

New York State Bar Association

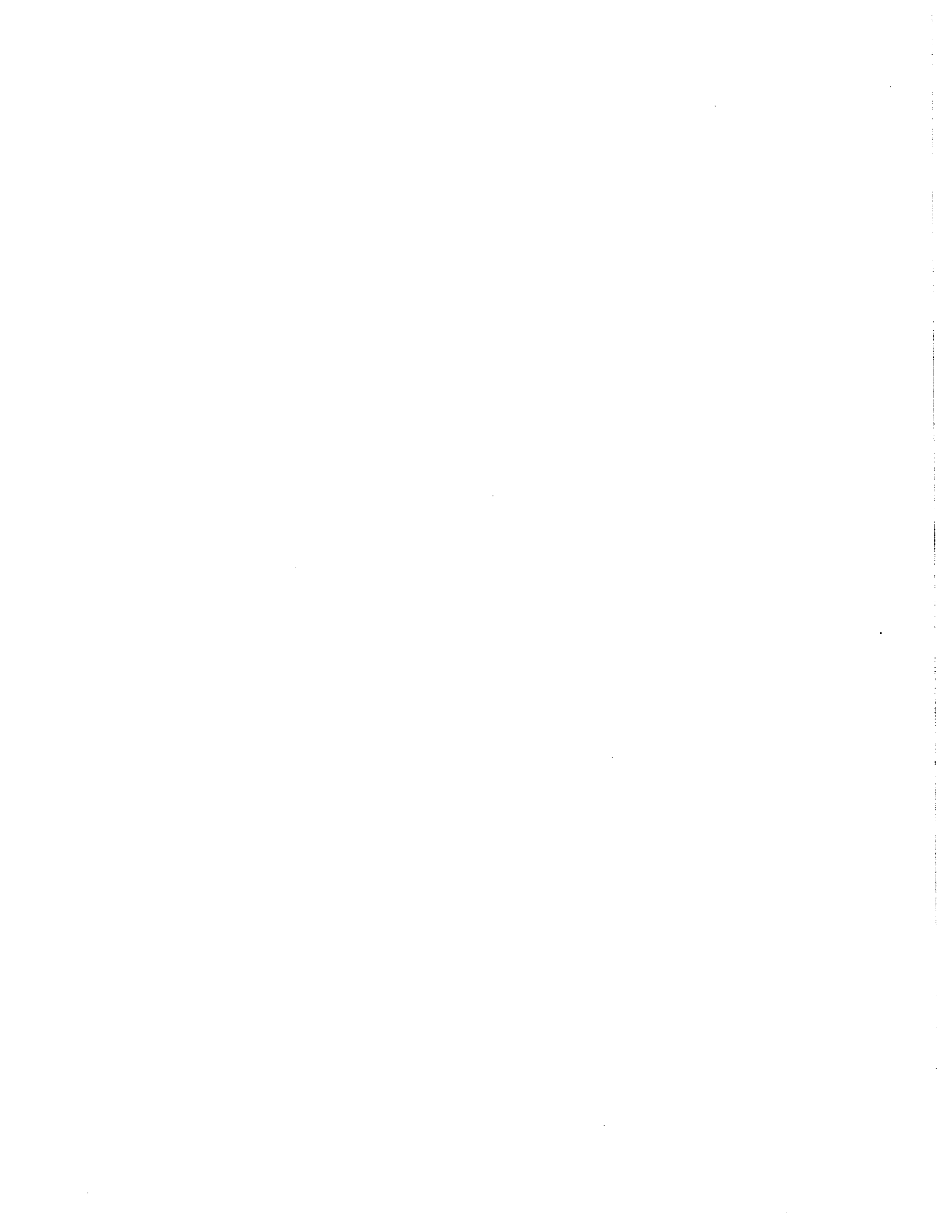
Annual Report on Lawyer Discipline in New York State for the Year 1998

from

Committee on Professional Discipline



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New York State Bar Association

Committee on Professional Discipline

1998-1999

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INTRODUCTION

This report is divided into three parts. Each part is intended to explain 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 these parts relate to each other.

In general, our report is intended to serve a dual purpose. It is, in one sense, a compilation of data, reflecting the immediate past in relation to the last ten years. It is also an expression of our hope for 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 1998 and includes three tables. The last two of these tables compare disciplinary activity over the preceding ten years.

To those unfamiliar with the nomenclature of professional discipline in New York State, some of the terms used in the 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 a 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 those two Departments.

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 those 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 "complaint mediation 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 Brooklyn, Queens, Richmond, 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.

In the Third Department, relatively few matters are processed by local bar associations. It is estimated that less than 10% of the total number of matters are handled by such associations. However, no statistics are available that separately reflect such bar association activity.

Finally, in the Fourth Department, a substantial number of so-called "minor complaints" are processed by local bar associations. The local processing of such matters is included, without differentiation, in the statistics furnished by the district committees.

PART II

The second part of this report summarizes all disciplinary decisions published by the four departments of the Appellate Division during 1998. 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 most cases which involve some form of professional misconduct are not referred to the courts 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, where available, the 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 and last part of this report contains various data on the organization and budget of the State's eight official agencies of discipline. It 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 1998-

1999 and the salaries of disciplinary staff.

A NOTE OF APPRECIATION

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 over 16,000 complaints were processed last year.

Available to do the job were less than 400 individuals. It is to them, in recognition of their unflagging devotion to their duties, that this report is respectfully dedicated.

Disciplinary Statistics 1998 Tables

Table 1
Appellate Division
January 1, 1998-December 31, 1998

	1 st Dept.	2 nd Dept.	3 rd Dept.	4 th Dept.	Total
I. MATTERS PROCESSED:¹					
Pending at start of period	1448	3275	573	509	5805
New matters received ²	5393	6431	1919	2302	16045
Matters disposed of	5683	7025	1724	2286	16718
Pending at end of period	1158	2681	768	525	5132
II. COMMITTEE DISPOSITIONS:					
Rejected for failing to state complaint	1292	1900	866	916	4974
Referred to other agencies ³	596	1719	124	78	2517
Dismissed or withdrawn	2253	2042	333	900	5528
Letters of caution (education)	N/A	428	99	170	697
Letters of admonition	92	187	57	30	366
Admonition or reprimand	8	7	17	N/A	32
Referred to court	1408	351	228	192	2179
Other	34	391	0	0	425
III. CASES PROCESSED IN COURTS⁴					
Cases pending at start of period	56	129	25	19	229
Cases received	175	210	114	117	616
CASES CLOSED					
Disbarred	28	43	8	9	88
Resigned	4	8	0	4	16
Suspended	47	30	23	5	105
Censured	12	25	5	1	43
Privately censured	0	0	0	0	0
Remanded to grievance committee	20	3	1	2	26
Discontinued	5	1	0	1	7
Dismissed	0	1	0	1	2
Reinstatements granted	16	6	5	5	32
Reinstatements denied	6	20	4	2	32
Other	41	45	41	95	222
TOTAL CLOSED:	179	184	116	125	604
TOTAL PENDING:	52	155	23	11	241

¹ "Matters" refers to the number of complaints, not attorneys.

² Includes complaints received and old matters reactivated.

³ Includes matters referred to other disciplinary committees and to other agencies.

⁴ "Cases" refers to the number of attorneys, not complaints.

Table 2

	New Matters	Matters Closed*	Disciplinary Action By Committees	Disciplinary Action by Court
1st Department				
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
1995	3227	3120	111	74
1996	3399	3263	101	94
1997	3953	3964	117	81
1998	4797	5087	100	91
2nd Department				
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
1995	4202	4360	444	99
1996	4715	4570	442	102
1997	5772	5130	442	102
1998	4712	5306	662	106
3rd Department				
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
1995	1367	1434	147	62
1996	1413	1406	178	24
1997	1388	1437	203	30
1998	1795	1600	173	36
4th Department				
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
1995	1815	1802	178	29
1996	1704	1906	159	38
1997	2262	1967	196	18
1998	2224	2208	200	19

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

Statewide

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
1995	10611	10716	880	264
1996	11231	11145	950	252
1997	13375	12498	958	231
1998	13528	14201	1135	252

Table 3

	New Matters	Matters Closed*	Disciplinary Action By Committees	Disciplinary Action by Court
Departmental Disciplinary Committee for the First Department				
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
1995	3227	3120	111	74
1996	3399	3263	101	94
1997	3953	3964	117	81
1998	4797	5087	100	91
Grievance Committee for the Second and Eleventh Judicial Districts, Second Department				
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
1995	1333	1369	191	52
1996	1436	1483	246	37
1997	1653	1533	211	31
1998	1517	1586	346	31
Grievance Committee for the Ninth Judicial District, Second Department				
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
1995	888	1003	118	17
1996	919	896	79	33
1997	1391	1175	110	37
1998	1116	1171	136	33
Grievance Committee for the Tenth Judicial District, Second Department				
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
1995	1969	2002	135	30
1996	2360	2191	117	32
1997	2728	2422	121	34
1998				

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

Committee on Professional Standards, Third Department

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
1995	1367	1434	147	62
1996	1413	1406	178	24
1997	1388	1437	203	30
1998	1795	1600	173	36

Grievance Committee for the Fifth Judicial District, Fourth Department

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
1995	415	366	24	11
1996	412	513	48	6
1997	533	468	28	6
1998	644	650	39	3

Grievance Committee for the Seventh Judicial District, Fourth Department

1989	535	566	17	6
1990	516	469	19	5
1991	486	472	15	3
1992	609	585	28	3
1993	647	741	32	7
1994	652	746	70	11
1995	601	630	52	6
1996	536	575	53	11
1997	716	645	64	3
1998	591	608	47	4

Grievance Committee for the Eighth Judicial District, Fourth Department

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
1995	799	806	102	12
1996	756	820	128	15
1997	913	854	104	9
1998	989	942	114	12

Statistical Reports of Disciplinary Committees

Departmental Disciplinary Committee for the First Department

I. Matters Processed¹			
A.	Matters Pending at Start of Period	1448	
B.	New Matters Received During Period	5189 ²	
C.	Closed Matters Reactivated During Period	204	
D.	Total Matters to be Processed During Period		6841
E.	Total Matters Disposed of During Period		5683
F.	Matters Pending at Close of Period		1158
II. Matters Disposed of by Committee		CASES	MATTERS
A.	Rejected as Failing to State a Complaint	1292	1292
B.	Referred to Other Disciplinary Committees/Agencies	596	596
C.	Dismissed	2253	2253
D.	Letter of Admonition	86	92
E.	Reprimand After Hearing	4	8
F.	Referred to Appellate Division	1323	1408
G.	Other	34	34
H.	Total Disposed of During Period	5588	5683
III. Cases Processed by Court			
A.	Cases Pending at Start of Period	56	
	1. Disciplinary Proceedings	32	
	2. Other	24	
B.	Cases Received During Period	175	
	1. Disciplinary Proceedings	108	
	2. Other	67	
C.	Total to be Processed During Period		
D.	Cases Closed		
	1. Disbarred	28	
	2. Resigned	4	
	3. Suspended	47 ³	
	4. Censured	12	
	5. Privately Censured	0	
	6. Remanded to Grievance Committee	20	
	7. Discontinued	5	
	8. Dismissed	0	
	9. Reinstatements Granted	16	
	10. Reinstatements Denied	6	
	11. All Other Dispositions	41	
	12. Total Closed	179	
E.	Cases Pending at Close of Period	52	
	1. Disciplinary Proceedings	42	
	2. Other	10	

¹ For purposes of this report, "Matters" represents the number of complaints telephone calls which initiate an investigation, inquiries and sua sponte investigations, while "Cases" refers to the number of respondent-attorneys against whom proceedings have been instituted or action has been taken. As some attorneys are the subject of multiple complaints, the number of matters exceeds the number of cases.

