to the Disciplinary Rules include the following:

- Under DR 1-102(A)(6), an attorney may be subject to discipline for unlawfully discriminating in the practice of law. The "practice of law" is defined to include hiring, promoting and determining conditions of employment.
- DR 1-103 has been amended so as to limit an attorney's obligation to report misconduct of another attorney to circumstances which raise a substantial question as to the other attorney's honesty, trustworthiness, or fitness.
- A supervisory attorney now may be held responsible for the improper conduct of a subordinate (attorney or non-attorney) if the attorney knows or should have known of the conduct at a time when its consequences could have been avoided or mitigated (DR 1-104).
- A law firm may be permitted to continue representing a client even though a partner or associate is disqualified from representation because he or she may be called as a witness (DR 5-102[B]).
- The standards relating to trial publicity have been changed so as to prohibit statements which an attorney knows or should know would have a substantial likelihood of prejudicing an adjudicative proceeding (DR 7-107).
- Instances in which an attorney is disqualified from representation because of prior public service or because of relation to counsel for another party in a matter have been codified (DR 9-101).
- The rules relating to the preservation of clients' property and recordkeeping have been extensively revised (DR 9-102).

It is important for all attorneys practicing in New York State to become familiar with the changes to the Code and how these changes will affect the practice of law. To this end, the Committee on Professional Discipline sponsored a seminar in May 1990 which included the new Rules as a topic. Other topics discussed at the seminar included the proposals for rules governing random audits of attorney escrow accounts and the

reporting of overdrafts on escrow accounts, as well as disciplinary problems and conflicts of interest in multi-state practices and in large firms. Our committee will be presenting a new seminar in May of 1991, and a subcommittee has been appointed to develop appropriate topics.

On another topic, the American Bar Association Commission on Evaluation of Disciplinary Enforcement is conducting a nationwide study of attorney discipline, considering issues such as detection of lawyer misconduct, the fairness and effectiveness of the disciplinary system, public satisfaction with the system, and remedies. Our Committee presented testimony at the May 5, 1990 New York City hearing of the Commission. We express our regret at the untimely passing of Commission chair Robert McKay, but look forward to receipt and evaluation of the Commission's findings.

The area of attorney discipline is an area of great concern to both practitioners and the general public. It is our hope that our Committee's work can assist in ensuring that the disciplinary system works fairly and effectively for all.

Martin Minkowitz  
Chair



## Explanation of Disciplinary Statistics for the Year 1989

In maintaining records of professional discipline in this state the practice has been to consider each complaint as an "inquiry." When it appears that the "inquiry" does not allege conduct which, even if true, would constitute professional misconduct, it is "Rejected as Failing to State a Complaint." Otherwise, it is a "matter" which is then investigated. Frequently several "matters" will involve the same attorney and all matters involving that attorney are considered one "case." The committees record each "matter" separately. However, when the committees receive several "matters" against the same attorney and, with the approval of the court, commence a disciplinary proceeding against that attorney based on the several "matters," it is then recorded as a single "case." Thus, a "case" may involve multiple "matters" or complaints.

A proper appreciation of the workload of the disciplinary committees can be had only if the total number of "matters pending" is added to the total number of "cases pending." The "cases," which are fully litigated proceedings, are a very large part of the work of the professional staff.

The multiplicity of disciplinary committees results in each committee receiving a substantial number of complaints which fall within the jurisdiction of other committees and which then must be referred to the proper committee. In the Second Department, complaints received by county bar association grievance committees are referred to the district grievance committee. The district grievance committee, in turn, refers some complaints to the county bar association grievance committees for investigation and processing. Such complaints would be reported by the district committee as both "new matters received" and "referred to other disciplinary committees."

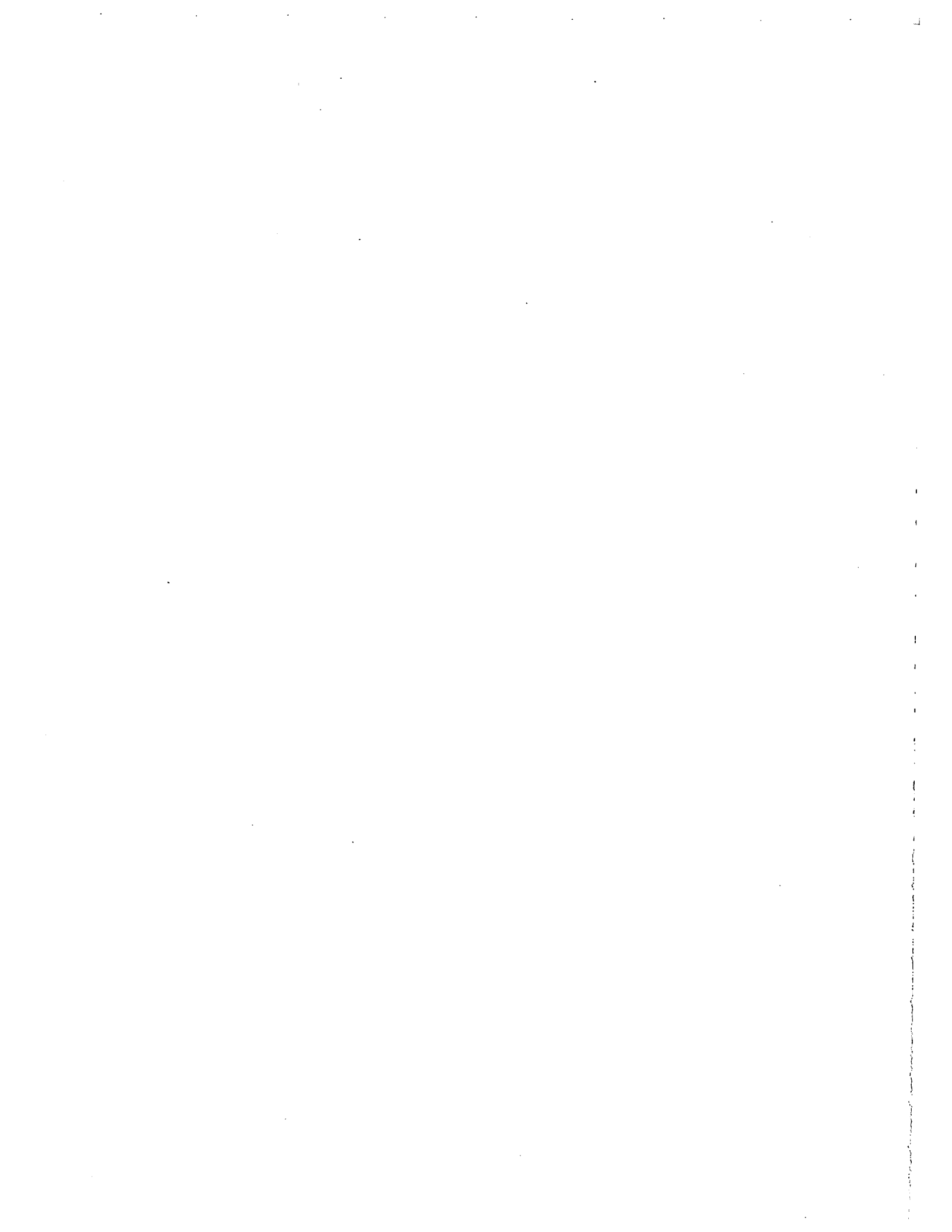
The statistics of the Second Department are the totals of the reports of the court appointed district committees, which include the reports of the county bar association's grievance committees. The reports of the district committees and of each of the local bar association's grievance committees are separately reproduced. In the Tenth Judicial District the grievance committees of the Nassau and Suffolk County Bar Associations only investigate the minor complaints and then report them to the district committee which makes the disposition, and the cases processed by them are incorporated in the report of the Tenth District Grievance Committee. In the Fourth Department a substantial number of minor complaints are processed by the local bar associations and in the Third Department a much lesser number are processed locally, but no separate reports are available for the local activity.

As a final note, this report is not simply that of the Committee on Professional Discipline of the New York State Bar Association, but it is equally that of the disciplinary committees, their chief counsels and staffs, and the grievance committees of county bar associations. They have compiled much of the information contained herein. If this report is of value and interest to those who read it, the credit must go to those dedicated people, not only for their assistance in its compilation, but also for their substantial contribution to the legal profession.



# Disciplinary Statistics 1989

## Tables



**Table 1**  
**Appellate Division**  
**(January 1, 1989 - December 31, 1989)**

	1st Dept.	2d Dept.	3d Dept.	4th Dept.	Total
<b>I. MATTERS PROCESSED:<sup>1</sup></b>					
Pending at start of period	1271	1810	504	1419	5004
New matters received <sup>2</sup>	5539	4875	1309	2498	14221
Matters disposed of	5435	4510	1311	2559	13815
Pending at end of period	1375	2175	502	1358	5410
<b>II. COMMITTEE DISPOSITIONS:</b>					
Rejected for failing to state complaint	625	1384	836	1134	3979
Referred to other agencies <sup>3</sup>	261	1340	74	191	1866
Dismissed or withdrawn	1550	1054	298	1150	4052
Letters of caution	40	173	51	21	285
Letters of admonition	104	113	5	5	227
Admonition or reprimand	0	5	7	N/A	12
Referred to court	20	441	40	58	559
Other	2835	0	0	0	2835
<b>TOTAL DISPOSED OF:</b>	<b>5435</b>	<b>4510</b>	<b>1311</b>	<b>2559</b>	<b>13815</b>
<b>III. CASES PROCESSED IN COURTS:</b>					
Cases pending at start of period <sup>4</sup>	61	158	14	9	242
Cases received	64	161	26	32	283
<b>CASES CLOSED:</b>					
Disbarred	13	26	1	8	48
Resigned	5	9	0	1	15
Suspended	16	33	9	5	63
Censured	5	6	3	0	14
Censured privately	0	1	0	0	1
Remanded to Grievance Committee	0	1	4	3	8
Reinstatements granted	4	2	5	3	14
Reinstatements denied	3	3	0	1	7
Discontinued	1	1	1	1	4
Dismissed	0	2	0	1	3
All other dispositions	7	33	3	4	47
<b>TOTAL CLOSED:</b>	<b>54</b>	<b>117</b>	<b>26</b>	<b>27</b>	<b>224</b>
<b>TOTAL PENDING:</b>	<b>71</b>	<b>202</b>	<b>14</b>	<b>14</b>	<b>301</b>

<sup>1</sup> "Matters" refers to the number of complaints, not of attorneys.

<sup>2</sup> This includes complaints received and reactivated.

<sup>3</sup> This includes matters referred to other disciplinary committees and other agencies.

<sup>4</sup> Number of attorneys, not number of complaints.





