



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

**Committee on
Professional Discipline**

**Annual Report on
Lawyer Discipline in New York State
for the Year 1994**

New York State Bar Association
Committee on Professional Discipline

1994-1995

FRANK R. ROSINY, Chair
New York City

KENNETH J. BALKAN
East Hills

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Brooklyn

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New York City

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New York Mills

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New York City

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Rochester

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White Plains

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New York City

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White Plains

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New York City

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New York City

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Garden City

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Albany

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Roslyn Heights

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White Plains

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Brooklyn

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Mineola

PHILIP RANSOM SCHATZ
New York City

HAROLD M. HALPERN
Buffalo

SUZANNE M. WARSHAVSKY
New York City

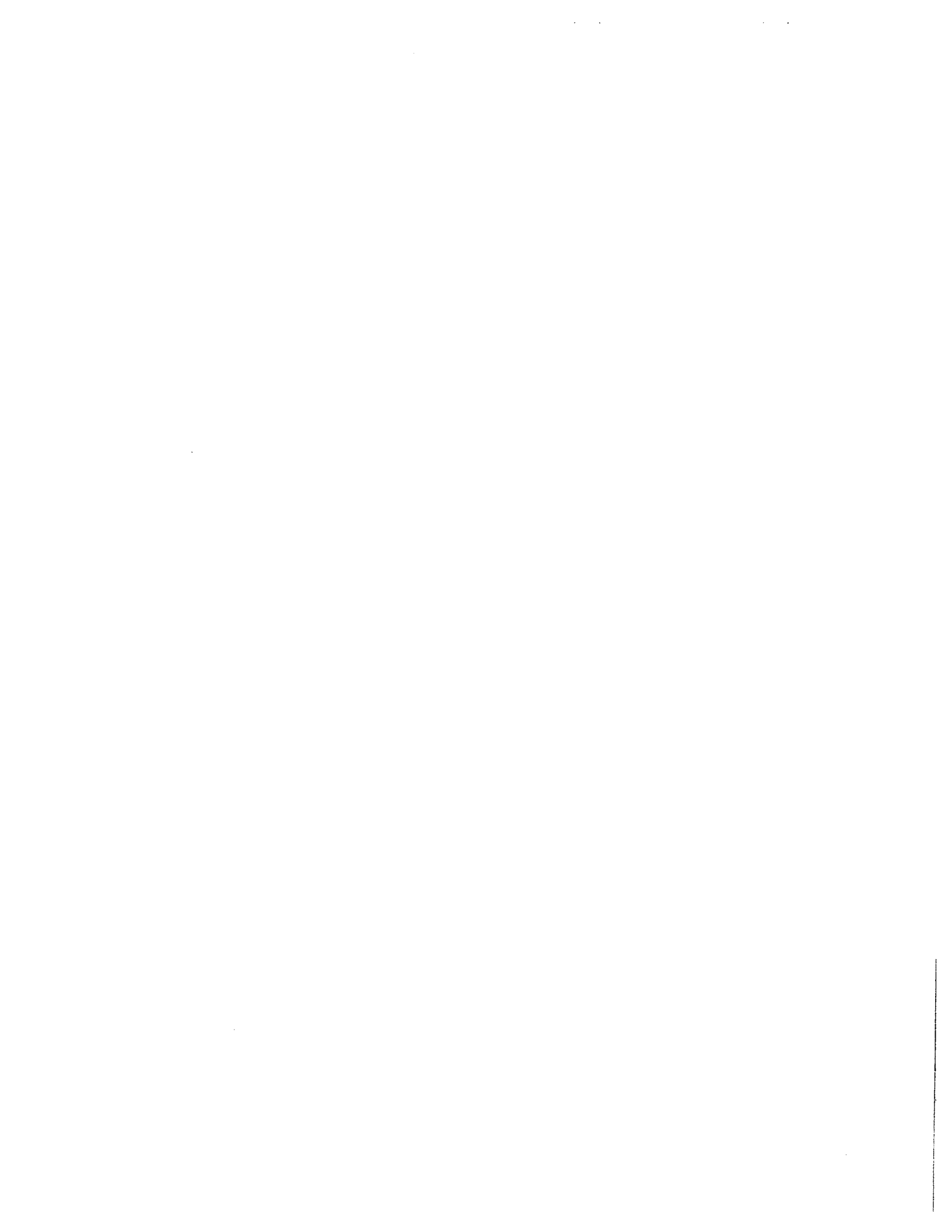
IRWIN KAHN
New York City

HOWARD J. WORONOV
Syracuse

KATHLEEN R. MULLIGAN BAXTER
Counsel, Albany

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INTRODUCTION

This report is divided into three parts. Each part is intended to explicate a different aspect of the disciplinary system.

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

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

PART I

The first part contains a statistical compilation of all disciplinary matters processed in New York State during 1994 and includes three tables. The last two of these tables compare disciplinary activity over the preceding ten years.

Before turning to the tables themselves, we identify in this introduction what we regard as some of the most significant statistics to be reported for the year just ended and offer a brief explanation of the terminology used in reporting about disciplinary matters.

Some Significant Statistics

Our statistics are generally intended to speak for themselves, with interpretation and analysis of the figures set forth in this report being left to its readers. However, there are a few apparently significant statistics that bear some comment.

First, as indicated by Table 1, the gap between the number of matters opened and the number of matters closed has been eliminated.

Where the figures in our last report showed more matters in process at the close of 1993 than at the close of 1992, the data for 1994 reflects 301 fewer matters in process at the close of the year than at its beginning. As further reviewed by Table 1, the courts are also working to reduce the number of cases in process, with 42 fewer matters pending before the Appellate Division than at the close of 1993, representing a 15% reduction in the number of serious matters awaiting disposition by the courts. This is generally a sign that the disciplinary system is operating with greater efficiency, and moving to lessen the extent of its backlog.

Second, as indicated by Table 2, the number of attorneys being disciplined by the courts has risen significantly. While last year's annual report indicated a statewide decrease on the order of 12%, the most recent data shows an increase of almost 18%. Indeed, every department of the Appellate Division experienced some increase in the number of attorneys disciplined by the court during the year just ended – with increases ranging from 14% in the First to 43% in the Third Department.

Finally, the figures stated as of the close of 1994 also reflect a general statewide increase in the number of private sanctions imposed by the grievance and disciplinary committees of the various departments. While it is interesting to observe that the number of private sanctions imposed by these committees has risen in every department except the First (where the number has actually fallen from 157 to 114 for a decline of 27%), most significant is the fact that the data reflects 10-year highs in the total number of such sanctions imposed by three of the four departments. In this latter connection, of particular interest is a remarkable 42% increase in such sanctions imposed by the grievance committees of the Fourth Department (from 136 to 193). Further refinement of these statistics is provided by Table 3, which contains 10-year figures for each of the State's eight official offices of discipline.

Overall, the courts imposed some form of public discipline (public censure, suspen-

sion or disbarment) in 270 cases, while private sanctions or letters of comment were issued in 877 cases. That is, 24% of the cases which apparently involved some significant departure from appropriate conduct were made public. If we eliminate letters of caution or education from our calculation, leaving only those cases where professional discipline was actually imposed, the ratio becomes 270 to 417. By this calculation, in 39% of the cases where the conduct was deemed sufficiently serious to warrant some form of professional discipline, the imposition of discipline on the respondent attorney was made public.

Understanding the Tables

To those unfamiliar with the nomenclature of professional discipline in New York State, some of the terms used in the following tables may be confusing. The most basic unit used for statistical reporting purposes is a "matter"; but, even that seemingly uncomplicated term requires a word of explanation.

The practice has been initially to consider each intended complaint of misconduct or supposed cause for investigation as an "inquiry." When it appears that the "inquiry" does not allege conduct which, even if true, would constitute professional misconduct, it is rejected for "failure to state a complaint." Otherwise, where a cognizable complaint has been alleged, the file is assigned for investigation.

All inquiries in the form of a written complaint that come to the attention of disciplinary committee, whether or not subsequently dismissed for "failure to state a complaint," are deemed "matters" for reporting purposes. Simple requests for information about an attorney's conduct or mere telephonic accusations are no longer reported as "matters." Prior to 1990, for a time, such requests were reported as "Matters" in at least two of the Departments, and that lack of uniformity had made statistical comparisons exceedingly difficult.

Often several "matters" will involve the same attorney; and all matters involving that

attorney which are considered simultaneously will be deemed one "case."

The disciplinary procedures employed vary widely among the four Departments. Understandably, some of the terminology used to describe those differing procedures will also vary. What is remarkable about New York, is that often the same procedures will be described differently by the various Departments of the Appellate Division and even functionally equivalent agencies of discipline will be known by different names.

For example, until May 1994 (when the First Department abolished them), all four Departments used "Letters of Caution." In the First, Second and Fourth Departments, such letters have not been considered professional discipline. However, in the Third Department, where there are so-called "Letters of Education" as well as Letters of Caution, the former have been deemed the functional equivalent of Letters of Caution and the latter are considered a form of professional discipline.

Even the names used to describe the official agencies of discipline vary from one Department to another. In the First Department, we refer to the "Departmental Disciplinary Committee" as the principal agency of professional discipline; in the Third Department, its functional equivalent is known as the "Committee on Professional Standards"; in the Second and Fourth Departments, there are three district "Grievance Committees" which serve as the principal agencies of discipline in each of these two Departments.

The amount of committee consultation and review also varies widely among the Departments; and assessing the workload of the respective disciplinary agencies in terms of the statistics reported is complicated by the wide variation in procedures. For example, before formal proceedings may be instituted in the Second, Third and Fourth Departments, the full district committee must be consulted and the court must approve issuance of the charges. However, in the First Department, only one

member of the committee need be consulted and the staff is authorized to issue charges without further consultation of the committee or approval by the court. The procedures on closing files reflect a similar degree of diversity in the amount of committee consultation and review.

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

Statistics from the First Department include matters that are referred by the departmental disciplinary committee to the so-called "complaint medication panels" operated pursuant to court order by members of the Association of the Bar of the City of New York, the Bronx County Bar Association and the New York County Lawyers' Association. Other matters, more properly regarded as "fee disputes," are referred to the joint committee on

fee disputes for New York and Bronx Counties, consisting of members appointed by the same three local bar associations. Occasionally, matters that have been referred out to the mediation panels or the joint committee are referred back to the departmental disciplinary committee for further investigation.

The statistics from the Second Department represent the total number of actions taken by the various court appointed district committees and include the reports of county bar association grievance committees. The reports of the district committees, as well as those of the local bar association committees (including the respective grievance committees of the Dutchess, Orange, Putnam, Rockland and Westchester Bar Associations), are separately reproduced. In the Tenth Judicial District, the grievance committees of the Nassau and Suffolk County Bar Associations only investigate so-called "minor complaints" and then report them to the district committee which makes the ultimate disposition. Such matters, although for the most part processed by the local bar association committees, are incorporated in the report of the district committee.

PART II

The second part of this report summarizes all disciplinary decisions published by the four Departments of the Appellate Division during 1994. Although these decisions are important in terms of expressing the judiciary's treatment of serious misconduct, it should be remembered that they represent only a small portion of the matters which pass through the disciplinary system each year, and that more than 90% of the cases that involve some form of professional misconduct are not referred to the court for imposition of discipline.

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

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

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

PART III

The third part of our report contains various data on the organization and budget of the State's eight official agencies of discipline. It reflects appropriations made for those agencies during fiscal 1994-95, as well as the professional staff's salaries as of March 1995.

This part is comprised of two sections. The first section sets forth the names and titles of the professional disciplinary staff and their respective volunteer committee members in each of the eight official disciplinary agencies of the State. The second section sets forth the disciplinary budget appropriations for fiscal 1994-1995 and the salaries of disciplinary staff.

PERSPECTIVE ON THE SYSTEM: A MATTER OF DEDICATION

In reviewing these statistics, the reader is urged to consider the number of complaints processed in the course of a year as against the resources and personnel available to do the job. The tables contained in Part I of this report reveal that almost 13,000 complaints were processed last year. Some of these were very complicated and vigorously contested by skilled adversaries.

Available to do the job are 156 volunteer lawyers and 34 non-lawyer volunteers appointed by the four departments of the Appellate Division. Assisting these volunteers are a few full-time professionals: statewide, there are only 52 staff attorneys and 64 non-attorneys, including examining investigators and clerical personnel. It is truly remarkable that each year this small group of 306 individuals is able to produce the amount of work that is required.