² This figure includes 1236 attorneys suspended for non-payment of registration fees.

³ 18 are interim suspensions.

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

I. Matters Processed

A.	Matters Pending at Start of Period	766	
B.	New Matters Received During Period	2187	
C.	Closed Matters Reactivated During Period	47	
D.	Total Matters to be Processed During Period		3000
E.	Total Matters Disposed of During Period		2303
F.	Matters Pending at Close of Period		697

II. Matters Disposed of by Committee

		CASES	MATTERS
A.	Rejected as Failing to State a Complaint	665	665
B.	Referred to Other Disciplinary Committees	680	680
C.	Referred to Other Agencies	37	37
D.	Dismissed or Withdrawn	442	442
E.	Letter of Caution	263	263
F.	Letter of Admonition	60	83
G.	Reprimand After Hearing	N/A	N/A
H.	Referred to Appellate Division	17	75
I.	Tabled Pending Litigation	12	12
J.	Other	7	41
K.	Total Disposed of During Period	2185	2303

III. Cases Processed by Court

A.	Cases Pending at Start of Period	49	67
1.	Disciplinary Proceedings	25	43
2.	Other	24	24
B.	Cases Received During Period	53	118
1.	Disciplinary Proceedings	20	85
2.	Other	33	33
C.	Total to be Processed During Period	102	185
D.	Cases Closed		
1.	Disbarred	14	91
2.	Resigned	2	2
3.	Suspended	9	9
4.	Censured	6	6
5.	Privately Censured	0	0
6.	Remanded to Grievance Committee	0	0
7.	Discontinued	0	0
8.	Dismissed	0	0
9.	Reinstatements Granted	1	1
10.	Reinstatements Denied	10	10
11.	All Other Dispositions	8	8
12.	Total Closed	50	127
E.	Cases Pending at Close of Period	52	58
1.	Disciplinary Proceedings	22	28
2.	Other	30	30

Richmond County Bar Association Grievance Committee

I.	Matters Processed		
A.	Pending at Start of Period	44	
B.	New Matters received During Period	27	
C.	Closed Matters Reactivated During Period	1	
D.	Total Matters to be Processed During Period		72
E.	Total Matters Disposed of During Period		57
F.	Matters Pending at End of Period		15
II.	Matters Disposed of During Period		
A.	Rejected as Failing to State a Complaint	0	
B.	Retained by District Grievance Committee	30	
C.	Referred to Fee Conciliation Committee	1	
D.	Settled by Fee	0	
E.	Judicially Settled	0	
F.	In Litigation	2	
G.	Referred to Commission on Judicial Conduct	0	
H.	Closed by Appellate Division	0	
I.	Dismissed	22	
J.	Letter of Caution	0	
K.	Withdrawn	0	
L.	Admonition (by district committee)	0	
M.	Suspension (by district committee)	0	
N.	Reprimand (by district committee)	0	
O.	Disbarred (by district committee)	0	
P.	Letter of Education	1	
Q.	Forward to 1 st Dept. by Appellate Division	1	
R.	Total Disposed of During Period	57	

Brooklyn Bar Association Grievance Committee

Total Complaints Received	99
Dismissed	19
Withdrawn	3
Returned to District Grievance Committee	0
Complaints Pending	77
Arbitration Complaints Received	49
Resolved	5
Returned to District Grievance Committee	1
Closed/Withdrawn	14
Hearing Scheduled	0
Pending	29

Queens County Bar Association Grievance Committee

Dismissed	89
Dismissed with Advisement	10
Letter of Caution	1
Letter of Admonition	0
Referred to District Grievance Committee	6
Tabled	1
Withdrawn	1
Fee Disputes Committee	
No Consent from Respondent	10
No Consent from Complainant	7
Matter Settled Prior to Arbitration	2
No Response from Either Complainant or Respondent	8
Declination of Arbitration by Complainant/Respondent	8
Matters Closed by Arbitration	3
Pending	23

Grievance Committee for the Ninth Judicial District, Second Department

I. Matters Processed

A.	Matters Pending at Start of Period	577	
B.	New Matters Received During Period	1594	
C.	Closed Matters Reactivated During Period	48	
D.	Total Matters to be Processed During Period		2219
E.	Total Matters Disposed of During Period		1698
F.	Matters Pending at Close of Period		521

II. Matters Disposed of by Committee

		CASES	MATTERS
A.	Rejected as Failing to State a Complaint		393
B.	Referred to Other Disciplinary Committees		486
C.	Referred to Other Agencies		40
D.	Dismissed or Withdrawn		514
E.	Letter of Caution		76
F.	Letter of Admonition		58
G.	Reprimand After Hearing		2
H.	Referred to Appellate Division	71	129
I.	Total Disposed of During Period		1698

III. Cases Processed by Court

A.	Cases Pending at Start of Period		
	1. Disciplinary Proceedings	41	88
	2. Other	0	0
B.	Cases Received During Period		
	1. Disciplinary Proceedings	71	129
	2. Other	0	0
C.	Total to be Processed During Period	112	217
D.	Cases Closed		
	1. Disbarred	10	19
	2. Resigned	3	22
	3. Suspended	15	29
	4. Censured	5	11
	5. Privately Censured	0	0
	6. Remanded to Grievance Committee	1	1
	7. Discontinued	0	0
	8. Dismissed	0	0
	9. Reinstatements Granted	3	3
	10. Reinstatements Denied	5	5
	11. All Other Dispositions	24	47
	12. Total Closed	66	137
E.	Cases Pending at Close of Period		
	1. Disciplinary Proceedings	46	80
	2. Other	0	0

Dutchess County Bar Association Grievance Committee

Second Department, Ninth Judicial District

I.	Matters Processed	
A.	Matters Pending at Start of Period	5
B.	New Matters Received During Period	30
C.	Closed Matters Reactivated During Period	0
D.	Total Matters to be Processed During Period	35
E.	Total Matters Disposed of During Period	16
F.	Matters Pending at Close of Period	19
II.	Matters Disposed of by Committee	
A.	Rejected as Failing to State a Complaint	0
B.	Referred to Other Disciplinary Committees	0
C.	Referred to Other Agencies	0
D.	Dismissed	14
E.	Dismissed with Cautionary Language	0
F.	Letter of Caution	0
G.	Letter of Admonition	0
H.	Reprimand	0
I.	Fee Disputes	2
J.	Total Disposed of During Period	16

Orange County Bar Association Grievance Committee

Second Department, Ninth Judicial District

I.	Matters Processed	
A.	Matters Pending at Start of Period	16
B.	New Matters Received During Period	44
C.	Closed Matters Reactivated During Period	2
D.	Total Matters to be Processed During Period	62
E.	Total Matters Disposed of During Period	42
F.	Matters Pending at Close of Period	20
II.	Matters Disposed of by Committee	
A.	Rejected as Failing to State a Complaint	2
B.	Referred to Other Disciplinary Committees	3
C.	Referred to Other Agencies	0
D.	Dismissed	28
E.	Dismissed with Cautionary Language	7
F.	Letter of Caution	0
G.	Letter of Admonition	0
H.	Reprimand	2
I.	Total Disposed of During Period	42

Putnam County Bar Association Grievance Committee

Second Department, Ninth Judicial District

I. Matters Processed

A.	Matters Pending at Start of Period	2
B.	New Matters Received During Period	6
C.	Closed Matters Reactivated During Period	0
D.	Total Matters to be Processed During Period	8
E.	Total Matters Disposed of During Period	6
F.	Matters Pending at Close of Period	2

II. Matters Disposed of by Committee

A.	Rejected as Failing to State a Complaint	0
B.	Referred to Other Disciplinary Committees	0
C.	Referred to Other Agencies	1
D.	Dismissed	5
E.	Dismissed with Cautionary Language	0
F.	Letter of Caution	0
G.	Letter of Admonition	0
H.	Reprimand	0
I.	Total Disposed of During Period	6

Rockland County Bar Association Grievance Committee

Second Department, Ninth Judicial District

I. Matters Processed

A.	Matters Pending at Start of Period	31
B.	New Matters Received During Period	31
C.	Closed Matters Reactivated During Period	0
D.	Total Matters to be Processed During Period	62
E.	Total Matters Disposed of During Period	42
F.	Matters Pending at Close of Period	20

II. Matters Disposed of by Committee

A.	Rejected as Failing to State a Complaint	0
B.	Referred to Other Disciplinary Committees	0
C.	Referred to Other Agencies	0
D.	Dismissed	36
E.	Dismissed with Cautionary Language	2
F.	Letter of Caution	3
G.	Letter of Admonition	1
H.	Reprimand	0
I.	Total Disposed of During Period	42

* Two of these were withdrawn by the complainant.

Westchester County Bar Association Grievance Committee

Second Department, Ninth Judicial District

I. Matters Processed

A.	Matters Pending at Start of Period	151
B.	New Matters Received During Period	158
C.	Closed Matters Reactivated During Period	1
D.	Total Matters to be Processed During Period	310
E.	Total Matters Disposed of During Period	58
F.	Matters Pending at Close of Period	252

II. Matters Disposed of by Committee

A.	Rejected as Failing to State a Complaint	25
B.	Referred to Other Disciplinary Committees	17
C.	Referred to Other Agencies	0
D.	Dismissed	15
E.	Dismissed with Cautionary Language	1
F.	Letter of Caution	0
G.	Letter of Admonition	0
H.	Reprimand	0
I.	Total Disposed of During Period	58

Grievance Committee for the Fifth Judicial District, Fourth Department

I. Matters Processed

A.	Matters Pending at Start of Period	134	
B.	New Matters Received During Period	647	
C.	Closed Matters Reactivated During Period	27	
D.	Total Matters to be Processed During Period		808
E.	Total Matters Disposed of During Period		688
F.	Matters Pending at Close of Period		120

II. Matters Disposed of by Committee

		CASES	MATTERS
A.	Rejected as Failing to State a Complaint	334	358
B.	Referred to Other Disciplinary Committees	21	21
C.	Referred to Other Agencies	9	9
D.	Dismissed or Withdrawn	201	221
E.	Letter of Caution	34	34
F.	Letter of Admonition	5	5
G.	Reprimand After Hearing	N/A	N/A
H.	Referred to Appellate Division	34	40
I.	Total Disposed of During Period	638	688

III. Cases Processed by Court

A.	Cases Pending at Start of Period	2
	1. Disciplinary Proceedings	2
	2. Other	0
B.	Cases Received During Period	34
	1. Disciplinary Proceedings	3
	2. Other	31
C.	Total to be Processed During Period	36
D.	Cases Closed	
	1. Disbarred	2
	2. Resigned	0
	3. Suspended	0
	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	28
	12. Total Closed	32
E.	Cases Pending at Close of Period	4
	1. Disciplinary Proceedings	1
	2. Other	3

Grievance Committee for the Seventh Judicial District, Fourth Department

I. Matters Processed

A.	Matters Pending at Start of Period	134	
B.	New Matters Received During Period	569	
C.	Closed Matters Reactivated During Period	43	
D.	Total Matters to be Processed During Period		746
E.	Total Matters Disposed of During Period		629
F.	Matters Pending at Close of Period		117

II. Matters Disposed of by Committee

		CASES	MATTERS
A.	Rejected as Failing to State a Complaint	230	263
B.	Referred to Other Disciplinary Committees	21	21
C.	Referred to Other Agencies	0	0
D.	Dismissed or Withdrawn	229	251
E.	Letter of Caution	36	39
F.	Letter of Admonition	5	8
G.	Reprimand After Hearing	N/A	N/A
H.	Referred to Appellate Division	32	47
I.	Total Disposed of During Period	564	629