Table 2

	New Matters*	Matters Closed	Disciplinary Action by Committees	Disciplinary Action by Court
<b>1st Department</b>				
1979	2170	2890	184	39
1980	2197	2436	145	16
1981	1994	2176	170	29
1982	2681	2788	127	43
1983	2547	2511	152	72
1984	3011	2693	123	39
1985	2869	2867	198	41
1986	2477	2838	194	38
1987	2328	2111	94	56
1988	4996	5087	86	45
1989	5278	5174	144	39
<b>2nd Department</b>				
1979	1953	1976	174	47
1980	1735	1853	157	19
1981	2237	2048	209	61
1982	2188	2210	169	41
1983	2204	1970	187	79
1984	2646	2702	269	61
1985	2990	2966	290	64
1986	3452	3064	264	36
1987	3325	3465	282	49
1988	3119	3049	247	80
1989	3535	3170	291	75
<b>3rd Department</b>				
1979	576	633	73	11
1980	638	614	65	12
1981	679	701	71	14
1982	630	568	50	14
1983	760	750	64	14
1984	662	746	57	24
1985	950	794	71	12
1986	976	986	96	16
1987	979	983	96	16
1988	1079	925	95	20
1989	1235	1237	63	13
<b>4th Department</b>				
1979	924	958	21	10
1980	1236	1226	22	13
1981	1341	1333	33	12
1982	1558	1510	32	8
1983	2171	2056	30	15
1984	2083	1904	26	5
1985	2166	1934	42	5
1986	1895	1645	60	14
1987	2181	1992	51	19
1988	2631	2653	34	14
1989	2307	2368	26	14

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

Statewide

1979	5623	6457	452	71
1980	5806	6129	389	60
1981	6251	6258	483	116
1982	7057	7076	746	106
1983	7682	7287	433	180
1984	8402	8045	475	129
1985	8975	8516	601	160
1986	8800	8310	614	104
1987	8813	8551	523	140
1988	11825	8929	462	159
1989	12355	11949	524	141

Table 3

	New Matters*	Matters Closed	Disciplinary Action by Committees	Disciplinary Action by Court
<b>Departmental Disciplinary Committee for the First Department</b>				
1980	2197	2436	145	16
1981	1994	2176	170	29
1982	2681	2788	127	43
1983	2547	2511	152	72
1984	3011	2693	123	39
1985	2869	2867	198	41
1986	2477	2838	194	38
1987	2328	2111	94	56
1988	4996	5087	86	45
1989	5278	5174	144	39
<b>Grievance Committee for the Second and Eleventh Judicial Districts, Second Department</b>				
1980	375	401	45	8
1981	526	492	41	25
1982	557	571	45	16
1983	506	506	37	65
1984	519	453	49	24
1985	802	672	66	17
1986	867	716	55	6
1987	1019	916	56	18
1988	992	1017	92	33
1989	1142	941	102	12
<b>Grievance Committee for the Ninth Judicial District, Second Department</b>				
1980	330	409	54	4
1981	486	403	63	18
1982	497	483	47	12
1983	443	470	64	6
1984	604	534	38	20
1985	567	612	40	11
1986	826	598	24	18
1987	829	894	41	10
1988	825	732	63	22
1989	915	900	101	34
<b>Grievance Committee for the Tenth Judicial District, Second Department</b>				
1980	738	729	53	7
1981	811	821	93	18
1982	865	848	76	13
1983	962	753	70	8
1984	1180	1411	164	17
1985	1070	1156	173	20
1986	826	1138	173	9
1987	829	1355	169	21
1988	1302	1300	92	25
1989	1478	1329	88	29

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

**Committee on Professional Standards, Third Department**

1980	638	614	65	12
1981	679	701	71	14
1982	630	568	50	14
1983	760	750	64	14
1984	662	746	57	24
1985	950	794	71	12
1986	976	986	96	16
1987	979	983	96	16
1988	1079	925	95	20
1989	1235	1237	63	13

**Grievance Committee for the Fifth Judicial District, Fourth Department**

1980	234	225	1	3
1981	249	256	5	3
1982	340	338	9	0
1983	373	389	5	5
1984	420	430	6	0
1985	568	566	0	2
1986	448	442	11	3
1987	385	382	1	5
1988	435	419	7	3
1989	406	404	2	8

**Grievance Committee for the Seventh Judicial District, Fourth Department**

1980	304	325	14	3
1981	350	327	9	6
1982	317	304	10	5
1983	418	400	14	5
1984	528	451	20	2
1985	424	441	24	2
1986	355	413	10	5
1987	602	467	14	5
1988	571	535	12	7
1989	535	566	17	6

**Grievance Committee for the Eighth Judicial District, Fourth Department**

1980	698	676	7	7
1981	742	750	19	3
1982	901	868	13	3
1983	1380	1267	8	5
1984	1136	1024	0	3
1985	1174	927	18	1
1986	1092	790	39	6
1987	1194	1143	36	9
1988	1625	1699	15	4
1989	1366	1398	7	0

**Statistical Reports of Disciplinary Committees**



## Departmental Disciplinary Committee for the First Department

### I. Matters Processed:\*

A. Matters Pending on Jan. 1, 1989	1271	
B. New Matters Received During Period	5531	
C. Closed Matters Reactivated During Period	8	
D. Total Matters To Be Processed During Period		6810
E. Total Matters Disposed of During Period		5435
F. Matters Pending on Dec. 31, 1989		1375

### II. Matters Disposed of By Committee

	CASES:	MATTERS:
A. Rejected as Failing to State a Complaint	625	625
B. Referred to Other Disciplinary Committees/Agencies	261	261
C. Preliminary Investigations and Inquiries	2835	2835
D. Dismissed	1550	1550
E. Letter of Caution	40	40
F. Letter of Admonition	91	104
G. Reprimand After Hearing	0	0
H. Referred to Appellate Division	15	20
I. Total Disposed of During Period	5417	5435

### III. Cases Processed in All Courts:

A. Cases Pending on Jan. 1, 1989		61
1. Disciplinary Proceedings	33	
2. Other	28	
B. Cases Received During Period		64
1. Disciplinary Proceedings	48	
2. Other	16	
C. Total To Be Processed During Period		125
D. Cases Closed		
1. Disbarred		13
2. Resigned		5
3. Suspended**		16
4. Censured		5
5. Privately Censured		0
6. Remanded to Grievance Committee		0
7. Discontinued		1
8. Dismissed		0
9. Reinstatements Granted		4
10. Reinstatements Denied		3
11. All Other Dispositions		27
12. Total Closed		54
E. Total Cases Pending at End of Period		71
1. Disciplinary Proceedings	41	
2. Other	30	

\* For purposes of this Report, "Matters" represents the number of complaints, telephone calls which initiate an investigation, inquiries and *sua sponte* investigation, while "Cases" refers to the number of respondent-attorneys against whom proceedings have been instituted. As some attorneys are the subject of multiple complaints, the number of matters exceed the number of cases.

\*\* Eight of the suspensions are interim suspensions.

## Grievance Committee for the Second and Eleventh Judicial Districts of the Second Department

### I. Matters Processed:

A. Matters Pending on Jan. 1, 1989	681	
B. New Matters Received During Period	1667	
C. Closed Matters Reactivated During Period	32	
D. Total Matters To Be Processed During Period		2380
E. Total Matters Disposed of During Period		1498
F. Matters Pending on Dec. 31, 1989		882

CASES:

MATTERS:

### II. Matters Disposed of by Committee:

A. Rejected as Failing to State a Complaint	372	372
B. Referred to Other Disciplinary Committees	549	549
C. Referred to Other Agencies	7	8
D. Dismissed or Withdrawn	393	393
E. Letter of Caution (or Education)	52	60
F. Letter of Admonition	25	41
G. Admonition (or Reprimand)	1	1
H. Referred to Appellate Division	34	74
I. Total Disposed of During Period	1433	1498

### III. Cases Processed in All Courts:

A. Cases Pending on Jan. 1, 1989	74	193
1. Disciplinary Proceedings	54	173
2. Other	20	20
B. Cases Received During Period	40	95
1. Disciplinary Proceedings	20	75
2. Other	20	20
C. Total To Be Processed During Period	114	288
D. Cases Closed		
1. Disbarred	6	7
2. Resigned	1	3
3. Suspended	5	14
4. Censured	0	0
5. Privately Censured	0	0
6. Remanded to Grievance Committee	0	0
7. Discontinued	0	0
8. Dismissed	0	0
9. Reinstatements Granted	1	1
10. Reinstatements Denied	2	2
11. All Other Dispositions	8	8
12. Total Closed	23	35
E. Total Cases Pending at End of Period	91	253
1. Disciplinary Proceedings	62	224
2. Other	29	29



## Richmond County Bar Association Grievance Committee

### Appellate Division, Second Department, Second and Eleventh Judicial Districts

#### I. Matters Processed:

A.	Matters Pending on Jan. 1, 1989	18
B.	New Matters Received During Period	45
C.	Closed Matters Reactivated During Period	0
D.	Total Matters to be Processed During Period	63
E.	Total Matters Disposed of During Period	34
F.	Matters Pending on Dec. 31, 1989	29

#### II. Matters Disposed of by Committee:

A.	Rejected as Failing to State Complaint	0
B.	Retained by District Disciplinary Committee	17
C.	Referred to Fee Conciliation Committee	2
D.	Judicially Settled	0
E.	In Litigation	1
F.	Closed by Appellate Division	0
G.	Referred to Commn. on Judicial Conduct	0
H.	Dismissed	10
I.	Letter of Caution	0
J.	Admonition	0
K.	Suspension	1
L.	Total Disposed of During Period	34

## Queens County Bar Association Grievance Committee

### Appellate Division, Second Department, Second and Eleventh Judicial Districts

#### I. Matters Disposed of by Committee:

A.	Dismissals	65
B.	Cautions	8
C.	Advisements	1
D.	Admonitions	1
E.	Rejected	3
F.	Withdrawn	3
G.	Fee Dispute Committee	1
H.	Referred to District Disciplinary Committee	6
I.	Total Disposed of During Period	88

#### II. Fee Disputes Committee:

A.	Decisions Made	8
B.	Only Attorney Consented	6
C.	Only Complainant Consented	15
D.	No Consents from Either Party	13
E.	Pending	4
F.	Matter Resolved Between Parties	2

## Grievance Committee for the Ninth Judicial District of the Second Department

### I. Matters Processed:

A. Matters Pending on Jan. 1, 1989	559	
B. New Matters Received During Period	1204	
C. Closed Matters Reactivated During Period	30	
D. Total Matters To Be Processed During Period		1793
E. Total Matters Disposed of During Period		1219
F. Matters Pending on Dec. 31, 1989		574

CASES:                      MATTERS:

### II. Matters Disposed of by Committee:

A. Rejected as Failing to State a Complaint		346
B. Referred to Other Disciplinary Committees		307
C. Referred to Other Agencies		12
D. Dismissed or Withdrawn		362
E. Letter of Caution (or Education)		63
F. Letter of Admonition		35
G. Admonition (or Reprimand)		3
H. Referrd to Appellate Division	52	91
I. Total Disposed of During Period		1219

### III. Cases Processed in All Courts:

A. Cases Pending on Jan. 1, 1989		
1. Disciplinary Proceedings	36	64
2. Other	0	0
B. Cases Received During Period		
1. Disciplinary Proceedings	52	91
2. Other	0	0
C. Total To Be Processed During Period	88	155
D. Cases Closed		
1. Disbarred	12	24
2. Resigned	2	4
3. Suspended	17	33
4. Censured	3	3
5. Privately Censured	0	0
6. Remanded to Grievance Committee	1	1
7. Discontinued	1	1
8. Dismissed	0	0
9. Reinstatements Granted	0	0
10. Reinstatements Denied	0	0
11. All Other Dispositions	7	12
12. Total Closed	43	78
E. Total Cases Pending at End of Period		
1. Disciplinary Proceedings	45	77
2. Other	0	0

## Dutchess County Bar Association Grievance Committee

### Appellate Division, Second Department, Ninth Judicial District

#### I. Matters Processed:

A.	Matters Pending on Jan. 1, 1989	10
B.	New Matters Received During Period	23
C.	Closed Matters Reactivated During Period	1
D.	Total Matters to be Processed During Period	34
E.	Total Matters Disposed of During Period	31
F.	Matters Pending on Dec. 31, 1989	3

#### II. Matters Disposed of by Committee:

A.	Rejected as Failing to State Complaint	0
B.	Referred to Other Disciplinary Committees	6
C.	Referred to Other Agencies	3
D.	Dismissed	20
E.	Dismissed with Cautionary Language	1
F.	Letter of Caution	1
G.	Letter of Admonition	0
H.	Reprimand	0
I.	Total Disposed of During Period	31

## Orange County Bar Association Grievance Committee

### Appellate Division, Second Department, Ninth Judicial District

#### I. Matters Processed:

A.	Matters Pending on Jan. 1, 1989	46
B.	New Matters Received During Period	60
C.	Closed Matters Reactivated During Period	0
D.	Total Matters to be Processed During Period	106
E.	Total Matters Disposed of During Period	60
F.	Matters Pending on Dec. 31, 1989	46

#### II. Matters Disposed of by Committee:

A.	Rejected as Failing to State Complaint	1
B.	Referred to Other Disciplinary Committees	11
C.	Referred to Other Agencies (White Plains handling)	1
D.	Dismissed	39
E.	Dismissed with Cautionary Language	7
F.	Dismissed with Letter of Apology to Complainant	1
G.	Letter of Caution	0
H.	Letter of Admonition	0
I.	Reprimand	0
J.	Total Disposed of During Period	60

## Putnam County Bar Association Grievance Committee

Appellate Division, Second Department, Ninth Judicial District

### I. Matters Processed:

A.	Matters Pending on Jan. 1, 1989	1
B.	New Matters Received During Period	10
C.	Closed Matters Reactivated During Period	0
D.	Total Matters to be Processed During Period	11
E.	Total Matters Disposed of During Period	9
F.	Matters Pending on Dec. 31, 1989	2

### II. Matters Disposed of by Committee:

A.	Rejected as Failing to State Complaint	0
B.	Referred to Other Disciplinary Committees	2
C.	Referred to Other Agencies	0
D.	Dismissed	7
E.	Dismissed with Cautionary Language	0
F.	Letter of Caution	0
G.	Letter of Admonition	0
H.	Reprimand	0
I.	Total Disposed of During Period	9

## Rockland County Bar Association Grievance Committee

Appellate Division, Second Department, Ninth Judicial District

### I. Matters Processed:

A.	Matters Pending on Jan. 1, 1989	17
B.	New Matters Received During Period	33
C.	Closed Matters Reactivated During Period	0
D.	Total Matters to be Processed During Period	50
E.	Total Matters Disposed of During Period	37
F.	Matters Pending on Dec. 31, 1989	13

### II. Matters Disposed of by Committee:

A.	Rejected as Failing to State Complaint	1
B.	Referred to Other Disciplinary Committees	2
C.	Referred to Other Agencies	0
D.	Dismissed	32
E.	Dismissed with Cautionary Language	2
F.	Letter of Caution	0
G.	Letter of Admonition	0
H.	Reprimand	0
I.	Total Disposed of During Period	37

# Westchester County Bar Association Grievance Committee

## Appellate Division, Second Department, Ninth Judicial District

### I. Matters Processed:

A.	Matters Pending on Jan. 1, 1989	64
B.	New Matters Received During Period	185
C.	Closed Matters Reactivated During Period	0
D.	Total Matters to be Processed During Period	249
E.	Total Matters Disposed of During Period	203
F.	Matters Pending on Dec. 31, 1989	46

### II. Matters Disposed of by Committee:

A.	Rejected as Failing to State Complaint	0
B.	Referred to Other Disciplinary Committees	0
C.	Referred to Other Agencies	59
D.	Dismissed	175
E.	Dismissed with Cautionary Language	2
F.	Letter of Caution	1
G.	Letter of Admonition	1
H.	Reprimand	0
I.	Total Disposed of During Period	203

## Grievance Committee for the Tenth Judicial District of the Second Department

**I. Matters Processed:**

A. Matters Pending on Jan. 1, 1989	570*	
B. New Matters Received During Period	1851	
C. Closed Matters Reactivated During Period	91	
D. Total Matters To Be Processed During Period		2512
E. Total Matters Disposed of During Period		1793
F. Matters Pending on Dec. 31, 1989		719*

	<b>CASES:</b>	<b>MATTERS:</b>
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**II. Matters Disposed of by Committee:**

A. Rejected as Failing to State a Complaint	666	666
B. Referred to Other Disciplinary Committees	431	431
C. Referred to Other Agencies	33	33
D. Dismissed or Withdrawn	299	299
E. Letter of Caution (or Education)	49	50
F. Letter of Admonition	37	37
G. Admonition (or Reprimand)	1	1
H. Referred to Appellate Division	52	276
I. Total Disposed of During Period	1568	1793

**III. Cases Processed in All Courts:**

A. Cases Pending on Jan. 1, 1989	48	156
1. Disciplinary Proceedings	40	148
2. Other	8	8
B. Cases Received During Period	69	285
1. Disciplinary Proceedings	38	254
2. Other	31	31
C. Total To Be Processed During Period	117	441
D. Cases Closed		
1. Disbarred	8	47
2. Resigned	6	12
3. Suspended	11	42
4. Censured	3	3
5. Privately Censured	1	1
6. Remanded to Grievance Committee	0	0
7. Discontinued	0	0
8. Dismissed	2	2
9. Reinstatements Granted	1	1
10. Reinstatements Denied	1	1
11. All Other Dispositions	18	18
12. Total Closed	51	126
E. Total Cases Pending at End of Period	66	314
1. Disciplinary Proceedings	48	296
2. Other	18	18

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\* Not including DP matters

**Committee on Professional Standards, Third Department  
(Third, Fourth and Sixth Judicial Districts)**

**I. Matters Processed:**

A. Matters Pending on Jan. 1, 1989	504	
B. New Matters Received During Period	1269	
C. Closed Matters Reactivated During Period	40	
D. Total Matters To Be Processed During Period		1813
E. Total Matters Disposed of During Period		1311
F. Matters Pending on Dec. 31, 1989		502

**CASES:                      MATTERS:**

**II. Matters Disposed of by Committee:**

A. Rejected as Failing to State a Complaint	799	836
B. Referred to Other Disciplinary Committees	68	68
C. Referred to Other Agencies	6	6
D. Dismissed or Withdrawn	286	298
E. Letter of Caution (or Education)	50	51
F. Letter of Admonition	5	5
G. Admonition (or Reprimand)	4	7
H. Referred to Appellate Division	26	40
I. Total Disposed of During Period	1244	1311

**III. Cases Processed in All Courts:**

A. Cases Pending on Jan. 1, 1989		14
1. Disciplinary Proceedings	13	
2. Other	1	
B. Cases Received During Period		26
1. Disciplinary Proceedings	22	
2. Other	4	
C. Total To Be Processed During Period		40
D. Cases Closed		
1. Disbarred		1
2. Resigned		0
3. Suspended		9
4. Censured		3
5. Privately Censured		0
6. Remanded to Grievance Committee		4
7. Discontinued		1
8. Dismissed		0
9. Reinstatements Granted		5
10. Reinstatements Denied		0
11. All Other Dispositions		3
12. Total Closed		26
E. Total Cases Pending at End of Period		14
1. Disciplinary Proceedings	8	
2. Other	6	

## Grievance Committee for the Fifth Judicial District of the Fourth Department

### I. Matters Processed:

A. Matters Pending on Jan. 1, 1989	114	
B. New Matters Received During Period	442	
C. Closed Matters Reactivated During Period	9	
D. Total Matters To Be Processed During Period		565
E. Total Matters Disposed of During Period		449
F. Matters Pending on Dec. 31, 1989		116

CASES:                      MATTERS:

### II. Matters Disposed of by Committee:

A. Rejected as Failing to State a Complaint	223	240
B. Referred to Other Disciplinary Committees	42	42
C. Referred to Other Agencies	3	3
D. Dismissed or Withdrawn	140	148
E. Letter of Caution (or Education)	1	1
F. Letter of Admonition	1	1
G. Admonition (or Reprimand)	N/A	N/A
H. Referred to Appellate Division	13	14
I. Total Disposed of During Period	423	449

### III. Cases Processed in All Courts:

A. Cases Pending on Jan. 1, 1989		5
1. Disciplinary Proceedings	5	
2. Other	0	
B. Cases Received During Period		13
1. Disciplinary Proceedings	8	
2. Other	5	
C. Total To Be Processed During Period		18
D. Cases Closed		
1. Disbarred		6
2. Resigned		0
3. Suspended		2
4. Censured		0
5. Privately Censured		0
6. Remanded to Grievance Committee		2
7. Discontinued		0
8. Dismissed		1
9. Reinstatements Granted		0
10. Reinstatements Denied		0
11. All Other Dispositions		3
12. Total Closed		14
E. Total Cases Pending at End of Period		4
1. Disciplinary Proceedings	3	
2. Other	1	



## Grievance Committee for the Seventh Judicial District of the Fourth Department

### I. Matters Processed:

A. Matters Pending on Jan. 1, 1989	265	
B. New Matters Received During Period	533	
C. Closed Matters Reactivated During Period	27	
D. Total Matters To Be Processed During Period		825
E. Total Matters Disposed of During Period		591
F. Matters Pending on Dec. 31, 1989		234