The work is not easy. It is often arduous and, at times, disheartening. For the volunteers and their professional staff, it is undertaken as a solemn duty and performed with great care.

It is to that band of highly dedicated individuals that we offer the thanks and admiration of one committee that has been privileged to study their work.

Frank R. Rosiny
Chair

Disciplinary Statistics 1994

Tables

Table 1
Appellate Division
(January 1, 1994 - December 31, 1994)

	1st Dept.	2d Dept.	3d Dept.	4th Dept.	Total
I. MATTERS PROCESSED:*					
Pending at start of period	1304	2616	623	811	5354
New matters received**	3409	5653	1525	1965	12552
Matters disposed of	3497	5619	1466	2271	12853
Pending at end of period	1216	2650	682	505	5053
II. COMMITTEE DISPOSITIONS:					
Rejected for failing to state complaint	977	1816	728	853	4374
Referred to other agencies***	463	1215	111	140	1929
Dismissed or withdrawn	1811	1853	370	990	5024
Letters of caution	N/A	251	48	161	460
Letters of admonition	111	168	50	32	361
Admonition or reprimand	3	0	53	N/A	56
Referred to court	132	303	106	95	636
Other	0	13	0	0	13
TOTAL DISPOSED OF:	3497	5619	1466	2271	12853
III. CASES PROCESSED IN COURTS:					
Cases pending at start of period****	63	149	21	39	272
Cases received	143	179	88	52	462
CASES CLOSED:					
Disbarred	23	36	10	10	79
Resigned	11	20	35	1	67
Suspended	41	35	13	14	103
Censured	2	8	5	6	21
Censured privately	2	0	0	0	2
Remanded to Grievance Committee	24	5	2	1	32
Reinstatements granted	13	13	3	5	34
Reinstatements denied	4	27	0	2	33
Discontinued	5	4	0	0	9
Dismissed	1	3	1	2	7
All other dispositions	30	59	17	11	117
TOTAL CLOSED:	156	210	86	52	504
TOTAL PENDING:	50	119	23	39	230

* "Matters" refers to the number of complaints, not of attorneys.
** This includes complaints received and reactivated.
*** This includes matters referred to other disciplinary committees and other agencies.
**** Number of attorneys, not number of complaints.

Table 2

	New Matters*	Matters Closed*	Disciplinary Action by Committees	Disciplinary Action by Court
1st Department				
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
1990	2247	2408	175	40
1991	2343	2288	155	44
1992	2819	2808	146	71
1993	2782	2766	157	69
1994	2946	3034	114	79
2nd Department				
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
1990	3275	3459	415	74
1991	3770	3672	395	105
1992	3519	3458	309	112
1993	4049	3585	378	85
1994	4438	4404	419	99
3rd Department				
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
1990	1374	1322	89	28
1991	1411	1326	121	40
1992	1450	1376	142	47
1993	1467	1557	149	44
1994	1414	1355	151	63
4th Department				
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
1990	1659	2116	68	20
1991	1930	1775	77	12
1992	1939	2040	105	24
1993	2060	2204	136	26
1994	1825	2131	193	31

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

Statewide

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
1990	8555	9305	747	162
1991	9454	9061	748	201
1992	9727	9682	702	254
1993	10358	10112	820	224
1994	10623	10924	877	272

Table 3

	New Matters [*]	Matters Closed*	Disciplinary Action by Committees	Disciplinary Action by Court
Departmental Disciplinary Committee for the First Department				
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
1990	2247	2408	175	40
1991	2343	2288	155	44
1992	2819	2808	146	71
1993	2782	2766	157	69
1994	2946	3034	114	79
Grievance Committee for the Second and Eleventh Judicial Districts, Second Department				
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
1990	1122	1201	220	26
1991	1211	1134	210	34
1992	1104	1147	142	41
1993	1238	1308	182	36
1994	1325	1391	202	36
Grievance Committee for the Ninth Judicial District, Second Department				
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
1990	733	938	92	28
1991	1042	1030	48	34
1992	915	802	45	27
1993	1017	853	77	21
1994	963	1168	97	23
Grievance Committee for the Tenth Judicial District, Second Department				
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
1990	1420	1320	103	20
1991	1517	1508	137	37
1992	1500	1509	116	44
1993	1794	1424	119	28
1994	2150	1845	120	40

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

Committee on Professional Standards, Third Department

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
1990	1374	1322	89	28
1991	1411	1326	121	40
1992	1450	1376	142	47
1993	1467	1557	149	44
1994	1994	1414	151	63

Grievance Committee for the Fifth Judicial District, Fourth Department

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
1990	423	439	9	6
1991	453	400	12	0
1992	356	418	41	3
1993	423	364	13	4
1994	366	397	28	7

Grievance Committee for the Seventh Judicial District, Fourth Department

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
1990	516	469	19	5
1991	486	472	15	3
1992	609	585	28	10
1993	647	741	32	7
1994	652	746	70	11

Grievance Committee for the Eighth Judicial District, Fourth Department

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
1990	720	1208	40	9
1991	991	903	50	9
1992	972	1037	36	11
1993	990	1099	91	15
1994	807	988	95	13

Statistical Reports of Disciplinary Committees

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

I. Matters Processed:

A. Matters Pending on Jan. 1, 1994	769	
B. New Matters Received During Period	1935	
C. Closed Matters Reactivated During Period	17	
D. Total Matters To Be Processed During Period		2721
E. Total Matters Disposed of During Period		2018
F. Matters Pending on Dec. 31, 1994		703

CASES: MATTERS:

II. Matters Disposed of by Committee:

A. Rejected as Failing to State a Complaint	657	657
B. Referred to Other Disciplinary Committees	613	613
C. Referred to Other Agencies	14	14
D. Dismissed or Withdrawn	422	422
E. Letter of Caution (or Education)	124	130
F. Letter of Admonition	49	72
G. Admonition (or Reprimand)	0	0
H. Referred to Appellate Division	42	97
I. Tabled Pending Litigation	13	13
J. Total Disposed of During Period	1934	2018

III. Cases Processed in All Courts:

A. Cases Pending on Jan. 1, 1994	58	150
1. Disciplinary Proceedings	45	137
2. Other	13	13
B. Cases Received During Period	65	110
1. Disciplinary Proceedings	31	76
2. Other	34	34
C. Total To Be Processed During Period	123	260
D. Cases Closed		
1. Disbarred	14	109
2. Resigned	9	17
3. Suspended	10	24
4. Censured	3	3
5. Privately Censured	0	0
6. Remanded to Grievance Committee	1	1
7. Discontinued	0	0
8. Dismissed	0	0
9. Reinstatements Granted	8	8
10. Reinstatements Denied	15	15
11. All Other Dispositions	15	15
12. Total Closed	75	192
E. Total Cases Pending at End of Period	52	68
1. Disciplinary Proceedings	43	59
2. Other	9	9

Richmond County Bar Association Grievance Committee

I. Matters Processed:	
A. Matters Pending on Jan. 1, 1994	49
B. New Matters Received During Period	28
C. Closed Matters Reactivated During Period	0
D. Total Matters to be Processed During Period	77
E. Total Matters Disposed of During Period	51
F. Matters Pending on Dec. 31, 1994	26
II. Matters Disposed of by Committee:	
A. Rejected as Failing to State Complaint	0
B. Retained by District Disciplinary Committee	10
C. Referred to Fee Conciliation Committee	5
D. Settled by Fee	0
E. Judicially Settled	0
F. In Litigation	0
G. Referred to Commn. on Judicial Conduct	0
H. Closed by Appellate Division	6
I. Dismissed	17
J. Letter of Caution	2
K. Withdrawn	7
L. Admonition (by district committee)	0
M. Suspension (by district committee)	0
N. Reprimand (by district committee)	0
O. Disbarred	2
P. Letter of Instruction	2
Q. Total Disposed of During Period	51

Brooklyn Bar Association Grievance Committee

Grievance Files Received in 1994:	125
Matters disposed of:	77
Matters pending on December 31, 1994:	48
Fee Dispute Files Received in 1994:	61
Scheduled for hearings:	0
Resolved:	9

Queens County Bar Association Grievance Committee

Dismissed:	46
Dismissed with Advisement:	6
Letter of Caution:	5
Letter of Admonishment:	1
Tabled by Committee:	5
Referred to District Committee:	4
Withdrawn:	1
Fee Disputes Committee	
No consent from respondent:	11
No consent from complainant:	5
Matters settled before arbitration:	6
No response from either complainant or respondent:	3
Declination of Arbitration by respondent/complainant:	17
Matters closed by arbitration:	5

Dutchess County Bar Association Grievance Committee

Appellate Division, Second Department, Ninth Judicial District

I.	Matters Processed:	
A.	Matters Pending on Jan. 1, 1994	16
B.	New Matters Received During Period	36
C.	Closed Matters Reactivated During Period	0
D.	Total Matters to be Processed During Period	52
E.	Total Matters Disposed of During Period	34
F.	Matters Pending on Dec. 31, 1994	18
II.	Matters Disposed of by Committee:	
A.	Rejected as Failing to State Complaint	0
B.	Referred to Other Disciplinary Committees	4
C.	Referred to Other Agencies	1
D.	Dismissed	27
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	34

Orange County Bar Association Grievance Committee

Appellate Division, Second Department, Ninth Judicial District

I.	Matters Processed:	
A.	Matters Pending on Jan. 1, 1994	11
B.	New Matters Received During Period	43
C.	Closed Matters Reactivated During Period	2
D.	Total Matters to be Processed During Period	56
E.	Total Matters Disposed of During Period	47
F.	Matters Pending on Dec. 31, 1994	9
II.	Matters Disposed of by Committee:	
A.	Rejected as Failing to State Complaint	3
B.	Referred to Other Disciplinary Committees	4
C.	Referred to Other Agencies (White Plains handling)	0
D.	Dismissed	31
E.	Dismissed with Cautionary Language	7
F.	Letter of Caution	1
G.	Letter of Admonition	0
H.	Reprimand	1
I.	Total Disposed of During Period	47

Putnam County Bar Association Grievance Committee

Appellate Division, Second Department, Ninth Judicial District

I. Matters Processed:		
A.	Matters Pending on Jan. 1, 1994	
B.	New Matters Received During Period	7
C.	Closed Matters Reactivated During Period	7
D.	Total Matters to be Processed During Period	0
E.	Total Matters Disposed of During Period	14
F.	Matters Pending on Dec. 31, 1994	14
		0
II. Matters Disposed of by Committee:		
A.	Rejected as Failing to State Complaint	
B.	Referred to Other Disciplinary Committees	6
C.	Referred to Other Agencies	0
D.	Dismissed	1
E.	Dismissed with Cautionary Language	7
F.	Letter of Caution	0
G.	Letter of Admonition	0
H.	Reprimand	0
I.	Total Disposed of During Period	0
		14

Rockland County Bar Association Grievance Committee

Appellate Division, Second Department, Ninth Judicial District

I. Matters Processed:		
A.	Matters Pending on Jan. 1, 1994	
B.	New Matters Received During Period	19
C.	Closed Matters Reactivated During Period	40
D.	Total Matters to be Processed During Period	0
E.	Total Matters Disposed of During Period	59
F.	Matters Pending on Dec. 31, 1994	32
		27
II. Matters Disposed of by Committee:		
A.	Rejected as Failing to State Complaint	
B.	Referred to Other Disciplinary Committees	0
C.	Referred to Other Agencies	0
D.	Dismissed or withdrawn	0
E.	Dismissed with Cautionary Language	31*
F.	Letter of Caution	1
G.	Letter of Admonition	2
H.	Reprimand	0
I.	Total Disposed of During Period	0
		46

* Two of these matters were withdrawn by the complainant.