III. Cases Processed by Court

A.	Cases Pending at Start of Period	7
	1. Disciplinary Proceedings	1
	2. Other	6
B.	Cases Received During Period	32
	1. Disciplinary Proceedings	3
	2. Other	29
C.	Total to be Processed During Period	39
D.	Cases Closed	
	1. Disbarred	2
	2. Resigned	0
	3. Suspended	2
	4. Censured	0
	5. Privately Censured	0
	6. Remanded to Grievance Committee	0
	7. Discontinued	0
	8. Dismissed	0
	9. Reinstatements Granted	1
	10. Reinstatements Denied	0
	11. All Other Dispositions	33
	12. Total Closed	38
E.	Cases Pending at Close of Period	1
	1. Disciplinary Proceedings	1
	2. Other	0

Grievance Committee for the Eighth Judicial District, Fourth Department

I. Matters Processed			
A.	Matters Pending at Start of Period	241	
B.	New Matters Received During Period	934	
C.	Closed Matters Reactivated During Period	82	
D.	Total Matters to be Processed During Period		1257
E.	Total Matters Disposed of During Period		969
F.	Matters Pending at Close of Period		288
II. Matters Disposed of by Committee		CASES	MATTERS
A.	Rejected as Failing to State a Complaint	260	295
B.	Referred to Other Disciplinary Committees	25	26
C.	Referred to Other Agencies	1	1
D.	Dismissed or Withdrawn	382	428
E.	Letter of Caution	86	97
F.	Letter of Admonition	12	17
G.	Reprimand After Hearing	N/A	N/A
H.	Referred to Appellate Division	51	105
I.	Total Disposed of During Period	817	969
III. Cases Processed by Court			
A.	Cases Pending at Start of Period	10	
	1. Disciplinary Proceedings	8	
	2. Other	2	
B.	Cases Received During Period	51	
	1. Disciplinary Proceedings	9	
	2. Other	42	
C.	Total to be Processed During Period	61	
D.	Cases Closed		
	1. Disbarred	5	
	2. Resigned	4	
	3. Suspended	3	
	4. Censured	0	
	5. Privately Censured	0	
	6. Remanded to Grievance Committee	1	
	7. Discontinued	1	
	8. Dismissed	1	
	9. Reinstatements Granted	4	
	10. Reinstatements Denied	2	
	11. All Other Dispositions	34	
	12. Total Closed	55	
E.	Cases Pending at Close of Period	6	
	1. Disciplinary Proceedings	6	
	2. Other	0	

Disciplinary Decisions Reported by Appellate Division in 1998

FIRST DEPARTMENT

Joseph P. Greenwald 239 AD2d 1	Suspended 3 years	Judiciary Law §90 (serious crime – conspiracy to violate securities laws [18 USC §371]).
Stephen L. Holtz 239 AD2d 24	Suspended 2 years	Judiciary Law §90 (serious crime – wire fraud [18 USC §1343]).
Jence Lieugenyer Thomas 239 AD2d 27	Censured	22 NYCRR 603.3 (reciprocal discipline [Colorado]).
Frederick E. Watson 239 AD2d 44	Resigned	22 NYCRR 603.11.
David L. Rabin 239 AD2d 17	Suspended 2 years	DR 1-102(A)(4)(dishonesty, fraud, deceit or misrepresentation); DR 9-102(A)(comingling); DR 9-102(B)(failure to preserve identity of client funds); DR 9-102(C)(4)(failure to return client funds); DR 9-102(E)(writing checks to cash from special account).
Wilson S. Hurd 239 AD2d 62	Interim suspension	22 NYCRR 603.4(e)(1)(i)(willful failure to cooperate with investigation).
Norman Ingber 239 AD2d 58	Censured	Judiciary Law §90 (serious crime – commercial bribery 2d degree [Penal Law §180.00]).
Edward M. Chikofsky 239 AD2d 86	Censured	DR 1-102(A)(4)(dishonesty, fraud, deceit or misrepresentation); DR 1-102(A)(8)(conduct adversely reflecting on fitness to practice); DR 2-110(A)(3)(failure to return unearned portion of fee); DR 6-101(A)(3)(neglect).
Bibiano Rosa 240 AD2d 42	Interim suspension	22 NYCRR 603.4(E)(1)(ii), (iii) (substantial admissions under oath, uncontested evidence of professional misconduct).
Charles W. Sullivan 239 AD2d 65	Indefinite suspension	22 NYCRR 603.16(c)(1) (physical incapacity).
Jopseh T. DiNicola 240 AD2d 61	Interim suspension	22 NYCRR 603.4(e)(1)(i)(willful failure to cooperate with committee’s investigation).
Mark E. Gold 240 AD2d 74	Censured	22 NYCRR 603.3 (reciprocal discipline – Maine).

Howard W. Chan 240 AD2d 92	Interim suspension	22 NYCRR 603.4(e)(1)(i)(willful failure to cooperate with committee's investigation).
Charles Kadish 240 AD2d 84	Disbarred	22 NYCRR 603.3 (reciprocal discipline – Maine).
Trevor L. Brooks 241 AD2d 16	Interim suspension	22 NYCRR 603.4(e)(1)(i)(willful failure to cooperate with committee's investigation).
Geoffrey Wright 241 AD2d 19	Censured; prior order of suspension vacated	DR 1-102(A)(5)(conduct prejudicial to administration of justice); DR 6-101(A)(3)(neglect).
Christopher J. Green 241 AD2d 23	Resigned	22 NYCRR 603.11
Lionel Spring 241 AD2d 26	Indefinite suspension	22 NYCRR 603.16(C)(1) mental incapacity).
Joseph N. Barnes 241 AD2d 13	Suspended 3 years	Judiciary Law §90 (serious crime – willful failure to file income tax returns [26 USC §7203]).
Richard H. Kelly 241 AD2d 45	Interim suspension	Judiciary Law §90 (serious crime – interfering with administration of Internal Revenue laws [26 USC §7121(a)]).
Micahel F. Mulrow 241 AD2d 7	Disbarred	DR 1-102(A)(4)(dishonesty, fraud, deceit or misrepresentation); DR 1-102(A)(8)(conduct adversely reflecting on fitness to practice); DR 5-101(A)(conflict of interest); DR 6-101(A)(3) (neglect); DR 9-102(A), (B), (E) (commingling, writing checks to cash from IOLA account[s]).
Seth Rotter 241 AD2d 81	Suspended 2 years	Judiciary Law §90 (serious crime – commercial bribing and scheme to defraud [Penal Law §§180.03, 180.00, 190.65]); DR 1-102(A)(4) (dishonesty, fraud, deceit or misrepresentation); DR 1-102(A) (8)(conduct adversely reflecting on fitness to practice).
Walter B. Adam	Indefinite suspension	22 NYCRR 603.16(b)(1)(mental incapacity).

Samuel J. Albom 241 AD2d 55	Suspended 6 months	22 NYCRR 603.3 (reciprocal discipline – Connecticut).
Samuel E. Dixon 241 AD2d 93	Suspended 9 months	22 NYCRR 603.3 (reciprocal discipline – Connecticut).
Alan A. Herman 241 AD2d 189	Disbarred	22 NYCRR 603.4(g)(failure to appear or apply in writing to the committee or court for a hearing or reinstatement within six months of interim suspension date).
Stanley L. Kantor 241 AD2d 103	Suspended 5 years	DR 1-102(A)(4)(dishonesty, fraud, deceit or misrepresentation); DR 1-102(A)(6)(now [8])(conduct adversely reflecting on fitness to practice); DR 7-101(A)(1)(failure to seek objectives of client).
Charles L. Feely 241 AD2d 174	Disbarred	DR 1-102(A)(4), (5), (8)(conversion, conduct prejudicial to administration of justice, failure to seek client-related judgment); DR 2-106(A)(excessive fees); DR 5-104(A)(business relationship with client with differing interests); DR 5-105(B)(conflict of interest); DR 7-102(A)(4)(using false or perjured testimony); DR 9-102(C)(3), (4)(failure to maintain and account for client funds, failure to promptly deliver property to client).
Kevin C. Hyland 241 AD2d 164	Disbarred	Judiciary Law §90 (felony conviction – aggravated unlicensed operation of motor vehicle [Vehicle & Traffic Law §511-3]); operating motor vehicle under influence of alcohol [Vehicle & Traffic Law §1192(3)].
William J. O’Hara 241 AD2d 178	Interim suspension	22 NYCRR 603.4(e)(1)(i)(willful failure to cooperate with committee’s investigation).
Philip E. Parker 241 AD2d 208	Suspended 3 months	DR 3-101(A)(aiding a nonlawyer in unauthorized practice of law); DR 6-101(A)(2)(handling legal matter without adequate preparation); DR 9-102(C)(4) (failure to deliver file promptly to client).

William J. Hickey 241 AD2d 157	Disbarred	22 NYCRR 603.4(g)(failure to appear or apply in writing to the committee or court for hearing or reinstatement within six months of interim suspension date).
Donald Tucker 241 AD2d 250	Disbarred	22 NYCRR 603.4(g)(failure to appear or apply in writing to the committee or court for hearing or reinstatement within six months of interim suspension date).
Gail D. Butler 241 AD2d 263	Interim suspension	22 NYCRR 603.4(e)(i), (iii)(willful failure to cooperate with committee's investigation, uncontested evidence of professional misconduct).
David J. Eskin 241 AD2d 252	Suspended 6 months	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)(8)(conduct adversely reflecting on fitness to practice); DR 6-101(A)(3)(neglect); DR 7-102(A)(5)(false statement of law or fact).
Daniel A. Krasnick 241 AD2d 258	Interim suspension	22 NYCRR 603.4(e)(1)(iii) (uncontested evidence of professional misconduct).
Marilyn Rosenthal 241 AD2d 220	Interim suspension	Judiciary Law §90 (serious crime – conspiracy to defraud United States [18 USC §371]).
Lester D. Janoff 242 AD2d 27	Suspended 4 years	Judiciary Law §90 (serious crime – insurance fraud, attempted petit larceny); DR 1-102(A)(4) (dishonesty, fraud, deceit or misrepresentation); DR 1-102(A)(6)(now [8])(conduct adversely reflecting on fitness to practice); DR 7-102(A)(6)(creation or preservation of false evidence); DR 7-102(A)(7) (assisting client in illegal or fraudulent conduct).
Robert P. Burns 242 AD2d 49	Suspended 6 months	Judiciary Law §90 (serious crime – failure to file NYS income tax returns [Tax Law §1802(a)], failure to file return with intent to evade taxes [Tax

William J. Corcoran 243 AD2d 86	Suspended 2 years	Law §1801(a)]. DR 2-110(A)(3), DR 9-102(C)(4) (refusal to return unearned fee); DR 2-110(A)(2)(failure to return client property); DR 6-101(A)(3) (neglect); DR 9-102(A), (B) (misuse of financial accounts).
Joseph T. Wong 241 AD2d 297	Suspended 1 year	Judiciary Law §90 (serious crime – insurance fraud [Penal Law §176.10]).
Constantine N. Vagionis 241 AD2d 276	Disbarred	Judiciary Law §90 (felony conviction – conspiracy to defraud the United States [18 USC §371]); income tax evasion [26 USC §7201]).
Allen B. Gottlieb 242 AD2d 46	Interim suspension	22 NYCRR 603.4(e)(1)(i)(willful failure to cooperate with committee’s investigation).
Larry Ronald Linney 242 AD2d 125	Disbarred	Judiciary Law §90 (felony conviction – grand larceny [Penal Law §§155.05, 155.30]; perjury [Penal Law §210.10][analogous to North Carolina embezzlement and perjury statutes]).
Patrick H. Montero 242 AD2d 161	Disbarred	Judiciary Law §90 (felony conviction – conspiracy to distribute and possess a controlled substance [18 USC §846]); witness tampering [18 USC §1512[b][1]).
Ronald Herbert Fanta 242 AD2d 172	Disbarred	Judiciary Law §90 (felony conviction – making false statements to US Immigration and Naturalization Service [18 USC §1001]).
Gregory A. Henry 242 AD2d 195	Censured	Judiciary Law §90 (serious crime – willful failure to file income tax returns [26 USC §7203]).
Michael J. Klapper 242 AD2d 152	Interim suspension	22 NYCRR 603.4(e)(1)(i), (ii), (iii) (willful failure to cooperate with committee’s investigation, substantive admissions under oath, uncontested evidence of professional misconduct).