CASES:

MATTERS:

### II. Matters Disposed of by Committee:

A. Rejected as Failing to State a Complaint	260	300
B. Referred to Other Disciplinary Committees	12	12
C. Referred to Other Agencies	13	13
D. Dismissed or Withdrawn	180	207
E. Letter of Caution (or Education)	13	13
F. Letter of Admonition	2	4
G. Admonition (or Reprimand)	N/A	N/A
H. Referred to Appellate Division	17	42
I. Total Disposed of During Period	497	591

### III. Cases Processed in All Courts:

A. Cases Pending on Jan. 1, 1989		0
1. Disciplinary Proceedings	0	
2. Other	0	
B. Cases Received During Period		17
1. Disciplinary Proceedings	17	
2. Other	0	
C. Total To Be Processed During Period		17
D. Cases Closed		
1. Disbarred		2
2. Resigned		1
3. Suspended		3
4. Censured		0
5. Privately Censured		0
6. Remanded to Grievance Committee		0
7. Discontinued		1
8. Dismissed		0
9. Reinstatements Granted		2
10. Reinstatements Denied		1
11. All Other Dispositions		1
12. Total Closed		11
E. Total Cases Pending at End of Period		6
1. Disciplinary Proceedings	6	
2. Other	0	

## Grievance Committee for the Eighth Judicial District of the Fourth Department

### I. Matters Processed:

A. Matters Pending on Jan. 1, 1989	1040	
B. New Matters Received During Period	1325	
C. Closed Matters Reactivated During Period	162	
D. Total Matters To Be Processed During Period		2527
E. Total Matters Disposed of During Period		1519
F. Matters Pending on Dec. 31, 1989		1008

### CASES:

### MATTERS:

### II. Matters Disposed of by Committee:

A. Rejected as Failing to State a Complaint	516	594
B. Referred to Other Disciplinary Committees	40	42
C. Referred to Other Agencies	34	79
D. Dismissed or Withdrawn	694	795
E. Letter of Caution (or Education)	3	7
F. Letter of Admonition	0	0
G. Admonition (or Reprimand)	N/A	N/A
H. Referred to Appellate Division	2	2
I. Total Disposed of During Period	1289	1519

### III. Cases Processed in All Courts:

A. Cases Pending on Jan. 1, 1989		4
1. Disciplinary Proceedings	3	
2. Other	1	
B. Cases Received During Period		2
1. Disciplinary Proceedings	1	
2. Other	1	
C. Total To Be Processed During Period		6
D. Cases Closed		
1. Disbarred		0
2. Resigned		0
3. Suspended		0
4. Censured		0
5. Privately Censured		0
6. Remanded to Grievance Committee		1
7. Discontinued		0
8. Dismissed		0
9. Reinstatement Granted		1
10. Reinstatement Denied		0
11. All Other Dispositions		0
12. Total Closed		2
E. Total Cases Pending at End of Period		4
1. Disciplinary Proceedings	3	
2. Other	1	

**Disciplinary Decisions Reported by  
Appellate Division in 1989**



## FIRST DEPARTMENT

Michael B. Pollack 142 AD2d 386	Censured	22 NYCRR 603.15(a) (commingling); DR 1-102(A)(6) (conduct adversely reflecting on fitness to practice law); DR 9-102(A) (preserving identity of funds and property of a client, identifiable bank accounts); DR 6-101(A)(3) (neglect of a legal matter).
Elliot H. Pollack 142 AD2d 382	Disbarred	DR 1-102(A)(4), (6) (conversion); DR 6-101(A)(3) (neglect of a matter entrusted to him).
Matthew E. Newman (admitted as Elliott Newman) 142 AD2d 444	Indefinite Suspension	Judiciary Law §90(4)(d), Gen. Bus. Law §352-C(1)(a) (misdemeanor conviction - fraud).
Wilmer Hill Grier 144 AD2d 24	Indefinite Suspension	Judiciary Law §90(4)(d), Penal Law §170.05 (Class A Misdemeanor - Forgery, 3d Degree)
Robert B. Anderson (admitted as Robert Bernard) 142 AD2d 498	Disbarred	Judiciary Law §90(4)(d), 26 USC §7201, 12 USC §378 (Felony conviction - tax evasion, illegal operation of a bank).
Mitchell Bedell 144 AD2d 99	Indefinite Suspension	Judiciary Law §90(4)(d), Penal Law §170.05 (Class A misdemeanor - Forgery, 3d Degree)
Peter G. Schmidt 145 AD2d 103	Disbarred	DR 1-102 (A)(4), 1-102(A)(6), 1-102 (B)(4) (Converting clients' and escrow funds; failing promptly to deliver overdue and owing escrow funds; misrepresenting status and location of escrow funds)
Michael N. David 145 AD2d 150	Stricken	18 USC §371, 15 USC §78j(b) and 78ff, 18 USC §1341, 18 USC §1505 (Insider trading and securities fraud).
J. Jerome Olitt (admitted as Jerome Olitt) 145 Ad2d 273	Disbarred	Judiciary Law §486 (Practicing law while suspended).
Mario Biaggi 146 AD2d 150	Stricken	Judiciary Law §90(4)(b) (Conviction of a federal felony); 18 USC §201(c) (Receiving a bribe); 18 USC §1623 (False declaration before grand jury)

Richard M. Biaggi (admitted as Richard Mario Biaggi) 146 AD2d 148	Stricken	Judiciary Law §90(4)(b) (Con- viction of a federal felony); 18 USC §§2, 201(c) (Aiding and abetting public official to commit crime of bribe receiving).
Ann Rader Troitino Johnston (admitted as Ann Rader Troitino) 146 AD2d 222	Stricken	Judiciary Law §90(4)(a), (e) (Felony conviction in Texas - manslaughter, 1st Degree).
Sherwin Grossfield 150 AD2d 139	Censured	DR 5-101(A) (Refusing employment when [finan- cial, business, property or personal] interests of lawyer may impair his independent judgment); DR 5-104(A) (Limiting business relations with a client with differing interests); DR 1-102(A)(4), (6) (Engaging in conduct involving dishonesty, fraud, deceit or misrepresentation; conduct adversely reflecting on his fitness to practice law).
James J. Cally 146 AD2d 366	Disbarred	Judiciary Law §90(4) (Felony conviction); Judiciary Law §486 (Practicing while sus- pended); failure to comply with court orders; failure to comply with 22 NYCRR 603.11 (affidavit of com- pliance).
Richard P. Maracina 146 AD2d 378	Indefinite Suspension	22 NYCRR 603.4(e)(1)(i) (Willful failure to cooperate in Committee investigation).
Stanley Simon 146 AD2d 393	Stricken	Judiciary Law §90(4)(a), (e); 18 USC §1623 (Felony convic- tion - false declaration before grand jury).
J. Alexis Caparros (admitted as Jenaro Alexis Caparros) 146 AD2d 417	Suspended 3 years	Judiciary Law §90(4)(d) (Federal felony conviction); 18 USC §1343 (wire fraud).
Bernard Ehrlich 146 AD2d 428	Stricken	Judiciary Law §90(4)(b) (Federal felony conviction - bribe receiving, 2d degree).
Alan H. Ballinger 148 AD2d 152	Indefinite Suspension	Judiciary Law §90(4)(d) (Federal felony conviction); 18 USC §§1014, 1343 (False statement and report on loan application, wire fraud).

Dennis McLaughlin (admitted as Dennis J. McLaughlin) 148 AD2d 124	Indefinite Suspension	Judiciary Law §90(2), 22 NYCRR 603.4(e) (Conversion of client's escrow).
John J. Cullen 148 AD2d 98	Censured	22 NYCRR 603.3(a) (Professional misconduct in foreign jurisdiction).
Alan J. Kraft 148 AD2d 149	Censured	DR 6-101(A)(6) (Neglect of legal matters).
Joel Winograd 148 AD2d 214	Indefinite Suspension	Judiciary Law §90(4)(d) (Federal felony conviction); 26 USC §7201 (Income tax evasion).
Leonard A. Messinger 148 AD2d 228	Indefinite Suspension	Judiciary Law §90(4)(d) (Federal conviction); 18 USC §371 (Conspiracy to defraud U.S.); 26 USC §7206(2) (Preparation of false documents); 26 USC §7206(1) (Perjury).
Hesper A. Jackson, Jr. 149 AD2d 10	Disbarred	Judiciary Law §486 (Practicing law while suspended).
Jeffrey M. Schwartz (Admitted as Jeffrey Mark Schwartz) 148 AD2d 201	Stricken	Resignation pursuant to 22 NYCRR 603.11
Richard J. Rubin 148 AD2d 269	Censured	DR 1-102(B)(4) (Conversion of employer's funds to own use); DR 1-102(A)(5), (6), 22 NYCRR 603.15(d) (Failure to cooperate in Committee investigation).
Sidney A. Weisberg 149 AD2d 58	Suspended 1 year	DR 6-101(A)(2) (Handled legal matter without adequate preparation); New Jersey misdemeanor conviction; Unlawful placement of a child for adoption; DR 9-102(A) (Failed to deposit client funds in escrow account); DR 9-102(B)(2) (Failed to deliver client's funds).
Robert E. Haley 150 AD2d 119	Indefinite Suspension	22 NYCRR 603.4(e) (Failure to cooperate in Committee investigation).
Patrick Henry Diamond 150 AD2d 115	Suspended 1 year	Judiciary Law §90(4)(d) (Federal felony conviction); 26 USC §7206(1) (Filing false tax returns).

Harold W. Grubart 152 AD2d 185	Indefinite Suspension	22 NYCRR 603.4(e)(1), (ii), (iii) (Professional misconduct immediately threatening public interest).
Albert D. Greenfield 152 AD2d 165	Suspended 2 years	22 NYCRR 603.3 (Florida suspension); 22 NYCRR 603.3(d) (Failure to notify court of suspension); DR 9-102(B) (Misappropriation of funds).
Denni; Paul Elkin 152 AD2d 213	Indefinite Suspension	22 NYCRR 603.4(e)(1)(i) (Failure to cooperate with Committee investigation).
Michael P. Oshatz 152 AD2d 27	Indefinite Suspension	Judiciary Law §90(4)(d) (Federal felony convictions); 18 USC §371 (Conspiracy to defraud U.S.); 26 USC § 7206(2) (Preparation of false documents); 26 USC §7206(1) (False declaration).
Matthew E. Newman (Admitted as Matthew Elliott Newman) 152 AD2d 203	Disbarred	Judiciary Law §90(4)(d), Gen. Bus. Law §352 (c)(1)(a) (Convicted of fraud, deception, concealment, suppression, false pretense or fictitious or pretended purchase or sale).