Westchester County Bar Association Grievance Committee

Appellate Division, Second Department, Ninth Judicial District

I. Matters Processed:

A.	Matters Pending on Jan. 1, 1994	135
B.	New Matters Received During Period	123
C.	Closed Matters Reactivated During Period	8
D.	Total Matters to be Processed During Period	266
E.	Total Matters Disposed of During Period	148
F.	Matters Pending on Dec. 31, 1994	118

II. Matters Disposed of by Committee:

A.	Rejected as Failing to State Complaint	2
B.	Referred to Other Disciplinary Committees	1
C.	Referred to Other Agencies	5
D.	Dismissed	119
E.	Dismissed with Cautionary Language	1
F.	Letter of Caution	0
G.	Letter of Admonition	4
H.	Reprimand	0
I.	Withdrawn	16
J.	Total Disposed of During Period	148

Grievance Committee for the Tenth Judicial District of the Second Department

I. Matters Processed:		
A. Matters Pending on Jan. 1, 1994	1189	
B. New Matters Received During Period	2238	
C. Closed Matters Reactivated During Period	61	
D. Total Matters To Be Processed During Period		3488
E. Total Matters Disposed of During Period		1994
F. Matters Pending on Dec. 31, 1994		1494
	CASES:	MATTERS:
II. Matters Disposed of by Committee:		
A. Rejected as Failing to State a Complaint	826	826
B. Referred to Other Disciplinary Committees	144	144
C. Referred to Other Agencies	5	5
D. Dismissed or Withdrawn	815	815
E. Letter of Caution (or Education)	67	72
F. Letter of Admonition	44	48
G. Admonition (or Reprimand)	0	0
H. Referred to Appellate Division	31	84
I. Total Disposed of During Period	1932	1994
III. Cases Processed in All Courts:		
A. Cases Pending on Jan. 1, 1994	57	72
1. Disciplinary Proceedings	48	63
2. Other	9	9
B. Cases Received During Period	69	190
1. Disciplinary Proceedings	41	119
2. Other	28	71
C. Total To Be Processed During Period	126	262
D. Cases Closed		
1. Disbarred	15	83
2. Resigned	7	20
3. Suspended	17	33
4. Censured	1	1
5. Privately Censured	0	0
6. Remanded to Grievance Committee	3	4
7. Discontinued	4	5
8. Dismissed	3	3
9. Reinstatements Granted	3	3
10. Reinstatements Denied	8	8
11. All Other Dispositions	29	29
12. Total Closed	90	187
E. Total Cases Pending at End of Period	37	74
1. Disciplinary Proceedings	28	65
2. Other	9	9

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

I. Matters Processed:

A. Matters Pending on Jan. 1, 1994	623	
B. New Matters Received During Period	1478	
C. Closed Matters Reactivated During Period	47	
D. Total Matters To Be Processed During Period		2148
E. Total Matters Disposed of During Period		1466
F. Matters Pending on Dec. 31, 1994		682

CASES:

MATTERS:

II. Matters Disposed of by Committee:

A. Rejected as Failing to State a Complaint	685	728
B. Referred to Other Disciplinary Committees	92	92
C. Referred to Other Agencies	19	19
D. Dismissed or Withdrawn	357	370
E. Letter of Caution (or Education)	45	48
F. Letter of Admonition	72	50
G. Admonition (or Reprimand)	29	53
H. Referred to Appellate Division	69	106
I. Total Disposed of During Period	1368	1466

III. Cases Processed in All Courts:

A. Cases Pending on Jan. 1, 1994		
1. Disciplinary Proceedings	19	52
2. Other	2	2
B. Cases Received During Period		
1. Disciplinary Proceedings	50	87
2. Other	38	38
C. Total To Be Processed During Period	109	179
D. Cases Closed		
1. Disbarred	10	22
2. Resigned	35	35
3. Suspended	13	33
4. Censured	5	6
5. Privately Censured	0	0
6. Remanded to Grievance Committee	2	4
7. Discontinued	0	0
8. Dismissed	1	1
9. Reinstatements Granted	3	3
10. Reinstatements Denied	0	0
11. All Other Dispositions	17	30
12. Total Closed	86	134
E. Total Cases Pending at End of Period	23	45
1. Disciplinary Proceedings	22	44
2. Other	1	1

Grievance Committee for the Fifth Judicial District of the Fourth Department

I. Matters Processed:

A. Matters Pending on Jan. 1, 1994	152	
B. New Matters Received During Period	446	
C. Closed Matters Reactivated During Period	3	
D. Total Matters To Be Processed During Period		608
E. Total Matters Disposed of During Period		480
F. Matters Pending on Dec. 31, 1994		121

CASES: MATTERS:

II. Matters Disposed of by Committee:

A. Rejected as Failing to State a Complaint	126	130
B. Referred to Other Disciplinary Committees	69	69
C. Referred to Other Agencies	14	14
D. Dismissed or Withdrawn	201	208
E. Letter of Caution (or Education)	16	20
F. Letter of Admonition	4	8
G. Admonition (or Reprimand)	N/A	N/A
H. Referred to Appellate Division	10	21
I. Total Disposed of During Period	440	480

III. Cases Processed in All Courts:

A. Cases Pending on Jan. 1, 1994		5
1. Disciplinary Proceedings	4	
2. Other	1	
B. Cases Received During Period		10
1. Disciplinary Proceedings	10	
2. Other	0	
C. Total To Be Processed During Period		15
D. Cases Closed		
1. Disbarred		2
2. Resigned		0
3. Suspended		4
4. Censured		1
5. Privately Censured		0
6. Remanded to Grievance Committee		1
7. Discontinued		0
8. Dismissed		0
9. Reinstatements Granted		0
10. Reinstatements Denied		0
11. All Other Dispositions		0
12. Total Closed		8
E. Total Cases Pending at End of Period		7
1. Disciplinary Proceedings	7	
2. Other	0	

Grievance Committee for the Seventh Judicial District of the Fourth Department

I. Matters Processed:

A. Matters Pending on Jan. 1, 1994	225	
B. New Matters Received During Period	632	
C. Closed Matters Reactivated During Period	42	
D. Total Matters To Be Processed During Period		899
E. Total Matters Disposed of During Period		768
F. Matters Pending on Dec. 31, 1994		131

CASES:

MATTERS:

II. Matters Disposed of by Committee:

A. Rejected as Failing to State a Complaint	299	323
B. Referred to Other Disciplinary Committees	19	19
C. Referred to Other Agencies	3	3
D. Dismissed or Withdrawn	262	315
E. Letter of Caution (or Education)	43	56
F. Letter of Admonition	5	14
G. Admonition (or Reprimand)	N/A	N/A
H. Referred to Appellate Division	13	38
I. Total Disposed of During Period	644	768

III. Cases Processed in All Courts:

A. Cases Pending on Jan. 1, 1994		11
1. Disciplinary Proceedings	8	
2. Other	3	
B. Cases Received During Period		13
1. Disciplinary Proceedings	8	
2. Other	5	
C. Total To Be Processed During Period		24
D. Cases Closed		
1. Disbarred		6
2. Resigned		0
3. Suspended		3
4. Censured		2
5. Privately Censured		0
6. Remanded to Grievance Committee		0
7. Discontinued		0
8. Dismissed		2
9. Reinstatements Granted		1
10. Reinstatements Denied		2
11. All Other Dispositions		1
12. Total Closed		17
E. Total Cases Pending at End of Period		7
1. Disciplinary Proceedings	6	
2. Other	1	

Grievance Committee for the Eighth Judicial District of the Fourth Department

I. Matters Processed:

A. Matters Pending on Jan. 1, 1994	434	
B. New Matters Received During Period	787	
C. Closed Matters Reactivated During Period	55	
D. Total Matters To Be Processed During Period		1276
E. Total Matters Disposed of During Period		1023
F. Matters Pending on Dec. 31, 1994		253

CASES:

MATTERS:

II. Matters Disposed of by Committee:

A. Rejected as Failing to State a Complaint	387	400
B. Referred to Other Disciplinary Committees	30	30
C. Referred to Other Agencies	5	5
D. Dismissed or Withdrawn	409	457
E. Letter of Caution (or Education)	65	85
F. Letter of Admonition	5	10
G. Admonition (or Reprimand)	N/A	N/A
H. Referred to Appellate Division	29	36
I. Total Disposed of During Period	930	1023

III. Cases Processed in All Courts:

A. Cases Pending on Jan. 1, 1994		23
1. Disciplinary Proceedings	10	
2. Other	13	
B. Cases Received During Period		29
1. Disciplinary Proceedings	12	
2. Other	17	
C. Total To Be Processed During Period		52
D. Cases Closed		
1. Disbarred		2
2. Resigned		1
3. Suspended		7
4. Censured		3
5. Privately Censured		0
6. Remanded to Grievance Committee		0
7. Discontinued		0
8. Dismissed		0
9. Reinstatement Granted		4
10. Reinstatement Denied		0
11. All Other Dispositions		10
12. Total Closed		27
E. Total Cases Pending at End of Period		25
1. Disciplinary Proceedings	9	
2. Other	16	

3

**Disciplinary Decisions Reported by
Appellate Division in 1994**

FIRST DEPARTMENT

Attorney	Discipline Imposed	Statute or Rule
Paul D. Powsner 195 AD2d 21	Stricken	Judiciary Law §90(4)(e)(felony conviction - 18 USC §1343, wire fraud)
Bruce Provda 195 AD2d 17	Suspended 1 year	DR 1-102(A)(4)(dishonesty, fraud, deceit or misrepresentation); DR 1-102(A)(7)(conduct adversely reflecting on fitness to practice law); DR 7-102(A)(7)(counsel or assist client in conduct attorney knows to be illegal or fraudulent).
Baljit Singh 195 AD2d 197	Suspended 3 years	DR 1-102(A)(4)(dishonesty, fraud, deceit or misrepresentation); DR 1-102(A)(5)(conduct prejudicial to administration of justice); DR 1-102(A)(7)(conduct adversely reflecting on fitness to practice law).
Lewis B. Freimark 195 AD2d 79	Censured	DR 1-102(A)(7)(conduct adversely reflecting on fitness to practice law).
Mark J. Heller 195 AD2d 134	Suspended 5 years	DR 1-102(A)(4)(dishonesty, fraud, deceit or misrepresentation); DR 1-102(A)(7)(conduct adversely reflecting on fitness to practice law); DR 2-110(A)(3)(failure to return unearned portion of fee); DR 6-101(A)(3)(neglect).
Norman I. Lida 195 AD2d 237	Interim Suspension	Judiciary Law §90(4)(d)(serious crime; felony conviction - 18 USC §371 [conspiracy to launder monetary instruments]; 18 USC §1956[a][1][A][i], [a][1][B][i] and [2][laundering monetary instruments]).
Laurence P. Brown 196 AD2d 64	Stricken on Consent	22 NYCRR 603.11 (resignation of attorney under investigation).

Michael I. Smith 196 AD2d 109	Stricken on Consent	22 NYCRR 603.11 (resignation of attorney under investigation).
John Rivera 196 AD2d 22	Interim Suspension	22 NYCRR 603.4(e)(1)(i) (willful failure to cooperate with Committee's investigation).
Burton M. Marks 196 AD2d 1	Interim Suspension	22 NYCRR 603.4(e)(1)(ii) and (iii)(substantial admissions under oath of professional misconduct; uncontested evidence of professional misconduct).
Arthur B. Cooper 196 AD2d 137	Stricken	Judiciary Law §90(4)(b)(conspiracy to defraud the US and the IRS; 26 USC §7201 [income tax evasion]; 18 USC §1344 [bank fraud][NY Penal Law §§ 155.40, 190.65]).
Richard J. Rubin 196 AD2d 145	Interim Suspension	22 NYCRR 603.4(e)(1)(i) (willful failure to cooperate with Committee's investigation).
Robert E. Haley 196 AD2d 99	Disbarred	DR 1-102(A)(4)(dishonesty, fraud, deceit or misrepresentation [conversion]); DR 1-102(A)(5)(conduct prejudicial to administration of justice); DR 1-102(A)(7)(conduct adversely reflecting on fitness to practice law).
James D. Kakoullis 196 AD2d 85	Interim Suspension	22 NYCRR 603.4(e)(1)(i), (ii) and (iii)(willful failure to cooperate with Committee's investigation; substantial admissions under oath of professional misconduct; uncontested evidence of professional misconduct).
Mark G. Fresco 196 AD2d 72	Stricken on Consent	22 NYCRR 603.11 (resignation of attorney under investigation).
George A. Pins 196 Ad2d 80	Stricken	Judiciary Law §90(4)(b)(felony conviction [grand larceny, 2d degree; perjury, 1st degree]).