Danny K. Chadi 243 AD2d 78	Disbarred	22 NYCRR 603.4(g)(failure to appear or apply in writing to committee or court for hearing or reinstatement within six months of interim suspension date).
Kenneth L. Everett 243 AD2d 75	Censured	Judiciary Law §90 (serious crime – failure to file income tax returns [26 USC §7203, NYS Tax Law §1801(a)]).
Lewis B. Freimark 243 AD2d 104	Disbarred	22 NYCRR 603.3 (reciprocal discipline – New Jersey); DR 1-102 (A)(4), DR 9-102 (conversion).
Daniel P. Levitt 243 AD2d 69	Censured	Judiciary Law §90 (serious crime – failure to file income tax returns [26 USC §7203, NYS Tax Law §1801(a)]).
Donald V. Pohlmeier 243 AD2d 223	Disbarred	22 NYCRR 603.3 (reciprocal discipline – New Jersey); DR 1-102 (A)(4), DR 9-102 (conversion).
Alan M. Pollack 244 AD2d 28	Suspended 3 months	Judiciary Law §90 (serious crime – unlawful gratuity to a public servant [Penal Law §200.30]).
Sheldon Walker 244 AD2d 3	Indefinite suspension	22 NYCRR 603.16(b)(1) (physical and mental disability).
Jeffrey V. Boxer 246 AD2d 66	Disbarred	22 NYCRR 603.3 (reciprocal discipline – Massachusetts); DR 1-102(A)(4), DR 9-102 (conversion).
Arthur Lubell 246 AD2d 27	Censured	Judiciary Law §90 (serious crime – offering a gratuity to a federal employee [18 USC §203(a)(2)]).
Michael L. Miller 246 AD2d 35	Disbarred	Judiciary Law §90 (felony conviction – conspiracy to commit wire fraud [18 USC §371]; wire fraud [18 USC §1343]; fraud in the offer and sale of stock [15 USC §77q(a)]).
Hermena Perlmutter 246 AD2d 81	Interim suspension	22 NYCRR 603.4 (e)(1)(i) (willful failure to cooperate with committee’s investigation).

Benedict F. Romano 246 AD2d 81	Disbarred	DR 1-102(A)(8)(conduct adversely reflecting on fitness to practice).
John G. Gellene 246 AD2d 109	Disbarred	Judiciary Law §90 (felony conviction – bankruptcy fraud [18 USC §152][offering false instrument for filing, Penal Law §175.36]; false sworn declaration [18 USC §1623] [perjury, Penal Law §210.15]).
Steven J. Mandel	Censured	DR 1-102(A)(7)(now [8]) (conduct adversely reflecting on fitness to practice); DR 6-101(A)(3)(neglect); DR 9-102(A), (B)(4), (C)(4)(commingling, failure to keep separate accounts, failure to promptly pay or deliver property).
Steven M. Kramer 247 AD2d 81	Disbarred	DR 1-102(A)(4)(dishonesty, fraud, deceit or misrepresentation); DR 1-102A(5)(conduct prejudicial to administration of justice); DR 1-102(A)(8)(conduct adversely reflecting on fitness to practice); DR 2-110(B)(4)(failure to withdraw from employment); DR 5-103 (acquisition of interest in litigation); DR 7-101 (A)(1), (2) (failure to seek lawful objectives, failure to carry out contract of employment); DR 7-102(A)(5)(knowingly making false statement of law or fact).
Thomas J. Culhane 247 AD2d 88	Resigned	22 NYCRR 603.11.
Robert R. Santana 247 AD2d 107	Disbarred	Judiciary Law §90 (felony conviction – computer trespass [Penal Law §156.10]).
Richard B. Weil 247 AD2d 85	Interim suspension	22 NYCRR 603.4(e)(1)(i)(willful failure to cooperate with committee’s investigation).
Arnold Paul Prospero 247 AD2d 97	Interim suspension	Serious crime – submitting false tax returns (26 USC §7206(1)).
Marilyn Rosenthal 247 AD2d 100	Resigned	22 NYCRR 603.11.

Allen J. Hershberg 679 NYS2d 8	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)(now [8])(conduct adversely reflecting on fitness to practice); DR 6-101(A)(3)(neglect); DR 7-101(A)(3)(intentionally damaging client during course of professional relationship).
Louis H. Benjamin 248 AD2d 98	Interim suspension	22 NYCRR 603.4(e)(1)(i)(willful failure to cooperate with committee's investigation).
James P. Brennan	Suspended 6 months	22 NYCRR 603.3 (reciprocal discipline – New Jersey); DR 1-102(A)(4)(dishonesty, fraud, deceit or misrepresentation); DR 1-102(A)(8)(conduct adversely reflecting on fitness to practice).
Wilson S. Hurd 678 NYS2d 631	Disbarred	22 NYCRR 603.4(g)(failure to appear or apply in writing to committee or court for hearing or reinstatement within six months of interim suspension date).
Charles H. Downing 679 NYS2d 115	Disbarred	22 NYCRR 603.4(g)(failure to appear or apply in writing to committee or court for hearing or reinstatement within six months of interim suspension date).
Robert S. Elkins 248 AD2d 20	Interim suspension	DR 1-102(A)(4)(dishonesty, fraud, deceit or misrepresentation); DR 1-102(A)(7)(now [8])(conduct adversely reflecting on fitness to practice); DR 9-102(B)(failure to preserve identity of client funds); DR 9-102(C)(3)(failure to render appropriate accounts) DR 9-102(E)(writing escrow checks payable to "cash").
Harris J. Rakov 250 AD2d 27	Suspended 1 ½ years	Serious crime – tax evasion (26 USC §7201).
James A. Reaves 250 AD2d 37	Interim suspension	22 NYCRR 603.4(e)(1)(i)(willful failure to cooperate with committee's investigation).

Howard A. Jaffe 250 AD2d 13	Suspended 3 months	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)(8)(conduct adversely reflecting on fitness to practice); DR 6-101(A)(3) (neglect).
Harvey D. Myerson 250 AD2d 41	Disbarred	Judiciary Law §90 (serious crime – mail fraud [18 USC §1341]; conspiracy to defraud the United States [18 USC §371]); making false statement on tax return [26 USC §7206(1)]; assisting in filing a false tax return [26 USC §7206(2)].
Ronald T. Landers 250 AD2d 17	Interim suspension	22 NYCRR 603.4(e)(1)(i)(willful failure to cooperate with committee’s investigation).
Deyan R. Brashich 680 NYS2d 214	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)(8)(conduct adversely reflecting on fitness to practice); DR 5-101(A)(conflict of interest due to financial or personal interests).
Benjamin M. Cardozo 680 NYS2d 214	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)(8)(conduct adversely reflecting on fitness to practice); DR 5-101(A)(conflict of interest due to financial or personal interests).
Domenick Crispino 250 AD2d 24	Interim suspension	22 NYCRR 603.4(e)(1)(i), (ii), (iii)(wilful failure to cooperate with committee’s investigation, substantial admissions under oath, uncontested evidence of professional misconduct).
Theodore O. Prounis 680 NYS2d 505	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)(8)(conduct adversely reflecting on fitness to practice); DR 9-102(A)(coming-

		ling); DR 9-102(C)(4)(failure to turn over client funds); DR 9-102(D)(1)(failure to keep and produce complete records).
Joseph T. DeNicola	Disbarred	22 NYCRR 603.4(g)(failure to appear or apply in writing to committee or court for hearing or reinstatement within six months of interim suspension date).
Richard H. Kelly 681 NYS2d 26	Disbarred	Judiciary Law §90 (serious crime – interfering with administration of Internal Revenue laws [26 USC §7212(a)]).
Lynne F. Stewart 680 NYS2d 544	Censured	DR 1-102(A)(5)(conduct prejudicial to administration of justice); DR 9-102(C)(4)(failure to deliver client property promptly).
Richard Yao 680 NYS2ds 546	Disbarred	DR 1-102(A)(3)(illegal conduct involving moral turpitude); DR 7-102(A)(1), (2)(filing lawsuit to harass or maliciously injure another, knowingly advancing a claim unwarranted under the law).
Steven Ehrlich 682 NYS2d 207	Suspended 3 months	DR 1-102(A)(5)(conduct prejudicial to administration of justice); DR 1-102(A)(8)(conduct adversely reflecting on fitness to practice); DR 2-103(A), (B)(payment to hospital employee to solicit clients).
Jeffrey L. Feldman 682 NYS2d 204	Disbarred	DR 1-102(A)(4)(dishonesty, fraud, deceit or misrepresentation); DR 1-102(A)(7)(now [8]) (conduct adversely reflecting on fitness to practice); DR 6-101(A)(3)(neglect); DR 7-101(A)(2)(prejudicing clients during course of representation); DR 7-101(A)(3) (making significant misrepresentations regarding clients' cases).

Bibiano Rosa	Disbarred	22 NYCRR 603.4(g)(failure to appear or apply in writing to committee or court for hearing or reinstatement within six months of interim suspension date).
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SECOND DEPARTMENT

(Second and Eleventh Judicial Districts)

Gregory Elefterakis 238 AD2d 7	Suspended 3 years	Failure to safeguard escrow funds; commingling; escrow violations.
Richard C. Post 238 AD2d 84	Disbarred	Reciprocal discipline.
John G. LoPresto	Disbarred	Conversion; commingling.
Ralph Serpico	Interim suspension	Failure to cooperate.
Stephen G. Murphy 240 AD2d 1	Censured	Serious crime conviction.
Jan Arthur Marcus 240 AD2d 87	Censured and reinstated	Serious crime conviction.
Jeffrey Weinstock 241 AD2d 1	Suspended 2 years	Sexual misconduct.
Peter A. Takvorian 240 AD2d 95	Suspended 1 year	Partnership with non-lawyer.
Walter Wodinsky 241 AD2d 85	Censured	Breach of fiduciary obligation.
Stanley M. Meyer 241 AD2d 272	Disbarred	Conversion and commingling.
Alfred J. Parisi 242 AD2d 19	Disbarred	Conversion.
Milton Dan Kramer 242 AD2d 85	Suspended 3 years	Reciprocal discipline.
Steven Lee Salpeter 242 AD2d 88	Resigned	Neglect; failure to communicate.
Patricia Ann Feerick 243 AD2d 51	Suspended 2 years	Serious crime conviction.