## SECOND DEPARTMENT

(Second and Eleventh Judicial Districts)

David Silberzweig	Censured	22 NYCRR 691.12 (Professional misconduct: misappropriation/conversion of interest earned on clients' funds held in escrow, commingling of client funds with firm's funds, failing to maintain records pertaining to client funds entrusted to him).
Neil Sznitken	Censured	22 NYCRR 691.12 (Professional misconduct: misappropriation/conversion of interest earned on clients' funds held in escrow, commingling of client funds with firm's funds, failing to maintain records pertaining to client funds entrusted to him).



Robert C. LaBorde	Disbarred	Default judgment for failing to appear or answer in proceedings regarding his professional misconduct.
Earl G. Thompson	Interim Suspension	Failing to comply with the lawful demands of the court and grievance committee.
Andrew P. Tivoli	Interim Suspension	Substantial admission under oath of commission of professional misconduct.
J. Edward Caruso	Censured	Professional misconduct: unknowing conversion of funds held in escrow, failing to oversee escrow account records, unknowing commingling of escrow funds with partner's personal funds.
Arthur S. Friedman	Interim Suspension	Pending outcome of disciplinary proceeding.
Edward Lopez	Disbarred	Serious professional misconduct: conversion of funds held in escrow and commingling of escrow funds with personal funds.
Alexander Theoharous	Interim Suspension	Pending outcome of a disciplinary proceeding based upon his substantial admissions under oath of commission of professional misconduct.
Jose A. Pinto	Legal Consultant Licence Revoked	Professional misconduct: exceeding the scope of his practice as a Legal Consultant by holding himself out as an attorney in the State of New York.
Edward C. Fernbach	Interim Suspension	Penal Law §175.30 (Serious crime conviction: offering a false instrument for filing, 2d degree, a class A misdemeanor).
Frank Allen Kelly	Interim Suspension	Failing to appear or interpose defenses regarding the imposition of discipline in New York pursuant to his suspension in Tennessee for misappropriation of client funds.

Anthony Ferraro	Interim Suspension	Penal Law §100.05 (Serious crime conviction: criminal solicitation, 4th degree, a class A misdemeanor).
Rudolph Klenosky	Interim Suspension	Pending outcome of disciplinary proceeding based upon his substantial admission under oath of commission of professional misconduct.
Thomas J. Keenan	Suspended 2 years	Neglect of a legal matter entrusted to him regarding an estate.
Barry S. Eden	Disbarred	Professional misconduct: Disbarment in Florida pursuant to his resignation arising from monetary shortages in trust accounts warranted discipline (in the form of disbarment) in New York.
Stanley Shapiro	Suspended 3 years	Serious professional misconduct: failing to comply with a court mandate to surrender files to the court, neglecting a criminal appeal, failing to perfect appeals already mentioned, and failing to cooperate with the grievance committee in its investigation.
Edward L. Fleischer	Disbarred	Serious professional misconduct: Disbarment in New Jersey for intentional misappropriation of clients' funds warranted discipline (in the form of disbarment) in New York.
Keith A. Seldin	Suspended 2 years	Professional misconduct: Suspension in Florida for misappropriation of estate money and for counseling his client to engage in illegal or fraudulent conduct warranted discipline (in the form of suspension) in New York.

Peter Neglia	Disbarred	Felony conviction: 18 USC §§1961, 1962(c) (engaging in a racketeer-influenced and corrupt organization), 18 USC §201(c) (bribery of public officials), 18 USC §201(g) (unlawful receiving of gratuity while a public official), 18 USC §1503 (obstruction of justice).
Harry Noel Devlin	Disbarred	Professional misconduct: Disbarment in New Jersey for misappropriation of clients' funds, failure to safeguard clients' funds, and failure to establish and maintain proper escrow accounts warrants discipline (in the form of disbarment) in New York.
Arthur J. Haussman	Suspended 2 years	Professional misconduct: neglecting clients' matters, filing a document in the Supreme Court knowing it to contain a false statement, failing to respond to inquiries of the Brooklyn Bar Association and the grievance committee, and improperly executing his power as a notary public.
Edward T. Longo	Suspended 1 year	Misappropriation of client's funds.
Robert C. LaBorde	Interim Suspension	Professional misconduct immediately threatening the public interest: failing to submit written answers to two complaints of professional misconduct, failing to cooperate with the grievance committee in its investigation and failing to comply with its lawful demands, failing to maintain his attorney registration, and failing to maintain a law office of business in New York State.

(Ninth Judicial District)

Donald A. Alleva 150 AD2d 144	Disbarred (Resigned)	DR 9-102(A),(B)(Conversion, commingling); DR 6-101(A)(3) (Neglect); 22 NYCRR 691.4(1) (Failure to cooperate, unauthorized practice of law while under suspension).
Charles W. Beck 146 AD2d 242	Suspended 1 year	DR 5-105 (Impermissible conflict of interest); 22 NYCRR 691.4(1)(Failure to cooperate).
Raymond H. Bradford	Suspended until further order	22 NYCRR 691.4(1)(Failure to cooperate; charges pending of failure to account, commingling, neglect).
Kevin P. Corcoran 148 AD2d 194	Disbarred	Judiciary Law §90(4)(Convicted of grand larceny, 4th degree [Penal Law §155.30]).
Robert D'Alvia	Disbarred	Judiciary Law §90(4)(Convicted of perjury, 1st degree [Penal Law §210.15] and criminal contempt, 1st degree [Penal Law §215.51]).
Robert Dembeck	Suspended until further order	22 NYCRR 691.4(1) (Admissions under oath; charges pending of conversion, failure to account and failure to maintain records).
Bertram Devorsetz	Suspended until further order	Judiciary Law §90(4)(Serious crime; convicted of fraud and false statements [26 USC §7206(1)]).
Henry G. Fury 145 AD2d 259	Disbarred	Judiciary Law §90(4)(Convicted of bank fraud [18 USC § 1344(a)(2)] and conspiracy to commit crime [18 USC §2]).
Stanley Goodman 146 AD2d 78	Censured	DR 9-102(A)(Conversion); DR 6-101(A)(Neglect).
John Gorman 149 AD2d 264	Disbarred	Judiciary Law §90(4)(Convicted of grand larceny, 3rd degree [Penal Law §155.35]).
Terry Grosselfinger	Suspended until further order	22 NYCRR 691.4(1)(Admissions under oath and failure to cooperate; charges pending of conversion, commingling and failure to maintain records).

John Hayden 151 AD2d 40	Suspended 1 year	DR 6-101(A)(Neglect).
Richard Howard 146 AD2d 359	Disbarred (Resigned)	DR 9-102(A),(B)(Conversion, commingling); 22 NYCRR 691.12 (Failure to maintain records); 22 NYCRR 691.4 (Failure to cooperate).
Stanton Karnbad 147 AD2d 222	Disbarred (Resigned)	DR 9-102(A)(Conversion).
Martin Kent	Suspended until further order	22 NYCRR 691.4(1)(Failure to cooperate; charges pending of failure to register).
Robert C. King 147 AD2d 16	Disbarred	Judiciary Law §90(4)(Convicted under Vehicle & Traffic Law §1192 [3], [5][Operating a motor vehicle while intoxicated]).
M. Thomas Kuriakose	Suspended until further order	22 NYCRR 691.4(1)(Failure to cooperate; charges of neglect pending).
David Leibman 150 AD2d 41	Disbarred (Resigned)	DR 9-102(A),(B)(Conversion, commingling); 22 NYCRR 691.12 (Failure to maintain records); DR 5-103 (Acquisition of interest in pending litigation).
John A. Manning	Suspended until further order	22 NYCRR 691.4(1)(Failure to cooperate; charges pending of neglect, failure to communicate, dishonesty, fraud, deceit and misrepresentation).
Dennis McClure	Suspended until further order	22 NYCRR 691.4(1)(Failure to cooperate; charges pending of failure to account, neglect, failure to communicate).
William Metz	Suspended until further order	22 NYCRR 691.4(1)(Failure to cooperate and uncontroverted evidence; charges pending of conversion).
Gerard E. Molony	Suspended until further order	22 NYCRR 691.4(1)(Failure to cooperate; charges pending of neglect).
Alfred S. Moses, Jr.	Disbarred (Resigned)	Judiciary Law §468-a (Failure to register).

Thomas O'Callaghan	Suspended until further order	22 NYCRR 691.4(1)(Failure to cooperate; charges pending of neglect).
George Pavarini 146 AD2d 449	Disbarred (Resigned)	DR 9-102(A)(Conversion); Convicted of mail fraud [18 USC §1341] and unauthorized investment advisor [15 USC §80b-3].
Samuel W. Roberts	Suspended until further order; order vacated 5/1/90	22 NYCRR 691.4(1)(Failure to cooperate; charges pending of neglect).
Frank Silverstein 151 AD2d 219	Censured	Judiciary Law §90(4)(Serious crime; convicted of failure to file taxes [26 USC §7203]).
Donald G. Simmonds 152 AD2d 403	Disbarred	Judiciary Law §468-a (Failure to register); 22 NYCRR 691.4(1)(Failure to cooperate).
Melvin Smith 146 AD2d 126	Suspended 3 years	DR 1-102(A)(4)(Dishonesty, fraud, deceit and misrepresentation); DR 1-102(A)(6) (Conduct adversely reflecting on fitness to practice law - improper loan to client).
Lawrence Sykes 150 AD2d 126	Censured	Improper handling of escrow account.
Michael B. Thomas 150 AD2d 123	Disbarred	DR 9-102(A),(B)(Conversion, commingling); 22 NYCRR 691.12 (Failure to maintain records).
Lillian Villanova	Suspended until further order	22 NYCRR 691.4(1)(Failure to cooperate; charges pending of conversion, failure to account).
Bruce Wiacek 150 AD2d 4	Disbarred	DR 9-102(A),(B)(Conversion, commingling); 22 NYCRR 691.12 (Failure to maintain records).

(Tenth Judicial District)

Matter of Batkin 151 AD2d 1	Resigned	DR 9-102(A)(Conversion).
Matter of Brass 151 AD2d 4	Resigned	DR 9-102(A)(Conversion).