Lisa A. Ammirati 196 AD2d 102	Stricken on Consent	22 NYCRR 603.11 (resignation of attorney under investigation).
Paul Beck 196 AD2d 97	Stricken	Judiciary Law §90(4)(e)(felony conviction [NY Penal Law §190.65(1)(b)(scheme to defraud)]).
Kenneth Ampel 196 AD2d 105	Interim Suspension	22 NYCRR 603.4(e)(1)(ii) and (iii)(substantial admissions under oath of professional misconduct; uncontested evidence of professional misconduct).
Stephen A. Weingrad 196 AD2d 300	Suspended 1 year	DR 1-102(A)(4)(false statements to clients); DR 1-102(A)(7)(conduct reflecting adversely on fitness to practice law); DR 6-101(A)(3)(failing to diligently pursue discovery); DR 9-102(A)(failure to safeguard client funds).
Theodore H. Friedman 196 AD2d 280	Disbarred	DR 1-102(A)(4)(dishonesty, fraud, deceit or misrepresentation); DR 1-102(A)(5)(conduct prejudicial to administration of justice); DR 1-102(A)(7)(conduct adversely reflecting on fitness to practice law); DR 3-102 (fee splitting with nonlawyer); DR 7-102(A)(3)(failure to disclose that which attorney is required by law to reveal); DR 7-102(A)(4)(knowingly using perjured testimony or false evidence); DR 7-102(B)(2) (failure to report that a witness has perpetrated a fraud on a tribunal); DR 7-109(C)(1)(unreasonable or excessive payments to witnesses).
Serge Jarvis 196 AD2d 271	Indefinite Suspension	22 NYCRR 603.16(b)(1)(mental incapacity)
Jose A. Quesada 196 AD2d 324	Suspended 2 years <i>nunc pro tunc</i> from 2/4/92 (reinstatement effective 4/17/94).	DR 9-102(A)(failure to maintain client funds intact and preserve identity of client funds).

Jorge Sorote 196 AD2d 339	Suspended 3 years <i>nunc pro tunc</i> from 3/31/92.	DR 1-102(A)(5)(conduct prejudicial to administration of justice); DR 1-102(A)(7)(conduct adversely reflecting on fitness to practice law); DR 2-110(A)(3)(failure to return unearned fee); DR 6-101(A)(3)(neglect).
Stephen Cea 197 AD2d 154	Disbarred	Judiciary Law §90(4)(d)(serious crime, federal felony conviction - 18 USC §§ 2, 656 [embezzlement]).
Phillip E. Shapiro 196 AD2d 372	Interim Suspension	22 NYCRR 603.4(e)(1)(i) and (ii)(willful failure to cooperate with Committee's investigation; substantial admissions under oath of professional misconduct).
Melvyn Altman 196 AD2d 390	Stricken	Judiciary Law §90(4)(b)(federal felony conviction - 18 USC §1014 [making false statements on lending institution applications]).
Edward B. Dickson 196 AD2d 399	Indefinite Suspension	22 NYCRR 603.16(a)(mental incapacity).
Arnold H. Chernoff 197 AD2d 110	Disbarred	DR 1-102(A)(4)(dishonesty, fraud, deceit or misrepresentation; conversion of client/third-party funds).
Edward F. McLaughlin 197 AD2d 118	Stricken on Consent	22 NYCRR 603.11 (resignation of attorney under investigation).
Howard J. Diller 197 AD2d 202	Suspended 6 months	DR 1-102(A)(4)(dishonesty, fraud, deceit or misrepresentation); DR 1-102(A)(7)(conduct adversely reflecting on fitness to practice law); DR 9-102(A)(commingling).
Sunao T.A. Yamada 197 AD2d 235	Suspended 3 years	DR 5-105 (conflict of interest); DR 7-102(A)(7)(assisting client in illegal or fraudulent conduct).

Colin A. Moore 197 AD2d 254	Suspended 3 years	DR 1-102(A)(4)(dishonesty, fraud, deceit or misrepresentation); DR 1-102(A)(5)(willful failure to satisfy a judgment); DR 2-110(A)(3) (failure promptly to return unearned fees); DR 6-101(A)(3)(neglect).
Stephen E. Karsch 197 AD2d 262	Disbarred	Judiciary Law §90(4)(b)(federal felony conviction - 18 USC §371 [mail fraud][NY Penal Law §155.42, grand larceny]).
Wayne W. Kim 197 AD2d 324	Interim Suspension	22 NYCRR 603.4(e)(1)(i) and (iii)(willful failure to cooperate with Committee's investigation of professional misconduct; uncontested evidence of professional misconduct).
Louis V. Viscomi 197 AD2d 321	Disbarred	DR 1-102(A)(5)(conduct prejudicial to administration of justice); DR 1-102(A)(7)(conduct adversely reflecting on fitness to practice law).
Sidney Baumgarten 197 AD2d 309	Interim Suspension	22 NYCRR 603.4(e)(1)(ii) and (iii)(substantial admissions under oath of professional misconduct); uncontested evidence of professional misconduct).
Joyce O. Moy 197 AD2d 312	Indefinite Suspension	22 NYCRR 603.16(b)(1)(mental incapacity).
Gary K. Meyer 200 AD2d 17	Disbarred	Judiciary Law §90(4)(b)(federal felony conviction - 18 USC §371 [conspiracy to commit mail fraud]).

Marvin Margolis 200 AD2d 231	Disbarred	DR 1-102(A)(4)(dishonesty, fraud, deceit or misrepresentation [conversion]); DR 1-102(A)(5)(conduct prejudicial to administration of justice); DR 1-102(A)(7)(conduct adversely reflecting on fitness to practice law); DR 9-102(A) and (B)(4)(failure to preserve and promptly remit client funds).
Larry Jay Kushner 200 AD2d 1	Stricken	Judiciary Law §90(4)(b)(felony conviction - NY Penal Law §155.30 [grand larceny, 4th degree]).
Jarrett F. Glantz 200 AD2d 57	Stricken	Judiciary Law §90(4)(b)(felony conviction - NY Penal Law §155.40[1][grand larceny., 2d degree]; Tax Law §1804[b][filing false tax return]).
G. Alexander Novak 200 AD2d 66	Suspended 2 years, retroactive to 7/1/92; reinstatement effective 7/1/94.	Judiciary Law §90(4)(d)(serious crime; felony conviction - 18 USC §§ 371, 1001 [conspiring to submit false documents to government agency]).
Rafael M. Pantoja, Jr. 200 AD2d 110	Interim Suspension	22 NYCRR 603.4(e)(1)(i), (ii), (iii) and (iv)(willful failure to cooperate with Committee's investigation of professional misconduct; substantial admissions under oath of professional misconduct; uncontested evidence of professional misconduct; willful failure to pay money judgments in favor of clients).
Theodore E. Teah 200 AD2d 91	Interim Suspension	22 NYCRR 603.4(e)(1)(i) and (iii)(willful failure to cooperate with Committee's investigation of professional misconduct; uncontested evidence of professional misconduct).
Deborah M. Johnson 200 AD2d 215	Indefinite Suspension	22 NYCRR 603.16(b)(1)(mental incapacity).

Daniel J. Cooper 200 AD2d 221	Suspended 1 year, retroactive to 7/16/92; automatic reinstatement	Judiciary Law §90(4)(d)(serious crime - felony conviction, 18 USC §371 [submitting false and fraudulent billing statements]).
William F. Weidlich 200 AD2d 123	Suspended 3 years	22 NYCRR 603.3 (reciprocal discipline following discipline in a foreign jurisdiction [Connecticut]).
Sherry K. Guilloton 200 AD2d 237	Stricken on Consent	22 NYCRR 603.11 (resignation of attorney under investigation).
Burton M. Marks 200 AD2d 248	Stricken on Consent	22 NYCRR 603.11 (resignation of attorney under investigation).
Sarbjit S. Bajaj 1994 Lexis 7381	Stricken	Judiciary Law §90(4)(b)(felony conviction - 8 USC §1255a [c][6][filing false application with Immigration and Naturalization Service]; Penal Law §175.35 [offering false instrument for filing]).
Robert J. Burton 200 AD2d 324	Suspended 1 year	DR 1-102(A)(7)(conduct adversely reflecting on fitness to practice law); DR 7-104(A) (communicating with party known to be represented by a lawyer without prior consent); DR 9-102(A)(failure to preserve identity of client funds and maintain client funds intact).
Arthur W. Baily 201 AD2d 125	Suspended 2 years	DR 1-102(A)(4)(dishonesty, fraud, deceit or misrepresentation); DR 1-102(A)(7)(conduct adversely reflecting on fitness to practice law); DR 6-101(A)(3)(neglect).
Frank Valentin 201 AD2d 123	Stricken	Judiciary Law §90(4)(e)(felony conviction - NY Penal Law §220.39 [criminal possession of controlled substance, 3d degree]).

Leonard Feinberg 201 AD2d 115	Stricken	Judiciary Law §90(4)(e)(felony conviction - NY Penal Law §176.25 [insurance fraud, 2d degree]).
Michael G. Flanagan 201 AD2d 134	Interim Suspension	22 NYCRR 603.4(e)(1)(iii) (uncontested evidence of professional misconduct).
Leonard S. Goodman 201 AD2d 249	Stricken on Consent	22 NYCRR 603.11 (resignation of attorney under investigation).
Daniel F. Coughlin 202 AD2d 112	Interim Suspension	Judiciary Law §90(4)(d) and (f)(serious crime - 20 USC § 1097[a][education fraud]).
Leonard C. Shalleck 205 AD2d 34	Stricken on Consent	22 NYCRR 603.11 (resignation of attorney under investigation).
Geoffrey D. Yorke 205 AD2d 13	Suspended 2 years	DR 1-102(A)(4)(dishonesty, fraud, deceit or misrepresentation); DR 1-102(A)(7)(conduct adversely reflecting on fitness to practice law); DR 5-103(B)(improperly advancing financial assistance to client); DR 6-101(A)(3)(neglect); DR 7-101(A)(2)(intentional failure to carry out contract of employment); DR 7-101(A)(3) (prejudice or damage to client).
Russell F. Laux 205 AD2d 36	Indefinite Suspension	22 NYCRR 603.16(b)(1)(physical and mental infirmities).
Paul Lieber 205 AD2d 47	Suspended 2 years	DR 1-102(A)(7)(conduct adversely reflecting on fitness to practice law).
Marvin M. Schaffer 205 AD2d 26	Stricken	Judiciary Law §90(4)(b)(felony conviction - NY Penal Law §155.35 [grand larceny, 3d degree]).
Pedro Batalla 205 AD2d 66	Interim Suspension	Judiciary Law §90(4)(d) and (f)(serious crime; felony conviction - 26 USC §7201 [income tax evasion; filing a false tax return]).

Laurence Y. Solarsh 205 AD2d 73	Suspended 6 months	DR 1-102(A)(4), (5) and (7) (submitting falsified documents to clients); DR 6-101(A)(3)(neglect); DR 7-102(A)(5) (false statement of law or fact).
James J. Pitts 205 AD2d 110	Disbarred	DR 1-102(A)(4)(dishonesty, fraud, deceit or misrepresentation); DR 1-102(A)(7)(conduct which adversely reflects on fitness to practice law); DR 9-102(A) and (B)(failure to preserve the identity of trust funds); DR 9-102(C)(4)(failure to pay third party); DR 9-102(E)(failure to preserve identity of funds).
Hermena Perlmutter 205 AD2d 96	Interim Suspension	22 NYCRR 603.4(e)(1)(i) (willful failure to cooperate with Committee's investigation).
William C. Israel 205 AD2d 101	Suspended 3 years	DR 1-102(A)(5)(conduct prejudicial to administration of justice); DR 1-102(A)(7) (conduct adversely reflecting on fitness to practice law); DR 6-101(A)(3)(neglect); DR 7-101(A)(2)(intentional failure to carry out contract of employment).
Stanley R. Stern 205 AD2d 162	Interim Suspension	Judiciary Law §90(4)(d)(serious crime; felony conviction - 18 USC §1956[a][1][B][1] [money laundering][NY Penal Law §470]).
Herbert Harris, Jr. 205 AD2d 160	Stricken	22 NYCRR 603.4(g)(failure to respond to Court's order of suspension within six months).
Peter R. Weiss 205 AD2d 249	Suspended 2 years	DR 1-102(A)(4)(dishonesty, fraud, deceit or misrepresentation); DR 1-102(A)(5)(conduct prejudicial to administration of justice); DR 1-102(A)(7)(conduct adversely reflecting on fitness to practice law); DR 6-101(A)(3)(neglect); DR 9-102(A)(commingling).