John Cordero 243 AD2d 205	Disbarred	Felony conviction.
Howard Borenstein 243 AD2d 89	Disbarred	Serious crime conviction.
Ralph Serpico 244 AD2d 82	Disbarred	Failure to cooperate.
Lawrence Lieberman 244 AD2d 73	Disbarred	Conversion; neglect.
Gloria C. Markuson 244 AD2d 146	Censured	Serious crime conviction.
Tara Talmadge 244 AD2d 54	Censured	Serious crime conviction.
Ira Kerzner	Interim suspension	Conversion and commingling.
Robert W. Nerboso 246 AD2d 138	Suspended 1 year	Failure to seek lawful objectives of client.
Chester Henlin	Interim suspension	Failure to cooperate.
William E. Rosen 246 AD2d 257	Disbarred	Conversion and commingling.
Winthrop G. Gardner 246 AD2d 215	Disbarred	Reciprocal discipline.
Keith M. Krasnove 246 AD2d 270	Suspended 2 years	Reciprocal discipline.
Roger Bruce Feinman 246 AD2d 262	Disbarred	Reciprocal discipline.
Juliana M. Cassiliano 246 AD2d 265	Disbarred	Serious crime conviction.
Leonard Scott Shoob 247 AD2d 5	Suspended 5 years	Serious crime conviction.
Edward J. Tighe	Interim suspension	Failure to cooperate.
Steven Paul Kersner 680 NYS2d 178	Resigned	Felony conviction.
Gary Friedman 680 NYS2d 617	Disbarred	Felony conviction.
Neal Forman 680 NYS2d 612	Suspended 2 years	Failure to safeguard escrow funds.
Elliott Abrams 681 NYS2d 331	Censured	Reciprocal discipline.

Ira Kerzner 682 NYS2d 96	Disbarred	Conversion and commingling.
(Ninth Judicial District)		
Jeffrey N. Allen	Interim suspension	22 NYCRR 691.4(l)(1)(iii) (uncontroverted evidence of professional misconduct).
Leonard J. Angelo	Interim suspension	Judiciary Law §90(4)(serious crime conviction – attempted offering false instrument for filing [Penal Law §110/175.30]).
Leonard J. Angelo 246 AD2d 232	Disbarred	Judiciary Law §90(4)(serious crime conviction – attempted offering false instrument for filing [Penal Law §110/175.30]).
Renard A. Barone	Reinstatement denied	
Paul A. Bartolotta	Reinstatement denied	
Cheryl A. Cozza 241 AD2d 223	Suspended 2 years	Judiciary Law §90(4), 22 NYCRR 691.7(b)(serious crime conviction – structuring transaction for purpose of evading currency transaction report [31 USC §5324(a)(3)]); DR 1-102(A)(8) (conduct adversely reflecting on fitness to practice).
R. Emmet Delany	Reargument granted; court adhered to original determination	
R. Emmet Delany	Leave denied	
Frank T. D’Onofrio, Jr. 242 AD2d 31	Suspended 2 years	DR 1-102(A)(4), (8) (conduct involving dishonesty, fraud, deceit or misrepresentation, conduct adversely reflecting on fitness to practice); DR 9-102(C)(1), (4) (failing to notify of receipt of funds, failing to pay funds to person entitled); DR 5-108 (conflict of interest).
Frank T. D’Onofrio, Jr.	Motion for extension of suspension date denied	
Frank T. D’Onofrio, Jr.	Reargument/renewal/leave denied	

Richard A. Duschaneck	Interim suspension	22 NYCRR 691.4(1)(1)(i), (ii) (failure to cooperate, substantial admissions under oath).
Richard A. Duschaneck 246 AD2d 9	Disbarred	
Kevin B. Dwyer	Reinstated	
Frederick S. Falick 247 AD2d 1	Suspended 3 years	DR 1-102(A)(4), (5), (8) (conduct involving dishonesty, fraud, deceit or misrepresentation; conduct prejudicial to administration of justice; conduct adversely reflecting on fitness to practice); DR 2-106(B)(excessive fee); Judiciary Law §90(6-a)(a), (b)(restitution ordered).
Frederick S. Falick	Renewal/reargument denied	
William B. Falow _____AD2d_____	Leave denied	
William B. Falow _____NY2d_____	Leave denied	
Raymond P. Farrelly 246 AD2d 125	Censured	DR 1-102(A)(5), (8)(conduct prejudicial to administration of justice, conduct adversely reflecting on fitness to practice); DR 6-101(A)(3)(neglect); 22 NYCRR 25.40 (court employee impermissibly engaging in private practice of law).
Michael Scott Felman	Motion to stay effective date of suspension denied	
Jay Fisherman	Interim suspension	Judiciary Law §90(4)(serious crime conviction – obstruction of governmental administration, 2d degree [Penal Law §195.05]; criminal possession of controlled substance, 7 th degree [Penal Law §220.03]).
Jeffrey H. Frankel 241 AD2d 233	Disbarred	22 NYCRR 691.3 (reciprocal discipline – misappropriation of funds).
Richard A. Howard	Reinstatement denied	
Shmuel B. Klein _____US_____	Certiorari denied	

Leon Kornfeld	Reinstated	
Roberto Lebron 246 AD2d 31	Censured	DR 1-102(A)(5), (8)(conduct prejudicial to administration of justice; conduct adversely reflecting on fitness to practice).
Stephen J. Lehrman	Reinstated	
John C. Lopes	Motion to stay or modify suspension denied	
Harry Dawson Martin	Motion to suspend for incompetence denied	
Harry Dawson Martin 242 AD2d 143	Disbarred	DR 1-102(A)(5), (8) (conduct prejudicial to administration of justice; conduct adversely reflecting on fitness to practice; failure to cooperate).
Carl Mathison	Interim suspension	22 NYCRR 691.4(l)(1)(i), (ii) (failure to cooperate; failure to provide written answer).
Carl Mathison	Suspended 1 year	DR 1-102(A)(5), (8)(conduct prejudicial to administration of justice; conduct adversely reflecting on fitness to practice; failure to cooperate); DR 2-106, 22 NYCRR 1400.2, 1400.3 (failure to provide written retainer and client's statement of rights and responsibilities in domestic relations matter); DR 6-101(A)(3) (neglect).
B. Marc Mogil	Disbarred	DR 1-102(A)(4), (8)(conduct involving dishonesty, fraud, deceit or misrepresentation; conduct adversely reflecting on fitness to practice; anonymously sending harassing letters and facsimilies; threatening lawyers who complained about judges; making false statements to Commission on Judicial Conduct; giving false testimony under oath before Commission on Judicial Conduct).
Albert P. Pacione	Reinstatement denied	
Howard J. Pobiner 240 AD2d 67	Disbarred	DR 1-102(A)(4), (5), (8) (conduct involving dishonesty, fraud, deceit or misrepresentation;

		conduct prejudicial to administration of justice; conduct adversely reflecting on fitness to practice; conditioning settlement on withdrawal of complaint; failure to disclose to court); DR 5-107(A)(1), (B)(accepting compensation from third party without client's consent; permitting person who pays for services to direct or regulate professional judgment); DR 9-102(C)(4)(failure to promptly return unearned fee); DR 5-101(A)(accepting employment when judgment might be affected by self interests).
Robert Rasammy	Disbarred (Resigned)	Judiciary Law §90(4)(d), 22 NYCRR 691.7(b)(conviction in Michigan for selling unregistered securities); Judiciary Law §90(4)(c)(failure to file record of conviction).
Julio Cesar Rojas 242 AD2d 193	Disbarred	Making material misrepresentations about disciplinary history; making material misrepresentations under oath; failure to refund money for services not completed; failure to cooperate).
Julio Cesar Rojas	Motion to stay order of disbarment granted only to extent of allowing completion of a pending trial	
Mary Anne Scattaretico-Naber	Censured	DR 9-102(A), (B)(2), (D)(1), (2), (8) (failure to maintain a duly constituted escrow account; comingling personal funds with client funds).
Jason Semel	Indefinite suspension	22 NYCRR 691.13(b).
Daniel Judd Shapiro ____NY2d____	Leave denied	
Warren Edward Sheldrake	Disbarred (Resigned)	Conduct adversely reflecting on fitness to practice; neglect; failure to promptly pay a client; failure to promptly return an unearned fee; failure to maintain duly constituted escrow account; failure to account for funds.
Warren Edward Sheldrake	Motion to inventory files granted	22 NYCRR 691.10

Irwin B. Silverman 238 AD2d 89	Suspended 1 year	DR 6-101(A)(3)(neglect); DR 1-102(A)(8)(conduct adversely reflecting on fitness to practice); 22 NYCRR 691.20 (failure to file written retainer with OCA).
Irwin B. Silverman	Motion to reargue denied	
Lawrence R. Sykes 238 AD2d 76	Suspended 1 year	DR 1-102(A)(8)(conduct adversely reflecting on fitness to practice; failure to cooperate); DR 6-101(A)(3)(neglect); 22 NYCRR 691.20 (failure to file retainer statement with OCA).
Howard M. Thaler	Disbarred	Impermissible conflicts of interest; accepting employment where exercise of professional judgment would be affected; conduct involving dishonesty, fraud, deceit or misrepresentation; conduct adversely reflecting on fitness to practice; conduct prejudicial to administration of justice; failure to cooperate; participating in creation or preservation of false evidence; failure to maintain required bookkeeping records; conversion; failure to account; commingling; failure to maintain duly constituted escrow account).
Howard M. Thaler	Reargument/renewal/leave denied	
William R. Updegraff 242 AD2d 119	Disbarred	DR 1-102(A)(4), (5), (8) (conduct involving dishonesty, fraud, deceit or misrepresentation; conduct prejudicial to administration of justice; conduct adversely reflecting on fitness to practice; failure to cooperate); DR 2-106(B) (excessive fees); Judiciary Law §90(4)(d), 22 NYCRR 691.7(b) (serious crime conviction – petit larceny [Penal Law §155.25]).
Peter L. Vitelli 247 AD2d 9	Disbarred	DR 1-102(A)(4)(conduct involving dishonesty, fraud, deceit or misrepresentation); Executive Law §135-a(2)(misuse of notary).
Peter L. Vitelli ____NY2d____	Leave denied	

Michael Weiss	Disbarred (Resigned)	22 NYCRR 691.9 (escrow violations).
Felix J. Ziobert 241 AD2d 214	Suspended 3 years	DR 1-102(A)(5), (8)(conduct prejudicial to administration of justice; conduct adversely reflecting on fitness to practice; failure to cooperate; failure to account); DR 5-104(A)(entering into business transaction with a client with differing interests); DR 9-102(D)(failure to maintain required bookkeeping records).

(Tenth Judicial District)

Robert Adelberg	Interim suspension	
Lloyd M. Bleeker 242 AD2d 42	Disbarred	DR 1-102(A)(8)(allowed client to convert funds by giving client access to escrow account).
Harold F. Buck 678 NYS2d 297	Disbarred	22 NYCRR 691.3(d)(reciprocal discipline).
Donald Bunsis 76 NY2d 773	Disbarred	Federal felony (mail fraud); DR 1-102(A)(4), (8) (dishonesty, fraud, deceit or misrepresentation).
James W. Carter	Interim suspension	
Peter Citrin 151 AD2d 16	Reinstatement denied	
Cornell Cornish DMJ 247 AD2d 46	Suspended 5 years	22 NYCRR 691.3 (reciprocal discipline).
Marshall Oakes Crowley	Interim suspension	
Clint Davenport 246 AD2d 503	Disbarred	Criminal conviction (state felony – Sodomy 3d degree, endangering welfare of a child).
Alexander A. DeFrancis	Interim suspension	
Nicholas P. DelGuercio 681 NYS2d 80	Disbarred	22 NYCRR 691.1 (endorsed checks payable to clients and misused funds).
Margaret Dolin	Indefinite suspension	
Myron Domsky	Reinstatement denied	

Joseph S. Dornbush 241 AD2d 20	Reinstated/censured	Judiciary Law §90 (Federal felony – failure to file income tax returns).
James F. Eller	Interim suspension	
Scott E. Garil 680 NYS2d 576	Disbarred	Judiciary Law §90 (state felonies – attempted insurance fraud/scheme to defraud [Penal Law §§100.00, 176.20, 190.6]).
Moses Goldberg Lexis 13539	Disbarred	Judiciary Law §90 (state felony – bribe receiving [Penal Law §180.03]).
Michael Gottlieb 240 AD2d 81	Disbarred	Federal felony – false statements to U.S. Trustee [18 USC §1001]).
Jeffrey Granat 219 AD2d 255	Reinstated	
James Thomas Gucciardo 230 AD2d 237	Reinstatement denied	
Roger H. Hantman	Motion to reargue disbarment denied	
Richard Thomas Heelan	Interim suspension	
Richard Thomas Heelan 246 AD2d 106	Disbarred	DR 1-102(A)(5), (8) (failure to cooperate, conduct prejudicial to administration of justice).
Douglas J. Hynes	Interim suspension	
Douglas J. Hynes 243 AD2d 220	Disbarred (resigned)	22 NYCRR 691.9 (failure to maintain client funds).
George Jacobs 246 AD2d 273	Disbarred	Judiciary Law §90 (Federal felony – mail fraud, wire fraud, interstate transportation of property obtained by fraud [18 USC §§371, 1331, 1343, 2314]).
Jerry H. Jozsef Lexis 12695	Suspended 1 year	DR 1-102(A)(5), (8)(failure to timely re-register).
Harry G. Kapralos	Interim suspension	
Harry G. Kapralos 244 AD2d 109	Disbarred	Default judgment; failure to answer charges.
Eric N. Lazarus 241 AD2d 5	Disbarred	Judiciary Law §90 (state felony – grand larceny 4 th degree [Penal Law §155.30]).