Matter of Cestaro 145 AD2d 283	Censured	DR 6-101(A)(3)(Neglect).
Matter of Citrin 151 AD2d 16	Resigned	22 NYCRR 691.9 (Pleas of guilty to misdemeanor); DR 1-102(A)(4)(Fraud).
Matter of Cusano	Suspended	
Matter of Cusano	Motion to furnish hospital records to Grievance Committee denied 12/11/89.	
Matter of "D" (Anonymous)	Motion to produce files, etcl denied 6/16/89.	
Matter of Dean 147 AD2d 133	Disbarred	DR 9-102(A)(Conversion); DR 9-102(B)(4)(Withholding escrow funds); Failure to file and fraudulently filing retainer and/or closing statements.
Matter of Domsky	Motion for default judgment denied 5/5/89.	
Matter of Greenberg, Alvin 153 AD2d 131	Disbarred	Judiciary Law §90(4)(a),(d) (Federal felony conviction).
Matter of Greenberg 150 AD2d 112	Suspended 3 years	22 NYCRR 691.7 (Guilty of serious professional misconduct upon plea of guilty to misdemeanor).
Matter of "H" (Anonymous)	Order of disclosure 2/7/89.	
Matter of Holtman	Motion for suspension denied 11/6/89.	
Matter of Holtman 152 AD2d 15	Disbarred	Judiciary Law §90(4)(plea of guilty to felony).
Matter of Hurley 147 AD2d 10	Disbarred	DR 1-102(A)(4)(Misrepresentation, fraud).
Matter of Isaacs 147 AD2d 1	Censured	DR 2-106(A)(Excessive fees).
Matter of Kavanagh	Suspended	
Matter of Klan	Motion to stay proceeding denied 7/10/89.	
Matter of Klan 147 AD2d 344	Disbarred	Judiciary Law §90(A),(B)(Convicted of felony).
Matter of Lamar 155 AD2d 123	Disbarred	Judiciary Law §90(A),(B)(Convicted of felony).

Matter of LoCurto 152 AD2d 102	Resigned	DR 9-102(A)(Conversion); DR 9-102(B)(2)(Failure to maintain records).
Matter of LoCurto	Order dismissing disciplinary proceeding moot 11/27/89.	
Matter of LoRusso 149AD2d 277	Resigned	DR 1-102(A)(4)(Misrepresent- ation, fraud).
Matter of "L" (Anonymous)	Motion to dismiss disciplin- ary proceeding granted 11/13/89.	
Matter of "M" (Anonymous)	Motion to quash subpoena denied 8/21/89.	
Matter of McCoy 145 AD2d 277	Resigned	DR 9-102(A)(Conversion); DR 6-101(A)(2)(Neglect); 22 NYCRR 691.4 (Failure to cooperate).
Matter of Meehan	Motion for suspension denied 11/6/89.	
Matter of Meehan 151 AD2d 196	Suspended 2 years	DR 6-101(A)(3)(Neglect).
Matter of Mortenson 146 AD2d 446	Censured	DR 6-101(A)(3)(Neglect); 22 NYCRR 691.4 (Failure to cooperate).
MYS Grievance Committee (Nelville)	Motion dismissed by U.S. District Court 7/8/87.	
Matter of "O" (Anonymous)	Motion for suspension denied 10/2/89.	
Matter of Parker	Suspended	
Matter of Post	Motion to suspend for failure to cooperate 11/13/89.	
Matter of Probert	Suspended	
Matter of Richards	Censured	22 NYCRR 691.7 (Convicted of serious crime in Federal court).
Matter of "R" (Anonymous)	Motion to vacate subpoena denied 1/27/89.	
Matter of "Ro" (Anonymous)	Motion to stay proceeding denied 9/25/89.	
Matter of Sanders, Sheldon	Motion for reinstatement denied 4/5/89.	



Matter of Schneider 151 AD2d 212	Disbarred	Judiciary Law §90(A),(D) (Convicted of Federal felony).
Matter of Solerwitz	Suspended	Failure to cooperate.
Matter of Strauss	Motion for reinstatement granted 8/7/89.	
Matter of Thompson	Motion to suspend granted 10/16/89.	
Matter of Tobin	Motion to suspend 4/18/89.	
Matter of Ullman	Motion to dismiss and re- mand dated 4/6/89.	
Matter of "V" (Anonymous)	Motion denied to vacate authorization for DP dated 12/14/89.	
Matter of Vasko 152 AD2d 323	Disbarred	Judiciary Law §90(4) (Con- victed of Federal felony).
Matter of Wolfram	Motion for permission to work as paralegal denied 11/13/89.	
Matter of Ziems (previously omitted)	Resigned	DR 6-101(A)(3)(Neglect); Convicted of forgery 3rd degree.

### THIRD DEPARTMENT

Philip C. Apovian 146 AD2d 930	Reinstated	
Darrell L. Bowen	Suspended 2 years	DR 1-102(A)(3),(4),(5),(6), DR 7-102 (A)(4),(8) (notarizing client's signature in her ab- sence and submitting docu- ment to court); DR 1-102 (A)(3),(5),(6), DR 5-101(A), DR 5-102 (entering into sexual re- lationships with client, at- tempting to pursue a person- al relationship with women who came to his office seek- ing professional advice and assistance regarding matri- monial problems).
Darrell L. Bowen	Motion for Leave to Appeal denied; motion to reargue denied.	

John M. Cassel	Suspended 5 years	DR 5-101(A), DR 5-104(A), DR 5-105(A) (conflict of interest in preparing deed transferring title to former client's home to himself. Former client was not represented by independent counsel and she received no consideration for the transfer. Consideration claimed by respondent constituted an undervaluation of former client's property); DR 1-102(A)(5), DR 9-102 (failing to deposit proceeds from sale of client's home into estate account following her death and issuing a portion of said funds to self directly from the escrow account prior to the issuance of letters testamentary and before specific bequests were paid); DR 1-102(A)(4),(5) (attempting to deceive committee concerning representation of estate).
Brian P. Farley	Censured	DR 6-101(A)(3) (neglect of divorce action); DR 1-102(A)(5), (6) (failure to cooperate with committee in investigation, failure to comply with court rule requiring payment of stenographic expense, failure to appear for oral admonition or demand petition for institution of disciplinary proceeding).
Michael A. Feit	Censured	DR 1-102(A)(5), (6) (failure to cooperate with Committee).
Richard S. Feldman	Disbarred	Judiciary Law §90(4)(b) (Felony conviction - DWI plea of guilty).
Joanne M. Glavin	Censured	DR 1-102(A)(3),(4),(5),(6), DR 7-102(A)(5),(8) (furnishing false documentation to court); DR 1-102(A)(3),(4),(5) (misleading and deceiving a notary public).
James F. Mills 150 AD2d 903	Suspended 1 year	DR 6-101(A)(3) (neglect of estate); DR 1-102(A)(4),(5),(6), DR 9-102(A),(B) (conversion of clients' funds).

Ross A. Petitjean	Suspended 6 months	DR 6-101(A)(3) (neglect of a personal injury matter and failure to file a deed); DR 1-102(A)(4) (misleading and deceiving client as to settlement); DR 6-102(A)(2) (attempting to limit liability to clients); DR 9-102(A),(B) (failure to account, commingling and converting clients' funds); DR 1-102(A)(4) (issuing insufficient funds checks); 22 NYCRR 806.18 (failure to maintain books and records); DR 1-102(A)(5),(6) (failure to cooperate with committee).
Albert Posner 147 AD2d 889	Suspended 20 months	DR 1-102(A)(3),(4),(5),(6) (conviction of offering a false instrument for filing [misdemeanor]; understated sales price of motor vehicle, causing loss of sales tax, and offering false instrument for filing).
Albert Posner	Reinstated	
Michael Raphael	Suspended 1 year	DR 1-102(A)(4),(5),(6) (improperly endorsing client's name to a settlement check and release and improper notarization); DR 1-102(A)(4),(5),(6), DR 9-102(A), 22 NYCRR 806.18 (failure to maintain adequate books and records); DR 9-102(B)(4) (failure to promptly return client's funds); DR 1-102(A)(4),(5) (misleading Clients' Security Fund); DR 1-102(A)(5),(6) (failure to cooperate with committee).
Philip W. Schunk 148 AD2d 877	Suspended 3 years	DR 6-101(A)(3) (neglect of estate and trust established thereunder); DR 1-102(A)(5),(6) (failure to follow directives of Surrogate); DR 5-101(A), DR 5-104(A) (conflict of interest); DR 1-102(A)(5), (6) (failure to cooperate with committee).
Norbert J. Sherbunt 149 AD2d 811	Reinstated	

Eric P. vonWiegen 146 AD2d 901	Suspended 5 years	DR 1-102(A)(3),(4),(5), DR 2-103 (B),(C) (requesting a person to recommend or promote the use of attorney's services and compensating said person for recommending or obtaining employment by clients).
Eric P. vonWiegen	Application for Leave to Appeal denied.	
James J. Woods 150 AD2d 987	Reinstated	
Kathryn B. Wunderlich 141 AD2d 971	Suspended 2 years	DR 1-102(A)(5),(6), DR 6-101(A)(3) (neglect of cases and failure to follow directive of committee); DR 1-102(A)(5),(6) (failure to respond to inquiries from client and counsel); DR 1-102(A)(5), DR 6-101(A)(3), DR 9-102(B) (failure to conclude a legal matter and improperly releasing funds entrusted to attorney); DR 1-102(A)(5),(6) (failure to cooperate with Committee's investigation).

#### FOURTH DEPARTMENT

(Fifth Judicial District)

George T. Mashie 145 AD2d 164	Disbarred	DR 1-102(A)(3),(4),(5) (engaged in illegal conduct involving moral turpitude, conduct involving dishonesty, fraud, deceit and misrepresentation, conduct that is prejudicial to the administration of justice); DR 7-102(A)(4),(8) (representing a client he knowingly and willfully used false evidence).
Thomas P. Hughes	Suspended pending further order of court	Judiciary Law §90(4)(f) (Judgment of conviction in Syracuse City Court).

Donald A. Marshall 146 AD2d 209	Disbarred	DR 1-102(A)(3),(4),(5),(6) (providing that a lawyer shall not engage in illegal conduct involving moral turpitude, conduct involving dishonesty, fraud, deceit or misrepresentation, conduct that is prejudicial to the administration of justice, conduct that adversely reflects on his fitness to practice law).
Keith R. Wolfe 146 AD2d 234	Disbarred	DR 1-102(A)(3),(4),(6) (providing that a lawyer shall not engage in illegal conduct involving moral turpitude, conduct involving dishonesty, fraud, deceit, or misrepresentation, conduct that adversely reflects on his fitness to practice law).
G. Stephen Getman 147 AD2d 163	Suspended 6 months	22 NYCRR 1022.5(a),(b), DR 9-102 (A),(B) (commingling and converting client funds).
Vincent J. Vetter, Jr. 147 Ad2d 75	Disbarred	22 NYCRR 1022.5(a),(b), DR 1-102(A)(4),(5), DR 9-102(A), (b)(1),(3),(4) (Conduct involving dishonesty, fraud, deceit or misrepresentation; conduct prejudicial to the administration of justice; commingling and converting client funds).
Allan J. Storinge	Disbarred	22 NYCRR 1022.5(A),(B), DR 1-102(A)(3),(4),(5),(6), DR 9-102 (A),(B)(1),(3),(4) (illegal conduct involving moral turpitude, dishonesty, fraud, deceit or misrepresentation, conduct prejudicial to the administration of justice, conduct adversely reflecting on the practice of law, commingling and converting client funds).