Steven Lyons 205 AD2d 239	Stricken	Judiciary Law §90(4)(b)(felony conviction - 8 USC §1255a [c][6][filing false application with Immigration and Naturalization Service]).
Curtis H. Jacobsen 194 AD2d 271	Interim Suspension	22 NYCRR 603.4(e)(1)(i) (willful failure to cooperate with Committee's investigation).
Curtis H. Jacobsen 205 AD2d 216	Disbarred	22 NYCRR 603.4(g)(failure to respond to Court's order of suspension within six months).
Henry H. Friedman 206 AD2d 163	Stricken on Consent	22 NYCRR 603.11 (resignation of attorney under investigation).
Jeffrey Ungerson 206 AD2d 1	Stricken on Consent	22 NYCRR 603.11 (resignation of attorney under investigation).
Murray Steinberg 1994 Lexis 12971	Censured	DR 1-102(A)(4)(dishonesty, fraud, deceit or misrepresentation); DR 1-102(A)(5)(conduct prejudicial to administration of justice); DR 1-102(A)(7)(conduct adversely reflecting on fitness to practice law).

SECOND DEPARTMENT

(Second and Eleventh Judicial Districts)

Edmundo Roman-Perez 195 AD2d 192	Suspended 5 years	False representations to client; created and used false evidence; neglect.
Philip L. Boneta	Interim Suspension	Failure to answer complaints.
Lewis W. Tyson, Jr. 195 AD2d 9	Disbarred	Failure to cooperate.
Joseph M. Mattone, Jr. 195 AD2d 91	Censured	Misappropriation of client funds; failure to safeguard client funds; conflict of interest.

R. Dennis Callagy 195 AD2d 43	Resigned	Embezzlement; practicing law in Massachusetts without being admitted.
Ellis S. Simring 195 AD2d 227	Disbarred	Reciprocal discipline - Florida.
Kenneth P. Löwenthal 196 AD2d 82	Resigned	Embezzlement; forgery.
John P. Libretti 196 AD2d 78	Censured	Reciprocal discipline - New Jersey.
Robert A. Eisenberg 196 AD2d 66	Resigned	Conversion.
Joseh Sternschein 196 AD2d 531	Resigned	Escrow irregularities.
Cheryl Edwards	Interim Suspension	Admissions of conversion and commingling.
John W. Casey 196 AD2d 246	Suspended 3 years	Commingling.
Lawrence DeMayo	Interim Suspension	Failure to cooperate.
Frank Sheehan	Interim Suspension	Serious crime conviction.
Salvatore Spinelli	Interim Suspension	Serious crime conviction.
Nelson Guzman 196 AD2d 218	Suspended 3 years	Failure to properly maintain escrow funds; neglect.
Norman Heiman 196 AD2d 234	Suspended 2 years	Serious crime conviction.
Russell Small 196 AD2d 298	Disbarred	Felony conviction.
Douglas M. Carter 196 AD2d 364	Disbarred	Failure to cooperate.
Joseph Licata 197 AD2d 93	Censured	Failure to cooperate.
Lloyd A. McFarlane 197 AD2d 197	Disbarred	Conversion; neglect; failure to cooperate.
Michael D. Benjamin 197 AD2d 158	Disbarred	Neglect.
Lawrence D. Morgingiello 197 AD2d 174	Resigned	Neglect; failure to remit escrow funds.

C. Theodore Wellington 200 AD2d 33	Resigned	Conversion; neglect.
Derrick William White 200 AD2d 8	Disbarred	Failure to cooperate.
Louis Taubenblat 197 AD2d 301	Resigned	Misuse of escrow account.
J. Edward Cardoso 200 AD2d 42	Disbarred	Failure to cooperate; pattern of neglect; abandonment of practice.
Harry J. Bernstein 200 AD2d 113	Disbarred	Felony conviction.
Oscar Katz 200 AD2d 218	Resigned	Federal felony.
Albert LaBoz 200 AD2d 239	Suspended 5 years	Federal felony.
Alton H. Maddox 201 AD2d 24	Suspended 5 years	Failure to cooperate.
Dolores Galang	Interim Suspension	Admissions of conversion and commingling.
Scott Steven Posner 201 AD2d 189	Suspended 1 year	Failure to cooperate; misleading the Court.
Kevin G. McKeon 202 AD2d 57	Suspended 3 years	Neglect.
Jenny M. Maiolo	Interim Suspension	Uncontroverted evidence of conversion.
Stephen O. Szego 205 AD2d 76	Disbarred	Felony conviction.
Blair Wasserman	Interim Suspension	Serious crime conviction.
Bernard Hanft	Interim Suspension	Failure to comply with court directive.
Lawrence DeMayo 205 AD2d 132	Disbarred	Failure to cooperate.
Lee H. Bostic 205 AD2d 126	Disbarred	Failure to cooperate; held himself out as attorney while suspended.

Thomas P. Cullen, Jr. 205 AD2d 129	Resigned	Conversion.
Philip L. Boneta 205 AD2d 138	Disbarred	Failure to cooperate and to produce escrow records.
Joseph Greene 205 AD2d 302	Disbarred	Fraud; forgery; improper handling of client funds; neglect.
Wallace Sturm	Interim Suspension	Failure to cooperate.
Robert D. Powell	Suspended 1 year	Reciprocal discipline.
Debra A. Drexler	Interim Suspension	Failure to cooperate.
Jean Charles 1994 WL 697327	Suspended 2 years	Neglect; failure to honor agreement to compensate clients for neglect.

(Ninth Judicial District)

James R. Barnett 195 AD2d 214	Disbarred	Judiciary Law §90(4)(b)(felony conviction - Penal Law §175.10 [falsifying business records, 2d degree]).
Paul A. Bartolotta	Reinstatement denied.	
Arnold A. Bernstein 197 AD2d 349	Disbarred	Judiciary Law §90(4)(b)(felony conviction - Penal Law §125.20 [manslaughter, 1st degree]).
Angela M. Bray	Motion to reargue order of disbarment on default denied.	
Allan L. Brenner 201 AD2d 100	Censured	DR 6-101(A)(3)(neglect); DR 2-110(A)(3)(failure to promptly return unearned fee); DR 1-102(A)(8)(conduct adversely reflecting on fitness to practice law); DR 1-102(A)(4)(conduct involving dishonesty, fraud, deceit or misrepresentation).
Mark Brettschneider	Motion for reinstatement held in abeyance, referred to Committee on Character and Fitness.	

Patrick W. Cukierski	Conservator appointed to inventory files.	
R. Emmet Delany 206 AD2d 192	Disbarred	Judiciary Law §90(4)(d)(serious crimes - 18 USC §1512 [tampering with witness]; 26 USC §7201 [attempting to evade and defeat income tax]; 18 USC §1341 [3 counts mail fraud]).
Frank T. D'Onofrio, Jr. 205 AD2d 115	Censured	DR 6-101(A)(3)(neglect); DR 1-102(A)(8)(conduct adversely reflecting on fitness to practice law, failure to cooperate, failure to answer inquiries by another attorney); DR 9-102(D)(failure to produce escrow records).
Steven M. Erdheim 201 AD2d 165	Disbarred (Resigned)	Mishandling of escrow account.
Wayne K. Gabel 201 AD2d 3	Suspended 5 years	DR 1-102(A)(4)(engaging in conduct involving dishonesty, fraud, deceit or misrepresentation).
Peter P. Galloway 200 AD2d 59	Disbarred (Resigned)	Failure to account for escrow funds; failure to cooperate.
Peter P. Galloway	Motion for interim suspension and authorization for disciplinary proceeding dismissed as academic.	
A. Richard Gambino 205 AD2d 212	Suspended 1 year	DR 9-102(A)(failure to maintain duly constituted escrow account and commingling); DR 9-102(B)(failure to designate escrow account); DR 9-102(B)(1)(non-attorney signatory); DR 9-102(E)(unauthorized withdrawals to cash); DR 9-102(D)(failure to maintain/produce escrow records); DR 1-102(A)(8)(conduct adversely reflecting on fitness to practice law by converting and/or failing to account for escrow funds).

Richard L. Giampa	Motion for NYS Assn. of Criminal Defense Attorneys to appear as <i>amicus curiae</i> granted.	
S. Simpson Gray	Reinstatement denied.	
Steven Grosser 200 AD2d 152	Disbarred	DR 6-101(A)(3)(neglect); DR 1-102(A)(4)(conduct involving dishonesty, fraud, deceit or misrepresentation); DR 6-102 (conduct designed to prospectively limit liability to client); DR 1-102(A)(5) and (8) (conduct prejudicial to administration of justice and which adversely reflects on fitness to practice law, failure to cooperate).
Steven Grosser	Motion to vacate order of disbarment on default denied.	
Joseph A. Hamerman	Interim suspension	22 NYCRR 691.4(a)(failure to answer and substantial admissions under oath; disciplinary proceeding authorized).
Benjamin B. Hersh	Motion for renewal on reargument denial of motion for reinstatement, denied.	
Benjamin B. Hersh 83 NY2d 759	Motion for leave to appeal denied.	
William B. Kirschner 195 AD2d 102	Censured	DR 1-102(A)(4) and (8)(conduct involving dishonesty, fraud, deceit or misrepresentation, conduct adversely reflecting on fitness to practice law); DR 9-102(C)(breach of fiduciary responsibility; self-dealing).
David C. Kobrin	Interim suspension	22 NYCRR 691.4(1)(substantial admissions under oath; disciplinary proceeding authorized).

Herbert M. Kuschner 200 AD2d 336	Suspended 1 year	Judiciary Law §90(4)(d)(serious crime - offering false instrument for filing, 2d degree misdemeanor [Penal Law §175.30]).
Jeffrey Michael Leben	Motion to vacate order accepting resignation denied.	
Leslie Ira Levine 196 AD2d 273	Disbarred	DR 1-102(A)(8)(conduct adversely reflecting on fitness to practice law); DR 6-101(A)(3) (neglect).
Charles B. Linn 200 AD2d 4	Censured	DR 9-102(A)(failure to maintain duly constituted escrow account, commingling); DR 1-102(A)(8)(conduct adversely reflecting on fitness to practice law, failure to adequately oversee escrow account, failure to maintain required records).
Alfred H. Mattikow 197 AD2d 20	Disbarred (Resigned)	Mishandling escrow account.
Michael D. McClure 196 AD2d 342 (disbarred by 3d Dept. at 204 AD2d 853)	Suspended 5 years	DR 1-102(A)(4) and (8)(conduct involving dishonesty, fraud, deceit or misrepresentation, conduct adversely reflecting on fitness to practice law; conversion, failure to account); DR 9-102(A)(failure to maintain duly constituted escrow account, commingling); DR 9-102(D)(failure to maintain records).
Kenneth F. Merlo	Reinstated	
Stanley B. Michelman 202 AD2d 87	Suspended 3 years	DR 5-105 (impermissible conflict of interest by representing or advising both adoptive and biological parents); DR 7-104(A), (B) (giving advice to person not represented by counsel where interests adverse to clients); DR 1-102(A)(4)(conduct involving dishonesty, fraud, deceit or misrepresentation); DR 1-102(A)(8) (conduct adversely reflecting on fitness to practice law).

Stanley B. Michelman	Motion to postpone commencement date of suspension and for leave to appeal, granted solely to extent that effective date of suspension extended to 11/5/94 for two matters.	
Stanley B. Michelman	Motion for leave to appeal denied.	
Stephen A. Mishkin	Reinstatement denied.	
Davison F. Moore 205 AD2d 232	Disbarred (Resigned)	Complaints involving failure to account for assets of several estates.
Joseph R. Pisani	Motion for reinstatement held in abeyance, referred to Committee on Character and Fitness.	
Joseph R. Pisani	Reinstated	
Howard Pitt 197 AD2d 339	Suspension continued	22 NYCRR 691.3 (reciprocal discipline - New Jersey).
Frank J. Ryan	Reinstatement denied.	
Michael Sanchirico	Interim suspension	Judiciary Law §90(4)(d)(serious crime - General Business Law §352-c[1][c][iv]).
Doris Sassower 83 NY2d 904	Appeal dismissed	No final order, no substantial constitutional question.
Doris Sassower 84 NY2d 863	Motion to reconsider denied.	
Robert G. Short 205 AD2d 99	Disbarred	Judiciary Law §90(4)(b)(felony conviction - Vehicle & Traffic Law §1192 [driving while under influence of alcohol]).
Stephen V. Staehle	Disbarred	DR 1-102(A)(5) and (8)(conduct prejudicial to administration of justice and adversely reflecting on fitness to practice law, failure to file affidavits of compliance and practicing law while under suspension).

