

**NEW YORK STATE BAR ASSOCIATION**  
**Committee on Professional Discipline**  
**January 1 – December 31, 2011**

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## INTRODUCTION

This is a report on lawyer discipline in New York State for the year 2011. Each section of the 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 2011 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 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 telephonic accusations are not reported as "matters." 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 in some respects among the four Departments. Understandably, some of the terminology used to describe those differing procedures will also vary. 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. 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."

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 dis-

trict 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 2011. 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 of the State's eight official agencies of discipline. It sets forth the names and titles of the professional discipli-

nary staff and their respective volunteer committee members in each of the eight official disciplinary agencies of the State. An Appendix sets forth the disciplinary budget appropriations for fiscal 2011 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 a 13,000 complaints were processed in each year.

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

**Table of Contents**  
**2011 Annual Report**

Statistics on Matters Processed

Table 1: Statewide 2011 Disciplinary Statistics.....	02
Table 2: Ten-year Departmental and Statewide Statistical Summary.....	03
Table 3: Ten-year Grievance Committee Statistical Summary.....	05
Statistical Reports of Grievance Committees .....	07

Disciplinary Decisions Reported by

Appellate Division in 2011 .....	33
----------------------------------	----

Organization of District Grievance Committees

Departmental and District Grievance Committees .....	77
Professional Disciplinary Staffs.....	82
Appendix: Attorney Discipline Budget Appropriations and Salaries of Disciplinary Staff .....	86

# Disciplinary Statistics 2011 Tables

**Table 1**  
**Appellate Division**  
**January 1, 2011-December 31, 2011**

	1 <sup>st</sup> Dept.	2 <sup>nd</sup> Dept.	3 <sup>rd</sup> Dept.	4 <sup>th</sup> Dept.	Total
<b>I. MATTERS PROCESSED:<sup>1</sup> *</b>					
Pending at start of period	1255	3014	731	600	5600
New matters received	3133 <sup>2</sup>	4933	1471	2276	11813
Matters disposed of	3592	5590	1338	2394	12914
Pending at end of period	859	2450	890	509	4708
<b>II. COMMITTEE DISPOSITIONS:</b>					
Rejected for failing to state complaint	410	2537	707	1269	4923
Referred to other agencies	462	1121	133	127	1843
Dismissed or withdrawn	2312	892	170	650	4024
Dismissed through mediation	123	35	0	0	158
Letters of caution (education)	N/A	324	41	185	550
Letters of admonition	114	198	34	32	378
Admonition or reprimand	1	0	24	0	25
Referred to court	170	313	229	131	843
Other	0	170	0	0	170
<b>III. CASES PROCESSED IN COURTS<sup>3</sup></b>					
Cases pending at start of period	43	218	45	30	336
Cases received	151	303	169	69	692
<b>CASES CLOSED</b>					
Disbarred	22	39	9	12	82
Resigned	7	23	0	6	36
Suspended**	25	46	19	10	100
Censured	6	9	8	7	30
Privately censured <sup>4</sup>	4	0	0	0	4
Remanded to grievance committee	15	11	0	3	29
Discontinued	6	6	0	3	19
Dismissed	1	2	1	2	6
Reinstatements granted	10	12	33	6	61
Reinstatements denied	3	7	2	3	15
Non-Disciplinary Resignations	0	71	77	6	154
Other	34	92	24	18	168
<b>TOTAL CLOSED:</b>	133	318	173	76	700
<b>TOTAL PENDING:</b>	43	203	41	23	310

<sup>1</sup> In the First Dept. "Matters" does not include inquiries.

<sup>2</sup> 3133 includes 12 matters received in June, 2011 which were not counted then.

<sup>3</sup> Cases refers to the number of respondent/attorneys. As some attorneys are the subject of multiple complaints, the number of matters may exceed the number of cases.

<sup>4</sup> Reported as "Privately Reprimanded" in the 1<sup>st</sup> Department.

\*For the purposes of this report, the term "Matter" includes the following: Complaints, Inquiries (Excluding telephone inquiries) and Sua Sponte investigations. Matters represents individual complaints and inquiries.