(Seventh Judicial District)

Martin E. Eades	Reinstated
Ernest F. Ferullo	Motion for Interim Suspension denied.

Vito M. Pastore	Application for Reinstatement denied.	
Thomas R. Zaso 148 AD2d 137	Suspended 2 years	DR 9-102 (failing to preserve and identify funds and property of clients); DR 9-102(B)(3) (failing to maintain complete records of funds of his clients and failing to render appropriate accounts to his clients regarding them); DR 6-101 (A)(3) (neglecting a legal matter entrusted to him); 22 NYCRR 1022.5(a) (commingling and converting clients' funds); 22 NYCRR 1022.5(b) (failing to maintain true and accurate records of clients' fiduciary accounts).
Peter E. Novick	Disbarred	Judiciary Law §90(4)(a) (convicted of a felony under 18 USC §§2(a),(b), 1010).
Nicholas R. Santoro	Order to Show Cause (Unseal confidential order) granted.	
Francis A. Aloï	Application for Reinstatement granted.	
Francis E. Curran, II 152 AD2d 111	Suspended 2 years	DR 1-102(A)(4) (engaging in conduct involving deceit and misrepresentation); DR 7-102 (A)(5) (failing to exercise professional judgment in the best interest of his client by knowingly making a false statement of law or fact); DR 6-101(A)(3) (neglecting a legal matter entrusted to him); DR 7-101(A)(3) (failing to carry out a contract of employment with a client to the prejudice and damage of his client); 22 NYCRR 1022.8 (failing to expedite court proceedings consistent with the interest of his client).

Ernest F. Ferullo  
152 AD2d 45

Suspended 2 years

DR 9-102(A),(B) (failing to identify, segregate, maintain and promptly pay a client's funds); DR 1-102(A)(5) (engaging in conduct prejudicial to the administration of justice); DR 6-101(A)(3) (neglecting a legal matter entrusted to him); 22 NYCRR 1022.5(a) (commingling and converting clients' funds).

Murray Sanders  
152 AD2d 163

Disbarred

DR 1-102(A)(4) (engaging in conduct involving dishonesty, fraud and misrepresentation); DR 1-102(A)(6) (engaging in conduct that adversely reflects on his fitness to practice law).

Nicholas R. Santoro

Resigned

22 NYCRR 1022.25 (Resignation of an attorney under investigation for practicing law while under suspension).

(Eighth Judicial District)

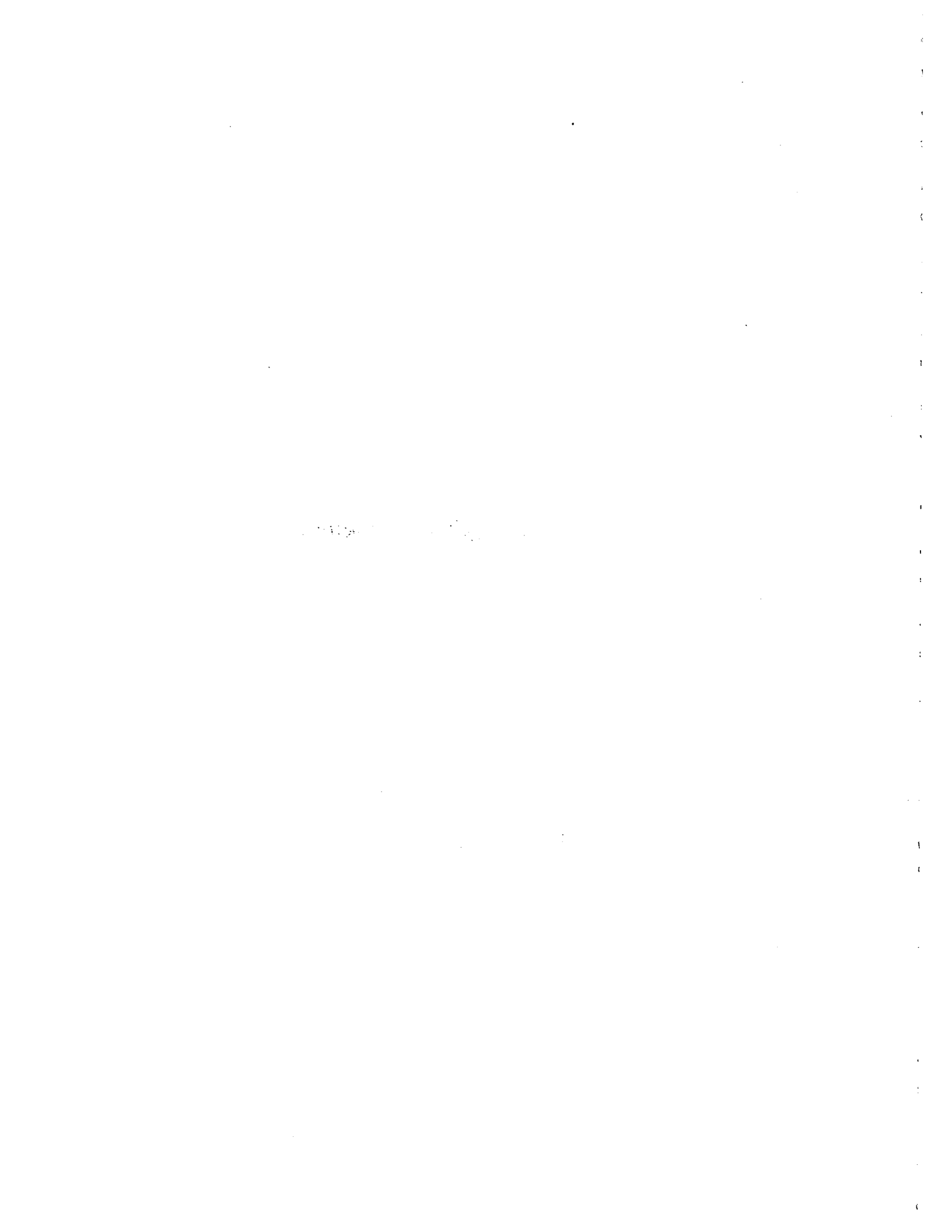
Ray Ellis Green

Reinstated





## Advertising Decisions



## Advertising Decisions for 1989

The Grievance Committee for the Second and Eleventh Judicial Districts reported that its advertising cases for 1989 were limited to matters involving attorneys' improper identification of themselves in advertisements as "specialists." Upon being provided with proof that the advertisements were corrected, the complaints were Dismissed with Advisement.

The Grievance Committee for the Ninth Judicial District reported that complaints regarding improper advertising which they have received involve technical violations of the court rules. Examples of such violations include failure to file direct mail advertising with the court, failure to list the attorney's address, using the word "specialist" or similar expression (*see*, DR 2-101, DR 2-105), and using the phrase "no fee until recovery" (*see*, DR 2-104). The Committee seeks to have practitioners comply with the rules. In most cases, once compliance has occurred, the Committee has granted dismissals with cautionary language. Repetition of such violations has resulted in a higher sanction being imposed, depending upon the circumstances of the individual cases.

The Committee on Professional Standards (Third Department) reports that the Committee conducted a number of investigations based upon print, radio and television ads. Many related to the failure to include the attorney's address or improper reference to specialization or expertise. During 1989, the Committee contacted each County Bar within the Third Department alerting them to the prohibition of the use of the term "specialization." In addition, the Committee investigated a number of out-of-state legal service plans advertising within the Third Department.

The Committee on Professional Standards also reports that it is presently the defendant in two lawsuits relating to attorney advertising. The first case concerns an attorney's effort to include on his letterhead a reference to the fact that he is a Certified Civil Trial Advocate by the National Board of Trial Advocacy, and seeks to declare DR 2-105(B) unconstitutional. The second case is a federal court action involving the Committee's issuance of a letter of caution upon a finding that an attorney's television advertisement violated DR 2-101(A) and (B) and 22 NYCRR 806.15(k) due to its absence of an address.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions.

2. It also emphasizes the need for regular audits to ensure the integrity of the financial data.

3. Furthermore, the document highlights the role of transparency in building trust with stakeholders.

4. The final section concludes by stating that these practices are essential for the long-term success of any organization.

5. In summary, the document provides a comprehensive overview of the key principles of financial management.

6. The information presented here is intended to serve as a guide for anyone looking to improve their financial practices.

## Rules Changes

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## Rules Changes for 1989

The Appellate Division, Second Department has reported the following changes to its rules for 1989. Effective February 1989, 22 NYCRR 691.4 was amended to read as follows:

- (i) the attorney's default in responding to the petition or notice, or the attorney's failure to submit a written answer to pending changes of professional misconduct or *the attorney's failure to submit a written answer to a complaint of professional misconduct within ten days of receipt of a demand for such an answer by the grievance committee, served either personally or by certified mail upon the attorney or the attorney's failure to comply with any other lawful demand of this court or the grievance committee made in connection with any investigation, hearing, or disciplinary proceeding; or*

(Changes or additions in text are indicated by italics.)

Effective December 4, 1989, the Appellate Division, Second Department repealed 22 NYCRR 691.12 (1) and enacted a new subdivision (1) as follows:

(1) Biennial Affirmation of Compliance

Any attorney subject to this court's jurisdiction shall execute that portion of the biennial registration statement provided by the Office of Court Administration affirming that the attorney has read and is in compliance with DR 9-102 of the Lawyers Code of Professional Responsibility and is in compliance with this section. The affirmation shall be available at all times to the Grievance Committees.

No affirmation of compliance shall be required from a full-time judge or justice of the unified court system of the State of New York or of a court of any other state, or a federal court.

In addition to these rules changes, the Appellate Division, Second Department also issued an order, effective December 4, 1989, which provides that, pursuant to Judiciary Law §90(1)(b) (relating to the admission of attorneys without examination), the Clerk of the Appellate Division, in consultation with the Clerks of the other Appellate Divisions, shall prepare and maintain a list of reciprocal jurisdictions and shall not add or delete jurisdictions from this list except after consultation by and among the Clerks of the Appellate Divisions.

The Appellate Division, Third Department reported one change to its rules in 1989. The court amended 22 NYCRR 806.4(c) so as to authorize specifically the issuance of letters of caution and education and to provide a procedure whereby an attorney can request reconsideration of a letter of caution.