(Tenth Judicial District)

Andrew L. Aaron 1994 Lexis 13120	Disbarred	DR 9-102(C)(4)(conversion).
James Anzelone 197 AD2d 167	Disbarred (resigned)	22 NYCRR 691.9, DR 9-102(C) (4)(conversion).
Martin B. Ashare 195 AD2d 127	Disbarred	Judiciary Law §90(4)(felony conviction - grand larceny, 4th degree).
Joseph G. Cairo, Jr. 197 AD2d 186	Disbarred (resigned)	22 NYCRR 691.4, DR 9-102(C) (4)(conversion).
Donald Candelora 200 AD2d 341	Disbarred (resigned)	22 NYCRR 691.9, DR 9-102(C) (4)(conversion).
John Donald Clause 196 AD2d 264	Disbarred (resigned)	22 NYCRR 691.9 (intentional failure to file a deed).
Edward M. Cooperman 83 NY2d 465	Appeal denied	
James B. Durning 196 AD2d 50	Disbarred (resigned)	22 NYCRR 691.9, DR 6-101(A) (3)(neglect); DR 9-102(C)(4) (conversion).
Carl M. Field 200 AD2d 205	Disbarred	DR 9-102(C)(4)(conversion); DR 3-101(A)(assisting in un- authorized practice of law).
Burton Flax 206 AD2d 174	Disbarred (resigned)	22 NYCRR 691.9, DR 9-102(C) (4)(conversion).
Joseph Gelb 195 AD2d 83	Suspended 1 year	Judiciary Law §90 (federal conviction - mail fraud).
David Steven Genser	Reinstated	
Bruce A. Glubin	Reinstatement denied.	
Harold Goerlich	Motion to stay suspension denied.	
Gerald L. Hamby 197 AD2d 140	Suspended 5 years	DR 1-102(A)(5)(conduct pre- judicial to administration of justice); DR 1-102(A)(8)(con- duct adversely reflecting on fitness to practice law).

Martin Hirsch 196 AD2d 237	Suspended 2 years	22 NYCRR 691.2 (Federal felony - conspiracy).
Edward L. Howlette 197 AD2d 346	Disbarred (resigned)	22 NYCRR 691.9, DR 9-102(C)(4)(conversion).
Alvan S. Hutchinson, Jr.	Reinstatement denied.	
Joseph D. Johnson, Jr. 200 AD2d 205	Disbarred	DR 9-102(B) and (C)(conversion); DR 1-102(A)(4) and (7) (fitness to practice law and dishonesty).
Joel P. Kastein	Reinstated	
Gregory Kazolas 196 AD2d 306	Disbarred	Judiciary Law §90 (Felony conviction - operating motor vehicle under the influence).
James Kelleher	Interim suspension	
Michael J. Kelly 205 AD2d 56	Disbarred	Judiciary Law §90(c)(Federal felony conviction - conspiracy, bank fraud).
Harold T. King 205 AD2d 90	Disbarred (resigned)	22 NYCRR 691.9, DR 9-102(C)(4)(conversion).
Paul H. Kirwin	Reinstatement denied.	
Joshua Lederberg 200 AD2d 49	Disbarred	DR 1-102(A)(1), (2), (3), (4), (5), and (7); DR 7-102(A)(4), (6) and (8)(moral turpitude; dishonesty, fraud, deceit or misrepresentation; conduct adversely reflecting on fitness to practice law; failure to represent client within bounds of the law; perjury).
Joshua Lederberg 84 NY2d 845	Motion for leave to appeal denied	
Louis J. Milone 197 AD2d 24	Suspended 3 years	DR 9-102(A), (B)(3)(comingling/failure to keep records).
Harold Mortenson 206 AD2d 136	Disbarred	Judiciary Law §90 (failure to cooperate).
Jack Nath 196 AD2d 147	Disbarred (resigned)	22 NYCRR 691.9, DR 9-102(C)(4)(conversion).

Thomas J. Naughton 1994 Lexis 13132	Suspended 1 year	DR 1-102(A)(1), (4), (5) and (8); DR 9-102(A)(commingling; conduct adversely reflecting on fitness to practice law; misrepresentation).
Steven Richard Niles 1994 Lexis 13134	Disbarred	DR 9-102(C)(4)(conversion); DR 1-102(A)(4) and (8)(dishonesty, conduct adversely reflecting on fitness to practice law).
Pietrina J. Reda 200 AD2d 70	Censured	DR 6-101(A)(3)(neglect).
Charles Raymond Robert 197 AD2d 15	Censured	DR 9-102(B)(fiduciary responsibilities).
Sheldon Joel Sanders	Reinstatement denied	
John C. Schettino	Reinstatement denied	
Edward Schwarz 200 AD2d 331	Suspended 1 year	DR 1-102(A)(1), (4), (5) and (8)(dishonesty; fraud, deceit or misrepresentation; conduct prejudicial to administration of justice; fitness to practice).
Bernard Melvin Seeman 194 AD2d 299	Disbarred	Judiciary Law §90(4)(felony convictions - Larceny [Penal Law §155.40], Forgery [Penal Law §170.25]).
Russell T. Sickman	Reinstatement denied	
Alan J. Shimel	Interim suspension	
Edward G. Stahl 200 AD2d 205	Disbarred	DR 9-102 (conversion).

THIRD DEPARTMENT

Anonymous	Motion to quash subpoena denied.
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Anonymous	Petition withdrawn	22 NYCRR 806.4(c)(2)(admonition rejected; disciplinary proceeding demanded. Respondent thereafter requested that he be permitted to accept admonition. Request granted without opposition.
Anonymous	Motion to compel appearance granted	Motion granted to compel attorney admitted in New York but residing out of state to appear for examination and to produce documentation.
Anonymous	Motion to suspend denied	Motion denied; respondent made efforts to comply with subpoena; hearing may be recommenced.
Ronald R. Benjamin	Censured	22 NYCRR 806.4(c)(2)(admonition rejected; disciplinary proceeding demanded); DR 1-102(A)(4)(attempting to mislead and deceive a trial court and opposing counsel).
Bernard S. Berkowitz	Censured	22 NYCRR 806.19 (reciprocal discipline based upon New Jersey reprimand); Judiciary Law §468-a (respondent ordered to register and pay delinquent fees).
John A. Bishop 201 AD2d 750	Interim suspension	22 NYCRR 806.4(f)(1)(suspension pending consideration of charges).
John A. Bishop 204 AD2d 851	Disbarred	DR 1-102(A)(4), (5), and (7), DR 9-102 (conversion of funds owed to third party); DR 1-102(A)(3), (4), (5), and (7) (engaging in fraudulent conduct); DR 1-102(A)(5) and (7)(failure to cooperate with committee).
Santo J. Bonanno	Censured	22 NYCRR 806.19 (reciprocal discipline based upon New Jersey reprimand).
William A. Brenner	Reinstated	
W. Michael Burke	Indefinite suspension	22 NYCRR 806.10(a)(incapacity).

Jeffrey T. Canale	Indefinite suspension with stay	DR 1-102(A)(3) and (5)(arrested in New Hampshire on various charges including possession of cocaine, with guilty plea entered to operating a vehicle knowing that it contained a controlled substance. Indefinite suspension stayed upon condition respondent participate in NYSBA sobriety monitoring program. Respondent may apply to terminate suspension after one year).
James W. Carroll	Reinstated	
Katherine R. Catanzarite	Disbarred	22 NYCRR 806.8 (resignation accepted during investigation of complaints alleging neglect, failure to respond to communications from clients and third parties, failure after discharge to turn over files and return unused portions of retainers, failure to maintain required attorney-at-law account records and failure to cooperate with committee).
Gina Dieli Cecil	Reinstated	
Kenneth H. Cohn	Order to destroy files	Motion to destroy abandoned closed files granted following notice in local paper.
Daniel T. Coxeter Susan J. Coxeter	Censured	DR 5-104(A)(failing to limit business relations with client); DR 1-102(A)(4), (5) and (7)(attempting to mislead and deceive committee).
William J. Ewing	Motion to vacate suspension denied	Motion to vacate reciprocal suspension denied. Order modified to be deemed effective 6/3/93 to coincide with New Jersey suspension.
Richard J. Farley	Suspended 1 year	DR 1-102(A)(5), (8)(failure to file registration statement and pay fee as required by statute); DR 1-102(A)(5) and (8)(failure to cooperate with committee).

Edward M. Gasperi 203 AD2d 709	Disbarred	DR 1-102(A)(4), (5) and (7) (improperly endorsing client's name to a settlement check and release form and improperly signing and notarizing a general release); DR 1-102(A)(4), (5) and (7), DR 9-102(A) and (B)(failure to deposit clients' funds into an escrow account, failure to promptly deliver funds, conversion of clients' funds); DR 6-101(A)(3)(neglect); DR 1-102(A)(5) and (7), DR 9-102(D)(failure to maintain required records for escrow account); DR 1-102(A)(5) and (7)(failure to respond to client communications); DR 1-102(A)(5) and (7)(failure to cooperate with committee).
Edward M. Gasperi	Order to destroy files	Motion to destroy abandoned closed files granted following notice in local paper.
Daniel E. Lyons	Suspension vacated	
Michael D. McClure 204 AD2d 853	Disbarred	DR 1-102(A)(5) and (8), DR 5-101(A)(conflict of interest by engaging in sexual relationship with defendant he was prosecuting); DR 1-102(A)(3) and (5)(illegal conduct and conduct involving moral turpitude by providing alcohol to a person under the legal age); DR 1-102(A)(5) and (8), DR 7-104(A)(1)(communicating with party of adverse interest represented by a lawyer, on the subject of the representation).

Richard C. Miller	Suspended 1 year with stay	DR 9-102(A)(commingling personal funds with funds of clients); DR 1-102(A)(5) and (8), DR 9-102 (converting clients' funds); DR 9-102(D) (failure to maintain accurate records for escrow accounts); DR 1-102(A)(5) and (8), DR 9-102(C) and (D)(failure to maintain complete records of clients' funds).
Michael E. Mine 201 AD2d 753	Suspended 3 years	DR 6-101(A)(3)(neglect); DR 1-102(A)(4), (5) and (7)(misled and deceived clients and law firm regarding status of various matters).
David I. Moed	Indefinite suspension	Failure to comply with order directing appearance at hearing; permitting forwarding of bank records to U.S. Attorney's office.
Martin Perrotta 201 AD2d 826	Disbarred	22 NYCRR 806.19 (reciprocal discipline based upon New Jersey disbarment).
Garfield P. Raymond	Suspended 1 year	DR 6-101(A)(3)(neglect); DR 9-102(A)(commingling personal funds with funds of clients); DR 1-102(A)(5) and (8), DR 9-102 (conversion of clients' funds); DR 9-102(D) (failure to maintain accurate records for trust account); DR 1-102(A)(5) and (8), DR 9-102 (issuing checks against insufficient funds in trust account); DR 9-102(E)(issuing a check from trust account payable to cash); Judiciary Law §497, DR 1-102(A)(5)(failure to deposit qualified funds into an IOLA account); DR 1-102(A)(5) and (8)(failure to cooperate with committee).
Richard F. Reilly	Suspended 6 months	DR 6-101(A)(3)(neglect of estates); DR 5-101(A)(engaging in conflict of interest); DR 1-102(A)(7)(failure to respond to inquiries from counsel).

James M. Russell 203 AD2d 709	Indefinite suspension	22 NYCRR 8-6.4(b) and (e) (suspension pending compliance with subpoena duces tecum).
Lawrence Schecterman 202 AD2d 788	Suspended	22 NYCRR 806.19 (reciprocal suspension based upon Florida emergency suspension and until further order pursuant to 22 NYCRR 806.4[f]).
Robert L. Schlesinger 201 AD2d 751	Disbarred	DR 1-102(A)(4), (5) and (7), DR 9-102 (conversion of clients' funds); DR 1-102(A)(5) and (7), DR 9-102(C) and (D) (failure to maintain complete records of clients' funds); DR 1-102(A)(4), (5) and (7), DR 9-102(D)(failure to maintain required records for escrow account); DR 1-102(A)(4), (5) and (7), DR 9-102(A)(commingling personal funds with those of clients); DR 1-102(A)(4), (5) and (7), DR 9-102 (use of escrow account to protect personal funds from judgment creditors); DR 1-102(A)(5), (7)(failure to cooperate with committee).
Seth E. Shapiro	Disbarred	DR 1-102(A)(4), (5) and (7), DR 9-102 (conversion of clients' funds) DR 1-102(A)(5) and (7), DR 9-102(D)(failure to maintain adequate books and records); DR 1-102(A)(5) and (7), DR 9-102(C) and (D) (failure to reonder an appropriate accounting to client and failure to promptly pay over funds to client); DR 1-102(A)(4), (5) and (7), DR 9-102(A) (commingling personal funds with those of clients); DR 1-102(A)(5) and (7) failure to cooperate with committee).