Mark W. Lewis 240 AD2d 49	Suspended 1 year	Failure to cooperate; failure to communicate with client.
Thomas N. Lyons 678 NYS2d 742	Disbarred	Judiciary Law §90 (state felony – forgery [Penal Law §170.25]).
Peter Paul Mendel	Interim suspension	
David H. Perlman 241 AD2d 203	Suspended 5 years	DR 1-102(A)(8)(conversion).
Mitchell Rachlin 680 NYS2d 672	Disbarred	Judiciary Law §90 (state felony – insurance fraud 3d degree, scheme to defraud 1 st degree [Penal Law §§176.20, 190.65]).
Edward W. Reckdenwald Lexis 13231	Disbarred (resigned)	Judiciary Law §90; DR 1-102(A)(5), (8)(failure to cooperate); DR 6-101(A)(3)(neglect); DR 9-102(B), (C)(safeguarding funds).
Michael G. Rose	Interim suspension	
Kenneth G. Rothstein	Interim suspension	
Gerald R. Saffioti, Jr.	Reinstated	
Jon Christian Sajous 681 NYS2d 301	Disbarred	Judiciary Law §90
Linda A. Singer	Suspended 3 years	DR 1-102(A)(4), (8)(deceit and misrepresentation); DR 6-101(A)(3)(neglect).
Jerome E. Smith	Resignation submitted	
Joseph F. Soviero Jr. 246 AD2d 240	Disbarred	DR 1-102(A)(4), (5), DR 9-102(D), (H), (I) (conversion).
Ronald Steinkritz	Interim suspension	
Sigrid P. Stiles 242 AD2d 127	Reinstated/censured	DR 1-102(A)(5), (8) (failure to cooperate).
Glenn O. Vickers	Reinstatement denied	
Glenn O. Vickers	Reargument/reinstatement denied	
Paul J. Warkow 242 AD2d 102	Disbarred (resigned)	DR 9-102(A), (D)(conversion).
David M. Weiss 240 AD2d 49	Disbarred	DR 1-102(A)(5), (8)(failure to cooperate); failure to pay registration fee.

THIRD DEPARTMENT

Karen Arms 674 NYS2d 156	Disbarred	DR 1-102(A)(5), (8) (failure to file registration statement and pay fee as required by statute; DR 1-102(A)(5), (8) (failure to cooperate with committee).
Attorneys in violation of Judiciary Law §468-a	Indefinite suspensions	Judiciary Law §468-a; Rules of the Chief Administrator part 118 (99 attorneys suspended until further order of the court for failure to file registration statement and pay required fee).
John H. Babigian 247 AD2d 817	Suspended 6 months	DR 1-102(A)(5), (8), DR 7-102(A)(1), (2) (filing suit and taking action when it was obvious that such action served merely to harass or maliciously injure another and knowingly advancing claims unwarranted under existing law, such conduct being prejudicial to administration of justice and adversely reflecting on fitness to practice law).
John H. Babigian 91 NY2d 813	Leave denied	
John H. Babigian	Motion for reargument of motion for leave to appeal to Court of Appeals denied.	
John H. Babigian	Certiorari denied	
James E. Banagan	Censured	DR 1-102(A)(4), (5), (8) (attempting to mislead client); DR 1-102(A)(5), (8), DR 9-102 (issuing a check against insufficient funds); DR 1-102(A) (4), (5), (8) (attempting to mislead committee).
James E. Barnes, II 674 NYS2d 475	Suspended 6 months	DR 6-101(A)(3)(neglect); DR 1-102(A)(5), (8)(failure to respond to communications from and on behalf of clients and to maintain appropriate communications); DR 2-110, DR 9-102(C)(failure to promptly refund retainers as requested by clients); DR 1-102(A)(5), 22 NYCRR §§1200.47, 1400.2, 1400.3 (failure to obtain a signed statement of client's rights and

		responsibilities, failure to enter into a written retainer agreement with a client in a domestic relations matter); DR 1-102(A)(5), (8), DR 2-106(E), 22 NYCRR §1400.7 (failure to provide fee arbitration forms); DR 1-102(A)(5), (8)(failure to cooperate with committee); DR 1-102(A)(5), (8), 22 NYCRR §806.4(e)(failure to pay stenographic bill as required).
Neal J. Berger 248 AD2d 887	Suspended 2 years	22 NYCRR §806.19 (reciprocal discipline based upon New Jersey suspension).
William A. Brenner	Suspended 6 months	DR 6-101(A)(3)(neglect of personal injury action and divorce); DR 1-102(A)(4), (5), (8) (improperly notarizing and filing client affidavit); DR 1-102(A)(5), 22 NYCRR §§1200.47, 1400.2 (failure to provide domestic relations clients with statement of client's rights and responsibilities); DR 1-102(A)(5), 5-101, 5-102, 5-105 (conflict of interest).
William A. Brenner	Appeal dismissed; motion for leave to appeal denied.	
Samuel M. Broque 669 NYS2d 402	Suspended 1 year	22 NYCRR §806.19 (reciprocal discipline based upon Connecticut suspension).
Jeffrey T. Canale 246 AD2d 908	Suspended 2 years	Judiciary Law §90(4)(g) (misdemeanor conviction – Penal Law §105.01[1][conspiracy 5 th degree]).
Wayne M. Chariff 667 NYS2d 320	Reinstated	
Michael J. Chulak 674 NYS2d 157	Suspended 3 months	22 NYCRR §806.19 (reciprocal discipline based upon New Jersey suspension).
Michael J. Chulak	Reinstated	
Kevin A. Conine	Reinstatement denied	Failure to demonstrate by clear and convincing evidence that applicant possesses the character and general fitness to resume practice of law.

Richard E. Doling	Suspended 1 year, stayed	DR 6-101(A)(3)(neglect); DR 1-102(A)(5), 9-102(C)(failure to return unearned portion of retainer, failure to forward client's file to new counsel); DR 1-102 (A)(5), (8)(failure to cooperate with committee). Suspension stayed upon condition respondent within 30 days pay attorney registration fee, refund \$650 to client and make arrangements for an appropriate refund to another client, with the refund to be completed and documented within one year. Upon completion of conditions, respondent may apply to terminate suspension.
Richard E. Doling	Suspended 1 year (conditional)	Stay revoked and suspension imposed effective 12/31/98 unless respondent prior to that date documents to the court his compliance with terms of the 10/22/98 decision.
Paul F. Donohue, Jr. 248 AD2d 740	Indefinite suspension stayed	DR 6-101(A)(3)(neglect); DR 1-102(A)(5), (8) (failure to inform client of status of legal matter); DR 1-102(A)(5), (8)(failure to cooperate with committee). Indefinite suspension stayed upon condition respondent submit quarterly reports from psychiatrist and law firm confirming his continuing capacity to practice law. Respondent may apply to terminate suspension after two years.
Richard A. Dudley, Jr.	Censured	DR 6-101(A)(3)(neglect); DR 1-102(A)(5)(failure to communicate with clients); DR 1-102(A)(5), (8) (failure to cooperate with committee).
F. Birt Evans, Jr. 675 NYS2d 380	Motion for interim suspension denied	Judiciary Law §90(4)(f) (serious crime – misdemeanor conviction, Penal Law §175.30 [offering false instrument for filing]). Committee to submit within 10 days after sentencing, a proposed order directing respondent to show cause, pursuant to Judiciary Law §90(4)(g), why a final disciplinary order should not be made.

Jordan L. Ring 676 NYS2d 714	Suspended 3 months	22 NYCRR §806.19 (reciprocal discipline based upon Massachusetts suspension).
Samuel W. Roberts, III 674 NYS2d 439	Disbarred	DR 1-102(A)(5), (8), Judiciary Law §486 (violating order of suspension); DR 1-102(A)(5)(failure to file registration statement and pay registration fee); DR 1-102(A)(5), (8)(failure to comply with court directives); DR 1-102(A)(4), (5), (8)(failure to cooperate with committee); DR 1-102(A)(4), (5), (8), 9-102 (conversion).
Rolf O. Ronning	Reinstatement denied	Application denied without prejudice to renewal upon discharge from parole and upon establishing that applicant possesses the character and general fitness to resume the practice of law.
Philip W. Schunk 668 NYS2d 511	Reinstated	
Liang-Houh Shieh	Motion denied	Application for permission to proceed as a poor person and for appointment of counsel denied.
Liang-Houh Shieh	Motions denied	Motions for reargument, leave to appeal, to declare reciprocal discipline process unconstitutional, for a stay and other relief denied, with costs.
Liang-Houh Shieh	Motions denied	Motions for leave to appeal dismissed as untimely; motion for poor person relief dismissed as academic.
Thomas R. Snow	Suspended 6 months	DR 6-101(A)(3)(neglect); DR 1-102(A)(5), 2-106(C)(2)(b), 22 NYCRR §1400.3 (failure to enter into written retainer agreements with clients for domestic relations matters); DR 1-102(A)(5), 22 NYCRR §§1200.47, 1400.2 (failure to provide clients in domestic relations matters with statement of client's rights and responsibilities); DR 1-102(A)(5), (8), 2-106(C)(2)(b) (charging and collecting a fee in a domestic relations matter in the absence of a written retainer agreement); DR 1-102(A)(5), (8), 22 NYCRR

William P. Sullivan, Jr.	Suspended 2 years, stayed	<p>§§1400.2, 1400.3 (failure to provide client in a domestic relations matter with itemized bills at least every 60 days); DR 1-102(A)(5), (8), 2-106(E), 22 NYCRR §§136.5, 1400.2, 1400.3, 1400.7 (upon a fee dispute with a client in a domestic relations matter, failure to provide the client with fee dispute notification and forms); DR 1-102(A)(5), (8)(failure to cooperate with committee).</p>
Charles Swan, III	Disbarred	<p>DR 5-104(A)(failure to advise client to consult independent counsel regarding loan to attorney); DR 6-101(A)(3)(neglect); DR 9-102(B), (C)(failure to timely deposit funds into escrow account); DR 1-102(A)(5), (8), 9-102 (conversion); DR 1-102(A)(5), (8), 9-102(A)(commingling, failure to withdraw earned fees within a reasonable time); DR 1-102(A)(5), (8), 9-102(C), (D), (H), (I)(failure to maintain adequate books and records for escrow account); DR 9-102(B), (C)(failure to deposit funds received from or on behalf of clients); DR 1-102(A)(5), (8) (failure to cooperate with committee). Suspension stayed upon condition respondent submit semiannual reports from CPA confirming he is maintaining escrow account and preserving client funds in accordance with Disciplinary Rules.</p>
Romolo U. Versaci	Censured	<p>22 NYCRR §806.8(b) (resignation accepted during penency of investigation). Admission of diverting substantial sums from three estates to prevent personal business failure. Estates made whole or necessary funds available to do so. Respondent to cooperate in formulation of order of restitution pursuant to Judiciary Law §90(6-a).</p> <p>DR 1-102(A)(5), 2-110(A)(3) (failure to promptly refund unused portion of retainer after discharge and demand); DR 1-102(A)(5), 9-102(D)(failure to main-</p>

Jesse L. Woodard
675 NYS2d 391

Disbarred

tain records of funds relating to practice of law deposited into, disbursed from and maintained in relative's checking account).