The Appellate Division, Fourth Department reported one change to its rules in 1989. Effective May 23, 1989, 22 NYCRR 1022.26(b) was amended to read as follows:

- (b) (1) A suspended, disbarred or resigned attorney shall promptly notify by registered or certified mail, return receipt requested [:]

[(1)] each client [;] ,

[(2)] the attorney or attorneys for each adverse party in any matter involving any clients [;] and  
[(3)] the Office of Court Administration, with respect to each action in which a retainer statement has been filed pursuant to section 1022.2 of this Part, of the suspension, disbarment or resignation and consequent inability to act as counsel. The notices to the client shall advise them to secure another attorney. The notices to opposing attorneys and the Office of Court Administration shall clearly state the name and place of residence of each client involved.

- (2) In the event a client involved in litigation or a pending proceeding does not obtain substitute counsel, the suspended, disbarred or resigned attorney shall move [pro se] in the court or before

the body in which the action or proceeding is pending for leave to withdraw therefrom.

*(3) Within 30 days after the effective date of the disbarment or suspension order or the order accepting a resignation, the disbarred, suspended or resigned attorney shall file with the clerk of this court an affidavit reporting that he has fully complied with the provisions of this order and with these rules and that he has served a copy of such affidavit upon the attorney who appeared on behalf of the grievance Committee. Such affidavit shall also set forth the residence or other address to which communication may be directed to the disbarred, suspended or resigned attorney.*

(Deletions are indicated by brackets; additions are indicated by italics.)



**Professional Disciplinary Staffs  
and  
Departmental and District  
Grievance Committees**

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## Professional Disciplinary Staffs

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Germaine Murawski, Law Examiner

## Departmental and District Grievance Committees

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### SECOND DEPARTMENT

#### 2nd & 11th Districts Grievance Committee

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#### 9th District Grievance Committee

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**FOURTH DEPARTMENT**

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Janet Smith\*  
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Addison Vars III  
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Norman I. Siegel  
Leighton R. Burns  
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Paul A. Worlock  
Earl B. Dunkel  
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Russell I. Zuckerman  
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Jane B. Hopfinger  
John E. Tyo  
Laurence Karz  
Randolph A. Meyer  
James L. Sapienza

Harris Rusitzsky\*  
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Charles Marangola  
Eric Shults  
Bertram C. Serling  
A. B. Waasdorp\*  
Weston H. Palmer  
Mark H. Fandrich  
John Leyden  
Richard N. Chapman

**Eighth District Grievance Committee**

Richard T. Sullivan, Chair  
Thomas F. Brinkworth  
Robert B. Conklin  
J. Glenn Davis  
Edmund S. Brown  
Alan H. Levine  
Janice M. Rosa  
Myron N. Siegel  
Morton W. Stovroff\*  
Robert A. Zugger\*  
Arthur E. Jackson

Paul J. Murphy  
Daniel W. Bishara  
Allan B. VanDeMark\*  
Paul V. Webb  
Sanford A. Church  
Peter D. Clark  
J. Michael Shane  
Daniel A. Rybak  
Michael J. Kelly  
Patricia Fogarty

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\* Denotes non-lawyer members.





**Attorney Discipline Budget Appropriations  
(Fiscal 1989-1990)  
and  
Salaries of Disciplinary Staff  
(January 1990)**



**First Department**

Title	Grade	Jan. 1990 Salary
Chief Attorney	34	\$69,201
Principal Attorney	30	70,346
Principal Attorney	30	55,723
Principal Attorney	30	55,723
Associate Attorney	27	49,416
Associate Attorney	27	47,541
Associate Attorney	27	48,049
Senior Attorney	25	51,879
Senior Attorney	25	42,696
Associate Attorney	27	51,930
Senior Attorney	25	42,696
Senior Attorney	25	42,696
Administrative Secretary	17	36,344
Court Assistant	16	34,412
Sr. App. Court Assistant	21	46,203
Grievance Examiner	17	27,692
Law Stenographer	14	23,357
Law Stenographer	14	30,896
Law Stenographer	14	23,357
Law Stenographer	14	30,896
Law Stenographer	14	27,665
Law Stenographer	14	30,896
Law Stenographer	14	23,357
Grievance Examiner	17	27,692
Law Stenographer	14	23,357
Law Stenographer	14	23,357
Asst. Court Analyst	16	27,350
Senior Office Typist	08	16,491
Management Analyst	25	32,223
Office Typist PT	04	8,047
Grievance Examiner	17	36,344
Grievance Examiner	17	27,692
Principal Attorney	30	57,812
Associate Attorney	27	47,541
Grievance Examiner	17	27,692
<b>1989-90 Appropriations:</b>		
Personal Service		\$1,291,033
Nonpersonal Service		<u>249,372</u>
<b>Total</b>		<b>\$1,540,405</b>

**Second Department**

Title	Grade	Jan. 1990 Salary
<b>(Second and Eleventh Judicial Districts)</b>		
Chief Attorney	32	\$77,657
Principal Attorney	30	70,346
Associate Attorney	27	60,666
Senior Attorney	25	42,696
Associate Attorney	27	51,806
Associate Attorney	27	53,681
Grievance Examiner	17	28,928
Secretary	14	23,357
Law Stenographer	14	30,896
Law Stenographer	14	25,511
Senior Office Assistant	08	23,982
<b>1989-90 Appropriations:</b>		
Personal Service		\$508,818
Nonpersonal Service		<u>114,900</u>
<b>Total</b>		<b>\$623,718</b>
<b>(Ninth Judicial District)</b>		
Chief Attorney	32	\$77,657
Principal Attorney	30	61,990
Associate Attorney	27	54,330
Associate Attorney	27	55,432
Associate Attorney	27	48,049
Sr. Appellate Law Steno.	21	34,387
Grievance Examiner	17	28,928
Secretary	14	28,742
Secretary	14	26,588
Law Stenographer	14	26,588
<b>1989-90 Appropriations:</b>		
Personal Service		\$453,068
Nonpersonal Service		<u>167,547</u>
<b>Total</b>		<b>\$620,615</b>
<b>(Tenth Judicial District)</b>		
Chief Attorney	32	\$79,883
Principal Attorney	30	64,079
Attorney	22	36,285
Associate Attorney	27	55,005
Senior Attorney	25	44,435
Senior Attorney	25	42,696
Grievance Examiner	17	38,421
Secretary	14	30,896
Law Stenographer	14	30,896
Law Stenographer	14	30,896
Law Stenographer	14	26,588
<b>1989-90 Appropriations:</b>		
Personal Service		\$483,779
Nonpersonal Service		<u>199,900</u>
<b>Total</b>		<b>\$683,679</b>

### Third Department

Title	Grade	Jan. 1990 Salary
Chief Attorney	32	\$62,075
Principal Attorney	30	68,257
Associate Attorney	27	48,961
Grievance Examiner	17	30,164
Principal App. Office Asst.	13	31,161
Senior App. Office Steno.	10	24,826
Senior Office Stenographer	09	23,514
Attorney	22	36,285
Senior Office Stenographer	09	20,038
<b>1989-90 Appropriations:</b>		
Personal Service		\$360,645
Nonpersonal Service		<u>76,206</u>
	<b>Total</b>	<b>\$436,851</b>

### Fourth Department

Title	Grade	Jan. 1990 Salary
Chief Attorney	32	\$62,075
Principal Attorney	30	55,723
Principal Attorney	30	71,397
Principal Attorney	30	71,397
Associate Attorney	27	61,686
Law Stenographer	14	30,896
Principal Office Stenographer	12	22,735
Law Stenographer	14	31,973
Law Stenographer	14	30,896
Grievance Examiner	17	32,636
Grievance Examiner	17	35,108
Grievance Examiner	17	28,928
Grievance Examiner	17	36,344
Grievance Examiner	17	36,344
Principal Office Typist	12	23,723
<b>1989-90 Appropriations:</b>		
Personal Service		\$644,280
Nonpersonal Service		<u>166,080</u>
	<b>Total</b>	<b>\$810,360</b>

**Activities of Committee on  
Admissions and Grievances  
United States Court of Appeals  
for the Second Circuit  
1989**



## 1989 Activities of the Second Circuit Committee on Admissions and Grievances

### I. Committee and Professional Staff Profile

The Second Circuit Committee on Admissions and Grievances was established in January 1978 by the United States Court of Appeals for the Second Circuit to administer its rules of disciplinary enforcement, conduct investigations and proceedings in disciplinary matters and recommend appropriate disciplinary action to the court. The Committee is composed of the following seven members of the bar of the Court of Appeals and is chaired by Conrad K. Harper of Simpson Thacher & Bartlett:

Conrad K. Harper, Chairperson, NYC  
John G. Bonomi, NYC  
William F. Dow, III, New Haven, CT  
Bruce E. Hansen, Rochester, NY  
George S. Leisure, Jr., NYC  
Harvey B. Otterman, Jr., Bradford, VT  
Norman Redlich, NYC

Secretary to the Committee is Lisa J. Greenberg, Assistant Circuit Executive for Legal Affairs for the Second Circuit.

In addition, the Committee is authorized by its operating procedures to appoint special counsel on a case-by-case basis to assist it with conducting disciplinary investigations and proceedings.

### II. Statistics for 1989

#### A. Reciprocal Enforcement of Discipline Imposed by Other Courts - Local Rule 46(f)

1. Matters pending at start of period (1/1/89)	0
2. Reciprocal orders entered during period	23
3. Reciprocal orders vacated/modified during period	0
4. Reciprocal orders that became effective during period:	
a. Disbarred	10
b. Suspended	13
c. Censured	0
d. Resigned while under investigation	0
5. Matters pending at end of period (12/13/89), time to vacate/modify still running	0

#### B. Discipline Based on Prior Conviction - Local Rule 46(g)

1. Matters pending at start of period (1/1/89) - attorney suspended under Rule 46(g)(1) and presentment deferred by court	0
2. New matters during period	0
3. Presentments instituted at court's direction	0
4. Presentments deferred by court pending outcome of state proceeding	0
5. Total matters disposed of during period by imposing final discipline or converting to a reciprocal order under Rule 46(f)	0
6. Matters pending at end of period (12/31/89) - attorney suspended under Rule 46(g)(1) and presentment deferred by court	0

#### C. Original Misconduct Referrals by the Court to the Committee - Local Rule 46(h)(2)

1. Matters pending at start of period	0
2. New matters during period	0
3. Total matters to be processed during period	0
4. Matters deferred during period pending investigation by state agency	0
5. Total matters disposed of during period	0

6. Matters pending at end of period 0

**D. Other Referrals by the Court to the Committee for Report and Recommendation**

1. Matters pending at start of period 0

2. New matters during period 0

3. Total matters to be processed during period 0

4. Total matters disposed of during period 0

5. Matters pending at end of period 0

**E. Actions Taken by the Court**

1. Reinstatement 1

2. Other orders 0