Mary Ann Smith
203 AD2d 886

Suspended 3 years

DR 1-102(A)(4), (5) and (7), DR 9-102 (conversion of client funds); DR 6-101(A)(3)(neglect); DR 1-102(A)(4), (5) and (7)(attempting to deceive and mislead clients as to the status of their legal matters); DR 1-102(A)(4), (5) and (7), DR 5-101(A), DR 5-104 (borrowing funds from client without taking appropriate steps to protect client's interest; DR 1-102(A)(5), (7) (failure to respond to communications from and on behalf of clients and third parties); DR 1-102(A)(4), (5) and (7), DR 9-102 (issuing checks returned for insufficient funds); DR 1-102(A)(4), (5) and (7)(attempting to mislead and deceive committee); DR 5-103(B)(advancing financial assistance to clients); DR 1-102(A)(5) and (7)(failing to cooperate with committee).

Eric P. vonWiegen

Motion to Court of Appeals for leave to appeal denied.

Audrey S. Walters
204 AD2d 799

Disbarred

DR 1-102(A)(5) and (8)(failure to cooperate with committee); DR 1-102(A)(5) and (8)(failure to comply with order directing payment of stenographic bill); DR 1-102(A)(5) and (8)(failure to file registration statement and pay registration fee).

Audrey S. Walters

Disbarment vacated; 6-month suspension imposed.

Reinstatement conditioned upon proof of mental and emotional capacity to resume practice of law and payment of stenographic and attorney registration fees.

FOURTH DEPARTMENT

(Fifth Judicial District)

Roger Scott	Disbarred	Judiciary Law §90(4)(felony conviction).
Richard W. Marriott 196 AD2d 41	Suspended	22 NYCRR 1022.23(b)(attorney incapacitated).
William J. Powers, III 197 AD2d 57	Suspended 1 year	DR 1-102(A)(4)(engaging in conduct involving dishonesty, fraud, deceit or misrepresentation); DR 9-102(A), (B)(1), (C)(3)(commingling client funds, failing to maintain funds in a proper account, failing to maintain appropriate records and render accounts).
David W. Pelland	Interim suspension	Judiciary Law §90(4)(Federal felony conviction - 18 USC §152).
Melvin E. Holm 201 AD2d 41	Disbarred	Judiciary Law §90(4)(Federal felony conviction - 18 USC §§ 1341, 1344).
Frank A. Cissi 202 AD2d 139	Suspended 2 years	DR 1-102(A)(4) and (7)(engaging in conduct involving dishonesty, conduct adversely reflecting on fitness to practice law); DR 9-102(B)(1) and (2)(failing to preserve and identify funds of other persons received incident to his practice of law in a bank account or accounts separate from all other accounts); DR 9-102(C)(4)(failing to promptly deliver client funds).
William J. Mastine 205 AD2d 299	Suspended 1 year	DR 1-102(A)(7)(now [8])(conduct adversely reflecting on fitness to practice law); DR 9-102(A), (B)(1)(failing to preserve and maintain client funds, failing to maintain a special trust account).

Edward M. Sinker	Interim suspension	Judiciary Law §90(4)(Federal felony conviction - 18 USC §1341).
James H. Huyck, III 207 AD2d 88	Censured	DR 1-102(A)(4), (5) and (7) (now [8])(conduct involving misrepresentation, conduct prejudicial to administration of justice and conduct adversely reflecting on fitness to practice law); DR 2-110(A)(3) (failing to refund promptly any part of a fee paid in advance that has not been earned); DR 6-101(A)(3)(neglecting a legal matter entrusted to him); DR 7-101(A)(2)(failing to carry out a contract of employment).
Joseph F. Muto	Interim suspension	Default - pending disciplinary proceedings.

(Seventh Judicial District)

James L. Lakin 196 AD2d 20	Suspended	22 NYCRR 1022.22 (reciprocal discipline - Maryland).
Irwin R. Gilbert	Motion for rehearing denied.	
Charles H. Githler, III	Disbarred	22 NYCRR 1022.25(a)(resigned under investigation).
Martin E. Osborne 196 AD2d 177	Disbarred	DR 1-102(A)(4), (5) and (7) (failing to respond to grievance committee and to answer petition); DR 9-102(A), (B) and (C)(failing to turn over funds to third party).

Willie R. Felton
196 AD2d 387

Disbarred (restitution
ordered)

Judiciary Law §§90(4), 468-a, 22 NYCRR 118.1 (misdemeanor conviction; issuing a bad check; failing to register as attorney and pay biennial registration fee); DR 1-102(A)(3), (4), (5) and (7)(engaging in illegal conduct involving moral turpitude, misrepresentation, deceit, dishonesty or fraud; conduct prejudicial to administration of justice; conduct adversely reflecting on fitness to practice law); DR 2-106(A) and (D)(collecting and/or charging an illegal or excessive fee, failing to have a written contingent fee agreement); DR 5-101(A), DR 5-104(A)(entering into business transaction with a client with differing interests); DR 6-101(A)(3)(neglect); DR 9-102(A), (B)(1) and (2), (C)(1), (3) and (4), (D), (H) and (I) (commingling and converting clients' funds, failing to maintain and to produce appropriate records).

Thomas P. Leckinger
197 AD2d 61

Disbarred

DR 1-102(A)(4), (5) and (6) (engaging in conduct involving dishonesty, fraud, deceit and misrepresentation; conduct prejudicial to administration of justice; conduct adversely reflecting on fitness to practice law); DR 5-101(A)(accepting employment when professional judgment affected by own financial, business and personal interests); DR 5-104(A)(entering into business transaction with a client having differing interest without consent); DR 6-101(A)(3)(neglect); DR 7-101(A)(3)(intentionally damaging a client during professional relationship); DR 9-102(A) and (B)(failing to preserve, maintain, and deliver client funds).

Anthony F. Leonardo, Jr. 197 AD2d 59	Censured	DR 1-102(A)(6) and (7)(engaging in conduct adversely reflecting on fitness to practice law) DR 5-101(A)(entering into business relationship with a client without full disclosure); DR 5-105(A)(representing client when the exercise of professional judgment is affected by own financial interest).
John C. Wallen	Reinstated	
Timothy K. Burgess 201 AD2d 55	Disbarred (restitution ordered)	DR 1-102(A)(4)(conduct involving deceit and dishonesty); DR 1-102(A)(6)(conduct adversely reflecting on fitness to practice law); DR 6-101(A)(3)(neglect); DR 7-106(A)(failing to follow court order); DR 9-102(A)(commingling); DR 9-102(B)(3) and (4)(failing to preserve and maintain client funds and failing to maintain records related to such funds).
Saul D. Moshenberg	Disbarred	Judiciary Law §90(4)(felony conviction - Penal Law §§ 155.35, 190.65).
Mark S. Ogden 202 AD2d 148	Suspended 3 years	DR 1-102(A)(4) and (7)(engaging in conduct involving dishonesty, fraud and deceit; conduct adversely reflecting on fitness to practice law); DR 6-101(A)(3)(neglect); DR 9-102(A), (B), (C) and (D)(failing to maintain and preserve client funds, converting client funds and failing to maintain records relating to client funds).
Alban J. Reichert 205 AD2d 5	Censured	DR 6-101(A)(3)(neglect); DR 7-101(A)(3)(prejudicing or damaging client during course of professional relationship).
James W. Richards	Reinstatement denied	

George E. Albright	Suspended 2 years (restitution ordered)	DR 1-102(A)(4), (5) and (7) (engaging in conduct involving dishonesty, fraud, deceit or misrepresentation; conduct prejudicial to administration of justice; conduct adversely reflecting on fitness to practice law); DR 6-101(A)(3) (neglect); DR 9-102(A), (B), (C), (H) and (I)(failing to maintain and preserve client funds, converting client funds, failing to promptly deliver and account for client funds, and failing to produce requested records relating to them).
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Vito Michael Pastore	Reinstatement denied
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(Eighth Judicial District)

John D. Bridge	Suspended 6 months	Judiciary Law §468-a, 22 NYCRR 118.1 (failing to register as an attorney and to pay biennial registration fee); DR 1-102(A)(4) and (5) (engaging in conduct involving misrepresentation and conduct prejudicial to administration of justice); DR 2-110(A)(3) (failing to refund promptly the unearned portion of a retainer fee); DR 6-101(A)(3) (neglect).
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Cornelius F. Collins 196 AD2d 69	Censured	DR 1-104(A)(failing to supervise conduct of employees regarding their failure to properly handle clients' funds and their unauthorized withdrawal of clients' funds); former DR 9-102(A)(failing to maintain a separate account for clients' funds and to remit promptly funds to his clients); DR 9-102(D)(2)(failing to maintain adequate book-keeping records).
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Julian C. Johnson	Reinstated.
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Salvatore M. Latona 197 AD2d 108	Suspended 1 year	DR 1-102(A)(4)(engaging in conduct involving dishonesty, fraud, deceit or misrepresentation); DR 7-102(A)(7)(counselling or assisting client in conduct the lawyer knows to be illegal or fraudulent); DR 5-104(A)(entering into business transaction with client having differing interests and where the client expects the lawyer to exercise professional judgment for the client, without client's consent after full disclosure); DR 1-102(A)(7)(conduct adversely reflecting on fitness to practice law); DR 9-102(B) through (D) (failing to maintain proper records of trust account activity).
Susan B. Quaintance 196 AD2d 397	Suspended 3 years	Judiciary Law §90(4)(misdemeanor conviction - Penal Law §155.30).
Russell J. Sciandra 197 AD2d 125	Suspended 3 years	DR 1-102(A)(4)(engaging in conduct involving dishonesty); DR 1-102(A)(7)(now [8])(conduct adversely reflecting on fitness to practice law); DR 9-102(A)(commingling); DR 9-102(B)(1)(failing to preserve and identify client funds in a trust account at all times).
Herbert L. Greenman 201 AD2d 63	Censured	DR 6-101(A)(3)(neglect); DR 7-101(A)(2)(failing to carry out contract of employment); DR 7-101(A)(3)(prejudicing or damaging client in course of professional relationship).
Raymond E. Lloyd 200 AD2d 334	Suspended 2 years	Judiciary Law §90(4)(misdemeanor conviction - Penal Law §190.05).

E. Joseph Peperone
201 AD2d 75

Censured

DR 2-101(A)(using and disseminating public communication containing statements that are misleading); DR 2-105(B)(holding himself out as a specialist in matrimonial law without being certified as such).

William Sims
201 AD2d 72

Disbarred (restitution ordered)

Judiciary Law §468-a, 22 NYCRR 118.1 (failing to register as attorney and pay biennial registration fee); DR 9-102(A), (B)(1), and (C)(4) (commingling; failing to preserve and identify, and commingling and converting, clients' funds; failing to pay funds promptly as requested); DR 6-101(A)(3)(neglect); DR 6-102(A)(seeking to limit prospectively his individual liability in settling a malpractice claim with an unrepresented client); DR 7-102(A)(2) and (3)(failing to carry out contracts of employment and damaging clients during professional relationship).

William F. Benca

Disbarred (restitution ordered)

22 NYCRR 1022.25(a)(resigned pending disciplinary charges).

Joseph A. Contino
205 AD2d 1

Disbarred

DR 1-102(A)(4) and (7)(engaging in conduct involving dishonesty and misrepresentation, conduct adversely reflecting on fitness to practice law); DR 5-101(A)(accepting employment when exercise of professional judgment affected by own financial interests); DR 9-102(A), (B), (C)(1), (3) and (4), and (D)(commingling; failing to preserve and identify funds of other persons received incident to his practice of law, failing to notify clients and others of the receipt of funds, failing to maintain complete records of funds and property in his possession, failing to pay and deliver to clients/others funds and property in his possession, and failing to maintain bank records for seven years).

Richard M. Handel
205 AD2d 270

Suspended 2 years

DR 1-102(A)(7)(now [8])(conduct adversely reflecting on fitness to practice law); DR 9-102(A), (B)(1), (C)(1)(4) and (E)(failing to maintain and preserve client funds, converting client funds, failing to notify client of receipt of funds, failing to pay and deliver funds promptly to a client, and failing to make trust account withdrawals to a named payee).