22 NYCRR §806.19 (reciprocal discipline based upon District of Columbia disbarment).

FOURTH DEPARTMENT

(Fifth Judicial District)

Nicholas J. Patushian
240 AD2d 58

Disbarred

DR 1-102(A)(4)(conduct involving dishonesty, fraud, deceit or misrepresentation); DR 1-102(A)(5)(conduct prejudicial to administration of justice); DR 1-102(A)(8)(conduct adversely reflecting on fitness to practice); DR 9-102(B)(1)(failure to maintain client funds in special account); DR 9-102(C)(3)(failure to maintain complete records and render appropriate accounts); DR 9-102(C)(4)(failure to pay promptly funds in possession that client is entitled to receive); DR 9-102(D)(failure to maintain required records of bank accounts).

Robert Barry
241 AD2d 53

Censured

DR 1-102(A)(4)(conduct involving dishonesty, fraud, deceit or misrepresentation); DR 1-102(A)(8)(conduct adversely reflecting on fitness to practice); DR 6-101(A)(3)(neglect); DR 9-102(B)(failure to maintain client funds in special account); DR 9-102(E)(making withdrawals from special account payable to cash).

Philip J. Sanzone
680 NYS2d 331

Disbarred

DR 1-102(A)(4)(conduct involving dishonesty, fraud, deceit or misrepresentation); DR 1-102(A)(5)(conduct prejudicial to administration of justice); DR 1-102(A)(8)(conduct adversely reflecting on fitness to practice); DR 6-101(A)(3)(neglect); DR 9-102(A)(commingling); DR 9-102(B)(1)(failure to maintain client funds in special account); DR 9-102(C)(3)(failure to maintain complete

records and render appropriate accounts); DR 9-102(C)(4)(failure to pay promptly funds in possession that client is entitled to receive).

(Seventh Judicial District)

David B. Weinstein	Interim suspension	Judiciary Law §90(4)(18 USC §§922[g], 924[a][2]).
Nicholas Capobianco 241 AD2d 63	Disbarred (restitution ordered)	22 NYCRR 1022.26 (failure to comply with court rule regarding suspended attorneys); DR 1-102(A)(8)(conduct adversely reflecting on fitness to practice); DR 2-110(A)(3)(failure to refund unearned fee upon withdrawal); DR 6-101(A)(3)(neglect); DR 9-102(B)(1)(failure to maintain client funds in special account); DR 9-102(C)(3)(failure to maintain complete records and render appropriate accounts); DR 9-102(D)(failure to maintain required bank records).
Barbara A. Gardner 675 NYS2d 922	Interim suspension	Default in filing answer, failure to appear.
Joseph R. Amisano 678 NYS2d 539	Reinstated	
David B. Weinstein 250 AD2d 4	Suspended 5 years	Judiciary Law §90(4)(Federal felony conviction – 18 USC §§922[g], 924[a][2]).
H. Paul Doucette, Jr. 247 AD2d 134	Suspended 6 months, restitution ordered	DR 1-102(A)(5)(conduct prejudicial to administration of justice); DR 1-102(A)(8)(conduct adversely reflecting on fitness to practice); DR 2-110(A)(3)(failure to return unearned fees); DR 6-101(A)(3)(neglect); DR 9-102(B)(1)(failure to maintain client funds in special account).
William S. Wood 679 NYS2d 860	Disbarred	Judiciary Law §90(4)(felony conviction – Penal Law §155.30[1]).

(Eighth Judicial District)

Timothy L. Foley 240 AD2d 64	Disbarred	DR 1-102(A)(8)(conduct adversely reflecting on fitness to practice); DR 6-101(A)(3) (neglect); DR 9-102(A) (commingling); DR 9-102(B)(1)(failure to maintain client funds in special account); DR 9-102(E)(making withdrawals from special account payable to cash).
Nicholas J. Sargent 240 AD2d 40	Suspended 1 year	DR 1-102(A)(4)(conduct involving dishonesty, fraud, deceit or misrepresentation); DR 1-102(A)(8)(conduct adversely reflecting on fitness to practice); DR 1-104(D)(1)(formerly DR 1-104(A)(1) (directing employee to engage in conduct that violates a disciplinary rule).
Wilbur P. Trammell 240 AD2d 90	Disbarred	Judiciary Law §90(4)(serious crime – 18 USC §1001).
John M. Panara 241 AD2d 78	Disbarred	DR 1-102(A)(4)(conduct involving dishonesty, fraud, deceit or misrepresentation); DR 1-102(A)(5)(conduct prejudicial to administration of justice); DR 1-102(A)(8)(conduct adversely reflecting on fitness to practice); DR 5-101(A)(accepting employment when exercise of professional judgment likely to be affected by own interests); DR 5-104(A)(accepting employment when it would be likely to involve him in representing differing interests); DR 7-101(A)(3)(intentionally damaging client during professional relationship); DR 9-102(A)(commingling); DR 9-102(B)(1) (failure to maintain client funds in special account); DR 9-102(C) (1)(failure to notify client promptly of receipt of funds); DR 9-102(I)(failure to maintain, keep and produce records of special account).
Richard C. Southard 248 AD2d 1029	Disbarred	22 NYCRR 1022.25(a)(resigned pending disciplinary proceedings).

Vickie M. Dutton	Interim suspension	Judiciary Law §90(4) (criminal conviction – Arizona Rev. Stat. §§12-2405, 13-3401, 13-1001, 13-701, 13-702, 13-801).
Don Bergevin 676 NYS2d 519	Disbarred	Judiciary Law §90(4)(felony conviction – Panel Law §§155.40, 175.10).
Paul A. Foley 240 AD2d 64	Disbarred	22 NYCRR 1022.25(a)(resigned pending disciplinary proceedings).
Norman A. LeBlanc, Jr. 244 AD2d 1	Suspended 6 months	DR 1-102(A)(4)(conduct involving dishonesty, fraud, deceit or misrepresentation); DR 1-102(A)(8)(conduct adversely reflecting on fitness to practice); DR 6-101(A)(3)(neglect).
Peter S. Aiello 246 AD2d 55	Suspended 1 year	DR 1-102(A)(5)(conduct prejudicial to administration of justice); DR 1-102(A)(8)(conduct adversely reflecting on fitness to practice); DR 2-110(B)(4)(failure to withdraw upon discharge by client); DR 6-101(A)(3)(neglect); DR 7-101(A)(1)(failure to seek client’s lawful objectives); DR 7-101(A)(2)(failure to carry out contract of employment); DR 7-102(A)(3)(intentionally damaging client during course of professional relationship).
John D. Bridge	Reinstated	
James L. Lalime 678 NYS2d 540	Disbarred (restitution ordered)	22 NYCRR 1022.25(a)(resigned pending disciplinary proceedings).
Donald L. Summer 678 NYS2d 539	Reinstated	
Vickie M. Dutton 247 AD2d 130	Disbarred	Judiciary Law §90(4)(felony conviction – Arizona Rev. Stat. §13-3405
Peter S. Aiello 679 NYS2d 860	Reinstated	
Gene M. Gardner 679 NYS2d 860	Reinstated	

Richard L. Baumgarten
679 NYS2d 860

Indefinite suspension

22 NYCRR 1022.23(b)
(incapacitation).

William B. Custer
682 NYS2d 649

Disbarred

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

**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

(212) 685-1000

Thomas J. Cahill, Chief Counsel
Richard M. Maltz, First Deputy Chief Counsel
Deborah A. Scalise, Deputy Chief Counsel
Sarah Jo Hamilton, Special Trial Counsel
Jorge Dopico, Principal Attorney
Judith N. Stein, Principal Attorney
Sherry K. Cohen, Associate Attorney
Mady J. Edelstein, Associate Attorney
Kathleen M. Feerick, Associate Attorney
Jeremy S. Garber, Associate Attorney
Naomi F. Goldstein, Associate Attorney
Eileen J. Shields, Associate Attorney
Richard Supple, Associate Attorney
Raymond Vallejo, Associate Attorney
Stephen McGoldrick, Associate Attorney
Antoinette Davi, Associate Attorney

George Cebish, Investigator
John E. Pugliese, Investigator
Kenneth Van Lew, Investigator
Leonard Zarrillo, Investigator
Martin Schwinger, Accountant Analyst
Donna M. Killian, Paralegal
Rebecca Taub, Paralegal
Marcy Sterling, Information Specialist
Virgil Cruz, Clerk Messenger
Anna Abbate, Secretary
Francine N.L. Ali, Secretary
Nancy DeLeon, Secretary
Eartha Hobot, Secretary
Grace Jacobs, Secretary
Denise Lariscy, Secretary
Maria Vera, Secretary
Niena Winfield, Secretary
Vincent C. Raniere, Support Staff Mgmt.
Carol Scheuer, Support Staff Mgmt.
Martin Silverstein, Support Staff Mgmt.
Michelle Wang, Support Staff Mgmt.
Charles Sauer, Computer Operator
Allikah McIver, Receptionist

SECOND DEPARTMENT

Grievance Comm. for the 9th Judicial District

399 Knollwood Road, Suite 200

White Plains, NY 10603

(914) 949-4540

Gary L. Casella, Chief Counsel
Faith Lorenzo, Deputy Counsel
Gary D. Egerman, Associate Counsel
Gloria A. Bunze, Associate Counsel
Forrest Strauss, Associate Counsel
Fredda Fixler-Fuchs, Associate Counsel
Matthew Renert, Senior Counsel

Antonia Cipollone, Staff Counsel
Anthony Wynne, Esq., Senior Court Analyst
Patrick Smith, Senior Court Analyst
Virginia E. Mordiglia, Managing Secretary
Maryellen Horan, Secretary
Patricia Marucci, Secretary
Ellen M. Tallevi, Secretary
Maria J. Mangione, Secretary
Denise Santamarena, Secretary
Claire Zeppieri, Secretary
Susan Rooney, Clerk

Grievance Comm. for the 2nd & 11th Judicial Districts

210 Joralemon Street, 12th Floor

Brooklyn, NY 11201

(718) 624-7851

Robert H. Straus, Chief Counsel
Diana Maxfield Kearsse, Deputy Chief Counsel
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Diana J. Szochet, Assistant Counsel
Melissa D. Epstein, Assistant Counsel
Susan Korenberg, Assistant Counsel
Alex Shlivko, Court Analyst
Michael O'Sullivan, Court Analyst
Louis Romaine, Investigator

Grievance Comm. for the 10th Judicial District
6900 Jericho Turnpike
Syosset, NY 11791
(516) 364-7344

Grace D. Moran, Chief Counsel
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Muriel L. Gennosa, Assistant Counsel
Nancy A. Bolger, Assistant Counsel
Chris G. McDonough, Assistant Counsel
Dianne M. Saccone, Assistant Counsel