James G. Gembarosky
207 AD2d 75

Interim suspension

22 NYCRR 1022.19(f)(2)(a).

Robert P. Johnson

Reinstated

Victor Orzechowski

Reinstated

Peter J. Pecoraro
207 AD2d 90

Suspended 2 years

DR 1-102(A)(4)(engaging in conduct involving fraud, dishonesty and misrepresentation); DR 1-102(A)(7)(now [8])(conduct adversely reflecting on fitness to practice law); DR 9-102(A)(commingling); DR 9-102(D)(failing to maintain complete and accurate records of clients' funds); DR 9-102(E)(issuing checks payable to cash from trust account).

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

Professional Disciplinary Staffs

FIRST DEPARTMENT

Departmental Disciplinary Committee
First Judicial Department
41 Madison Avenue, 39th Floor
New York, NY 10010
Tel. (212) 685-1000

Hal R. Lieberman, Chief Counsel
Barbara S. Gillers, 1st Deputy Chief Counsel
Richard M. Maltz, Deputy Chief Counsel
Sarah Jo Hamilton, Special Trial Counsel
Andral N. Bratton, Staff Attorney
Sherry K. Cohen, Staff Attorney
Jorge Dopico, Staff Attorney
Mady Edelstein, Staff Attorney
Jeremy S. Garber, Staff Attorney
Elyse N. Post, Staff Attorney
Erانيا M. Ebron-Fubara, Staff Attorney
Deborah A. Scalise, Staff Attorney
Eileen Shields, Staff Attorney
Naomi F. Simon, Staff Attorney
Judith N. Stein, Staff Attorney
Raymond Vallejo, Staff Attorney
Clarence Smith, Jr., Staff Attorney
Richard Supple, Staff Attorney

Martin Silverstein, Office Manager
Vincent C. Ranieri, Grievance Examiner
Christopher Kern, Grievance Examiner
Patrick A. Smith, Grievance Examiner
Kenneth VanLew, Grievance Examiner
John E. Pugliese, Legal Assistant
Rebecca Taub, Legal Assistant
Carol Scheuer, Legal Assistant
Joan Bila, Administrative Secretary
Michelle Wang, Network Administrator
Nancy DeLeon, Law Steno-Computer Operator
Niena Cooper-Winfield, Law Steno
Ertha Hobot, Law Steno
Grace Jacobs, Law Steno
Denise Lariscy, Law Steno
Amy Ostrau, Law Steno
Phyllis Rudolph, Law Steno
Maria L. Vera, Law Steno
Benita D. Whitaker, Law Steno
Timothy Wilson, Receptionist
Virgil Cruz, Office Assistant

SECOND DEPARTMENT

9th Judicial District
Grievance Committee
399 Knollwood Road
White Plains, NY 10603
Tel. (914) 949-4540

Gary L. Casella, Chief Counsel
Gary D. Egerman, Assistant Counsel
Maryann Yannarella, Assistant Counsel
Gloria A. Bunze, Assistant Counsel
Forrest Strauss, Assistant Counsel
Faith Lorenzo, Assistant Counsel

2nd & 11th Judicial Districts
Grievance Committee
210 Joralemon Street
Municipal Building, 12th Floor
Brooklyn, NY 11201
Tel. (718) 624-7851

10th Judicial District
Grievance Committee
6900 Jericho Turnpike
Syosset, NY 11791
Tel. (516) 364-7344

George A. Lowery, Investigator
Antonia Cipollone, Auditor
Virginia E. Mordiglia, Senior Secretary
Maryellen Horan, Secretary
Maria J. Mangione, Secretary
Denise Santomarena, Secretary
Patricia Marucci, Secretary
Kimberly Ihmeidan, Secretary

Robert H. Straus, Chief Counsel
Diana Maxfield Kearse, Deputy Counsel
Richard Lombardo, Assistant Counsel
Mark F. DeWan, Assistant Counsel
Diana J. Szochet, Assistant Counsel
Robert J. Saltzman, Assistant Counsel
David C.Y. Cheung, Assistant Counsel
Mitchell Borkowsky, Court Analyst
Daniel McKenna, Grievance Examiner

Frank A. Finnerty, Jr., Chief Counsel
Grace D. Moran, Deputy Counsel
Robert P. Guido, Assistant Counsel
Muriel L. Gennosa, Assistant Counsel
Nancy A. Bolger, Assistant Counsel
Chris G. McDonough, Assistant Counsel
Dianne M. Saccone, Assistant Counsel
Sharon M.J. Commissiong, Assistant Counsel
Guy B. Soden, Investigator
Christopher Kern, Investigator

THIRD DEPARTMENT

Committee on Professional Standards
Third Judicial Department
A.E. Smith State Office Building, 22nd Floor
P.O. Box 7013, Capitol Station Annex
Albany, New York 12225
Tel. (518) 474-8816

Mark S. Ochs, Chief Attorney
Michael Philip Jr., Deputy Chief Attorney
John J. McAlary, Staff Attorney
Kenneth H.P. Bryk, Staff Attorney
Susan R. Katzoff, Staff Attorney
John J. McAlary, Staff Attorney
Joseph L. Legnard, Grievance Examiner
Vincent M. Tepedino, Grievance Examiner

FOURTH DEPARTMENT

8th Judicial District
Grievance Committee
1036 Ellicott Square Building
Buffalo, New York 14203
Tel. (716) 858-1190

Gerard M. LaRusso, Chief Counsel
Vincent L. Scarsella, Principal Counsel
Roderick Quebral, Associate Counsel
Margaret C. Callanan, Associate Counsel
Joanne Walsh, Grievance Examiner
William P. Zenosky, Grievance Examiner
Mary E. Davis, Grievance Examiner
Kenneth G. Schroeder, Jr., Auditor

5th Judicial District
Grievance Committee
472 South Salina Street, Room 310
Syracuse, NY 13202
Tel. (315) 471-1835

Gerard M. LaRusso, Chief Counsel
Paul J. Ginnelly, Principal Counsel
Robert Bevilacqua, Grievance Examiner
Kenneth G. Schroeder, Jr., Auditor

7th Judicial District
19 West Main Street, Room 1002
Rochester, NY 14614
Tel. (716) 546-8340

Gerard M. LaRusso, Chief Counsel
Daniel A. Drake, Principal Counsel
Catherine A. McAvoy, Associate Counsel
Ann M. Peters, Grievance Examiner
Kenneth G. Schroeder, Jr., Auditor

Departmental and District Grievance Committees

FIRST DEPARTMENT

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THIRD DEPARTMENT

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Douglas Jones
Laurence Karz
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Charles Marangola

Randolph A. Meyer
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Vincent J. Welch
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Leigh H. Williams*

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Gregory P. Miller

E. Jeannette Ogden
Jeffrey G. Passafaro
John K. Plumb
James P. Renda
Hon. H. Buswell Roberts
Richard J. Rotella
Allan B. VanDeMark*
Norris L. Webster
David R. Wendt
Catherine T. Wettlaufer

* Denotes non-lawyer members

**Attorney Discipline Budget Appropriations
(Fiscal 1994-1995)
and
Salaries of Disciplinary Staff
(March 1995)**

First Department

Title	Grade	March 1995 Salary
Chief Attorney	34	\$92,955
Principal Attorney	30	73,474
Principal Attorney	30	75,871
Principal Attorney	30	75,871
Associate Attorney	27	60,940
Associate Attorney	27	56,954
Associate Attorney	27	54,943
Senior Attorney	25	49,300
Senior Attorney	25	58,894
Associate Attorney	27	70,059
Senior Attorney	25	49,300
Senior Attorney	25	47,542
Administrative Secretary	17	43,399
Court Assistant	16	29,040
App. Court Assistant	21	35,161
Grievance Examiner	17	30,730
Court Analyst	18	38,029
Law Stenographer	14	25,888
Law Stenographer	14	25,888
Law Stenographer	14	31,679
Law Stenographer	14	35,680
Law Stenographer	14	25,888
Law Stenographer	14	30,444
Senior Court Analyst	21	45,309
Lan Administrator	21	38,223
Law Stenographer	14	25,888
Asst. Court Analyst	16	32,605
Senior Office Assistant	08	18,198
Court Analyst	18	42,393
Sr. App. Office Asst.	09	21,051
Sr. App. Court Asst.	21	50,077
Grievance Examiner	17	38,797
Principal Attorney	30	78,434
Associate Attorney	27	63,091
Grievance Examiner	17	38,797
Senior Attorney	25	51,147
Senior Attorney	25	51,147
Senior Attorney	22	36,208
Senior Attorney	25	47,542
Senior Attorney	25	47,542
Court Analyst	18	45,827
Secretary	14	36,925

1994-95 Appropriations:

Personal Service	\$1,948,913
Nonpersonal Service	<u>407,229</u>
Total	\$2,356,142

Second Department

Title	Grade	March 1995 Salary
(Second and Eleventh Judicial Districts)		
Chief Attorney	32	\$91,930
Principal Attorney	30	81,238
Senior Attorney	25	51,147
Associate Attorney	27	63,091
Associate Attorney	27	70,059
Associate Attorney	27	70,059
Senior Attorney	25	47,542
Court Analyst	18	37,264
Grievance Examiner	17	30,730
Asst. Court Analyst	16	34,108
Secretary	14	25,888
Secretary	14	25,888
Law Stenographer	14	36,925
Law Stenographer	14	30,444
Senior Office Assistant	08	28,695

1994-95 Appropriations:

Personal Service	\$791,709
Nonpersonal Service	<u>171,600</u>
Total	\$963,309

(Ninth Judicial District)

Chief Attorney	32	\$92,250
Senior Attorney	25	47,542
Associate Attorney	27	54,907
Associate Attorney	27	70,059
Associate Attorney	27	65,878
Senior Attorney	25	47,542
Court Analyst	18	34,595
Grievance Examiner	17	30,730
Secretary	14	36,302
Secretary	14	30,784
Secretary	14	26,976
Assistant Court Analyst	16	36,869

1994-95 Appropriations:

Personal Service	\$650,659
Nonpersonal Service	<u>226,500</u>
Total	\$877,159

Second Department

(Tenth Judicial District)

Title	Grade	March 1995 Salary
Chief Attorney	32	\$92,250
Principal Attorney	30	81,238
Associate Attorney	27	31,822
Associate Attorney	27	70,059
Associate Attorney	27	56,954
Associate Attorney	27	61,494
Senior Attorney	25	49,300
Senior Attorney	25	46,979
Court Analyst	18	33,294
Grievance Examiner	17	38,797
Law Stenographer	14	31,679
Law Stenographer	14	36,925
Law Stenographer	14	36,925
Law Stenographer	14	35,680
Secretary	14	26,976

1994-95 Appropriations:

Personal Service	\$779,394
Nonpersonal Service	<u>290,800</u>

Total \$1,070,194

Third Department

Title	Grade	March 1995 Salary
Chief Attorney	32	\$89,681
Principal Attorney	30	69,986
Attorney	22	41,897
Senior Court Analyst	21	45,013
Senior App. Office Steno.	10	21,087
Secretary	14	30,429
Secretary	14	27,121
Associate Attorney	27	54,799
Secretary	14	35,481
Senior Attorney	25	47,542
Court Analyst	18	40,280
Junior Court Analyst	12	22,979
Court Analyst	18	32,550

1994-95 Appropriations:

Personal Service	\$546,478
Nonpersonal Service	<u>96,180</u>

Total \$642,658

Fourth Department

Title	Grade	March 1995 Salary
Chief Attorney	32	\$89,681
Principal Attorney	30	73,474
Principal Attorney	30	83,650
Principal Attorney	30	73,474
Associate Attorney	27	58,695
Senior Attorney	25	53,382
Law Stenographer	14	36,925
Senior Attorney	25	38,012
Secretary	14	32,778
Secretary	14	28,120
Secretary	14	29,208
Principal App. Office Asst.	13	25,428
Grievance Examiner	17	41,971
Grievance Examiner	17	43,220
Grievance Examiner	17	40,215
Grievance Examiner	17	43,399
Grievance Examiner	17	43,399
Court Analyst	18	32,550
Assistant Court Analyst	16	34,581

1994-95 Appropriations:

Personal Service	\$901,708
Nonpersonal Service	<u>228,283</u>

Total \$1,129,991