Sharon M.J. Commissiong, Asstant Counsel
Catherine A. Sheridan, Assistant Counsel
Edward A. Trini, Assistant Counsel
Guy B. Soden, Investigator
Christopher Kern, Investigator
Barbara Maniscalco, Secretary
Joan M. Pace, Secretary
Elizabeth Vanderhoef, Secretary
Kathleen A. Grass, Secretary
Noreen Johnston, Secretary
Kerry Lopez, Secertary

THIRD DEPARTMENT

Committee on Professional Standards
A.E. Smith Building, 22nd Floor
P.O. Box 7013, Capitol Station Annex
Albany, NY 12225
(518) 474-8816

Mark S. Ochs, Chief Attorney
Michael Philip, Jr., Deputy Chief Counsel
Kenneth H.P. Bryk, Staff Attorney
Michael K. Creaser, Staff Attorney
Geoffrey E. Major, Staff Attorney
Joseph L. Legnard, Investigator
Vincent M. Tepedino, Investigator

FOURTH DEPARTMENT

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

Gerard M. LaRusso, Chief Counsel
Anthony J. Gigliotti, Principal Counsel
Sheryl M. Crackshaw, Investigator
M. Susan Roland, Secretary
Christine E. Angell, Secretary

Grievance Comm. for the 7th Judicial District
50 East Avenue, Suite 404
Rochester, NY 14604
(716) 530-3180

Gerard M. LaRusso, Chief Counsel
Daniel A. Drake, Principal Counsel
Andrea E. Tomaino, Associate Counsel
Stephanie K. Serikstad, Asst. Court Analyst
Alana D. Williams, Secretary

Grievance Comm. for the 8th Judicial District
295 Main Street, Room 1036
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(716) 858-1190

Gerard M. LaRusso, Chief Counsel
Vincent L. Scarsella, Principal Counsel
Roderick Quebral, Associate Counsel
Margaret C. Callanan, Associate Counsel
Colleen P. Dietrich, Associate Counsel
Joanne Walsh, Investigator
William P. Zenosky, Investigator
Mary E. Davis, Investigator
Virginia Pawlik, Asst. Court Analyst
Kathleen E. Caprio, Secretary
Kathleen E. Pierce, Secretary
Anna M. Hunt, Secretary

Departmental and District Grievance Committees

FIRST DEPARTMENT

Departmental Disciplinary Committee

Denis McNerney, Chair	Arthur W. Greig	Pamela A. Liapakis
Haliburton Fales, 2d, Sp. Counsel	Telesforo Del Valle, Jr.	Arthur Richenthal
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Roy L. Reardon, Sp. Counsel	Reuben Samuel	Howard S. Stein*
Gardner Botsford	Charlotte Moses Fischman	Joseph M. Irom
P. Kevin Castel	Charles L. Brieant, III	Patricia Hatry
Martin R. Gold	John E. Brigandi	Beverly Folasade Sowande
John R. Horan	John Warden	Arthur Reis, Jr.*
Joanne Sidener Johnson*	Patricia Handal*	Arthur Norman Field
Jonathan J. Lerner	Michael Conforti	Lisa E. Davis
Mercedes A. Nesfield*	Lorraine Coyle	Prof. Beatrice S. Frank
Jay Topkis	Charles White	Steven B. Shapiro
Jerold J. Benavie	James Milligan*	Charles A. Gibson*
Richard J. Holwell	Philip R. Forlenza	Otto Obermaier
Susan Welsher*	Robert L. Haig	Justin N. Feldman
Steven C. Krane	Michael A. Lacher	Charles G. Moerdler
Elinore B. Klein	Ada Meloy	Oliver A. Smith
Casimir C. Patrick, II	Frederick D. Wilkinson, Jr.*	Alfred G. Gerosa*
Walter A. Wichern, M.D.*	John J. Galban	

SECOND DEPARTMENT

Grievance Committee for the 2nd & 11th Judicial Districts

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John V. DiBlasi	Jeffrey Sander Sunshine
Lawrence F. DiGiovanna	Muriel D. Wanderman

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H. Glen Hall	Joseph L. Spiegel
Wesley L. Jordan*	Alan Steiner

* Non-lawyer

Grievance Committee for the 10th Judicial District

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John L. Juliano

Victor Levin
William F. Levine
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Douglas R. Rothkopf
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Vanessa M. Sheehan
John J. Toomey, Jr.
Owen B. Walsh

THIRD DEPARTMENT

Committee on Professional Standards

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Eli B. Basch
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Joyce M. Galante
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Carmel J. Greco
James A. Haynes, Jr.
Cynthia S. Hutchinson
Jennifer A. Jensen

Dennis K. McDermott
Charles J. Nicastrò
Kevin L. Peryer
Joseph H. Pond
Mark M. Rider
Nelson E. Roth
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Charles H. Schefer
Thomas J. Walsh
Richard D. Wickerham

FOURTH DEPARTMENT

Grievance Committee for the 5th Judicial District

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Patrick M. Connors
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Roscoe A. Eisenhauer, Jr.
Harlan B. Gingold
Frank J. Giruzzi
Bartle J. Gorman
David H. Hawthorne

Edward Z. Menkin
Brian M. Miga
Mary Pat Olikier*
Paul L. Pileckas
Graceanne S. Quinn
Judith M. Sayles
Steven Wechsler
John P. Wegerski
Michael F. Young
Charles D. Zimmerman*

* Non-lawyer

Grievance Committee for the 7th Judicial District

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Eugene T. Clifford
Joseph E. Damrath
John P. Doyle, Jr.
Michael C. Dwyer
Walter C. Gage
Douglas Jones
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John R. Kennedy

Stanley D. Konopko
Dianne S. Lovejoy
John K. McCarthy
Edwin C. Perego*
Gregory J. Power
Daniel J. Saperstone*
Charles E. Shaffer
Judy A. Toyer
Patricia O. Vazzana
Beth E. Wilkens

Grievance Committee for the 8th Judicial District

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Eva M. Hassett*
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Joseph V. McCarthy
Thomas M. O'Donnell
Jeffrey G. Passafaro
John K. Plumb
Jay N. Rosenthal
Richard J. Rotella
Victoria J. Saxon
Norris L. Webster
Robert Zabel*
Nelson Zakia

**Attorney Discipline Budget
Appropriations
(Fiscal 1998-1999) and
Salaries of Disciplinary Staff
(March 1999)**

FIRST DEPARTMENT

Title	Grade	3/99 Salary
Chief Attorney	NS	\$102,173
Principal Attorney	530	71,516
Principal Attorney	530	89,395
Principal Attorney	530	73,877
Principal Attorney	530	89,395
Associate Attorney	527	75,640
Associate Attorney	527	59,945
Associate Attorney	527	69,235
Associate Attorney	527	79,213
Associate Attorney	527	77,183
Associate Attorney	527	66,925
Associate Attorney	527	66,925
Associate Attorney	527	62,912
Associate Attorney	527	35,967
Senior Attorney	525	54,794
Senior Attorney	525	72,038
Senior Attorney	525	53,737
Attorney	523	45,627
Sr. LAN Administrator	523	49,097
Sr. Court Analyst	521	56,718
Sr. App. Court Asst.	521	33,211
Sr. App. Court Asst.	521	57,092
Court Analyst	518	37,787
Court Analyst	518	46,441
Court Analyst	518	49,106
Court Analyst	518	47,507
Court Analyst	518	41,103
Court Analyst	518	37,686
Court Analyst	518	34,880
Administrative Secretary	517	33,745
Asst. Court Analyst	516	32,396
Asst. Court Analyst	516	40,038
Asst. Court Analyst	516	38,764
Asst. Court Analyst	516	31,122
Secretary	514	39,571
Law Stenographer	514	32,406
Secretary	514	30,074
Law Stenographer	514	37,352
Secretary	514	28,908
Prin. App. Office Asst.	513	27,899
Sr. Office Asst.	508	22,508
1998-99 Appropriations:		
Personal Service		\$2,389,488
Nonpersonal Service		<u>409,581</u>
Total:		\$2,799,069

SECOND DEPARTMENT

Title	Grade	3/99 Salary
(Second and Eleventh Judicial Districts)		
Chief Attorney	532	\$98,515
Principal Attorney	530	91,657
Associate Attorney	527	79,213
Associate Attorney	527	79,213
Associate Attorney	527	77,183
Associate Attorney	527	59,945
Associate Attorney	527	60,943
Attorney	522	46,637
Sr. Court Analyst	521	44,159
Court Analyst	518	36,283
Court Analyst	518	40,961
Court Analyst	518	34,880
Asst. Court Analyst	516	41,711
Jr. Court Analyst	512	34,252
Secretary	514	31,240
Secretary	514	27,742
1988-99 Appropriations:		
Personal Service		\$946,184
Nonpersonal Service		<u>262,300</u>
Total:		\$1,208,484
(Ninth Judicial District)		
Chief Attorney	532	\$98,857
Principal Attorney	530	70,435
Associate Attorney	527	79,213
Associate Attorney	527	62,913
Associate Attorney	527	59,945
Associate Attorney	527	60,943
Sr. Attorney	525	54,794
Attorney	522	45,627
Sr. Court Analyst	521	49,106
Sr. Court Analyst	521	40,961
Asst. Court Analyst	516	42,588
Secretary	514	19,701
Secretary	514	19,118
Secretary	514	31,240
Secretary	514	39,571
1998-99 Appropriations:		
Personal Service		\$827,043
Nonpersonal Service		<u>356,450</u>
Total:		\$1,183,493

SECOND DEPARTMENT

Title	Grade	3/99 Salary
(Tenth Judicial District)		
Principal Attorney	530	91,657
Associate Attorney	527	79,213
Associate Attorney	527	76,194
Associate Attorney	527	59,094
Associate Attorney	527	60,551
Associate Attorney	527	74,862
Associate Attorney	527	36,080
Attorney	522	40,961
Sr. Court Analyst	521	42,929
Sr. Court Analyst	521	49,106
Law Stenographer	514	38,236
Law Stenographer	514	39,402
Law Stenographer	514	30,074
Secretary	514	33,572
1998-99 Appropriations:		
Personal Service		\$995,894
Nonpersonal Service		<u>353,350</u>
Total:		\$1,349,244

THIRD DEPARTMENT

Title	Grade	3/99 Salary
Chief Attorney	NS	\$98,515
Principal Attorney	30	86,436
Associate Attorney	27	68,955
Senior Attorney	25	53,737
Sr. Court Analyst	21	50,622
Sr. Court Analyst	21	54,682
Court Analyst	18	35,227
Secretary	14	38,512
Secretary	14	37,337
Secretary	14	33,795
Secretary	14	30,824
Prin. App. Office Asst.	13	27,331
Jr. Court Analyst	12	29,102
1998-99 Appropriations:		
Personal Service		\$710,588
Nonpersonal Service		<u>111,300</u>
Total:		\$821,888

FOURTH DEPARTMENT

Title	Grade	3/99 Salary
Chief Attorney	NS	\$98,515
Principal Attorney	30	89,395
Principal Attorney	30	89,395
Principal Attorney	30	89,395
Principal Attorney	30	78,085
Associate Attorney	27	73,123
Associate Attorney	27	69,432
Senior Attorney	25	62,784
Senior Attorney	25	54,715
Sr. Court Analyst	21	49,539
Sr. Court Analyst	21	49,354
Sr. Court Analyst	21	49,354
Sr. Court Analyst	21	49,106
Court Analyst	18	34,880
Asst. Court Analyst	16	42,184
Asst. Court Analyst	16	36,369
Secretary	14	38,236
Secretary	14	36,038
Secretary	14	33,014
Secretary	14	30,074
Secretary	14	30,725
1998-99 Appropriations:		
Personal Service		\$1,073,120
Nonpersonal Service		<u>346,911</u>
Total:		\$1,420,031