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

**Table 2**

	<b>New Matters*</b>	<b>Matters Closed*</b>	<b>Disciplinary Action by Committee</b>	<b>Disciplinary Action by Court</b>
<b>1<sup>st</sup> Department</b>				
2002	3123	3785	134	55
2003	3133	3218	88	63
2004	3205	3313	102	63
2005	2994	3002	78	63
2006	3939	4058	90	65
2007	3140	3212	87	79
2008	3593	3365	63	55
2009	3697 <sup>1</sup>	2957	105	160 <sup>2</sup>
2010	2738	2672	68	66
2011	2734	3130	115	64
<b>2<sup>nd</sup> Department</b>				
2002	4981	4944	458	98
2003	5928	5357	445	85
2004	4776	5044	425	78
2005	6563	6010	462	97
2006	5199	5090	407	90
2007	4251	4826	430	92
2008	5165	4845	452	85
2009	4309	4619	469	103
2010	5377	4895	475	231
2011	3905	4469	522	117
<b>3<sup>rd</sup> Department</b>				
2002	1930	1559	186	30
2003	1579	1608	141	28
2004	1610	1500	88	29
2005	1688	1659	136	29
2006	1566	2468	91	25
2007	1577	1483	97	10
2008	1525	1596	101	52
2009	2903	2935	109	45
2010	1589	1484	149	39
2011	1364	1205	99	36
<b>4<sup>th</sup> Department</b>				
2002	2082	2084	316	26
2003	2125	2059	235	28
2004	2072	2056	219	21
2005	2560	2365	232	25
2006	2344	2357	310	28
2007	2108	2208	209	36
2008	2538	2762	184	174*
2009	2372	2261	196	33
2010	2212	2158	229	25
2011	2176	2267	217	35

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

<sup>1</sup> 857 Cases opened for attorney registration default, referral to Appellate Division and closed as suspended.

<sup>2</sup> This number includes 2 Disciplinary Proceeding numbers assigned for 2 mass suspensions.



**Statewide**

2002	12142	12372	1094	209
2003	12765	12242	909	204
2004	11663	11913	834	189
2005	13672	13036	908	214
2006	13040	13973	898	208
2007	11076	11729	823	217
2008	12821	12568	800	366
2009	13196	12772	879	341
2010	11916	11209	921	361
2011	10179	11071	953	252

**Table 3**

	<b>New Matters*</b>	<b>Matters Closed*</b>	<b>Disciplinary Action By Committees</b>	<b>Disciplinary Action by Court</b>
<b>Departmental Disciplinary Committee for the First Department</b>				
2002	3123	3785	134	55
2003	3133	3218	88	63
2004	3205	3313	102	63
2005	2994	3002	78	63
2006	3939	4058	90	65
2007	3140	3212	87	79
2008	3593	3365	63	55
2009	3697 <sup>1</sup>	2957	105	160 <sup>2</sup>
2010	2738	2672	68	66
2011	2734	3130	115	64
<b>Grievance Committee for the Second and Eleventh Judicial Districts, Second Department</b>				
2002	1609	1761	212	42
2003	2076	1966	181	38
2004	1659	1748	150	37
2005	1748	1617	168	44
2006	1889	1716	161	34
2007	1542	1724	158	36
2008	1742	1616	156	31
2009	1584	1649	150	37
2010	1765	2551	162	36
2011	1404	1643	165	37
<b>Grievance Committee for the Ninth Judicial District, Second Department</b>				
2002	1303	1104	120	26
2003	1159	1137	140	26
2004	930	914	134	21
2005	1530	1426	131	22
2006	1381	1546	134	30
2007	1114	1198	118	27
2008	1291	1202	103	20
2009	930	1039	154	21
2010	1467	2063	126	147
2011	952	1087	149	28
<b>Grievance Committee for the Tenth Judicial District, Second Department</b>				
2002	2069	2079	126	30
2003	2693	2254	144	21
2004	2187	2382	141	23
2005	3243	2925	163	31
2006	1929	1828	112	26
2007	1595	1904	154	29
2008	2132	2027	141	34
2009	1710	1931	165	45
2010	2145	3295	187	48
2011	1549	1739	208	52

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

<sup>1</sup> 857 Cases opened for attorney registration default, referral to Appellate Division and closed as suspended.

<sup>2</sup> This number includes 2 Disciplinary Proceeding numbers assigned for 2 mass suspensions.

**Committee on Professional Standards, Third Department**

2002	1930	1559	186	30
2003	1579	1608	141	28
2004	1610	1500	88	29
2005	1688	1659	136	29
2006	1566	2468	91	25
2007	1577	1483	97	10
2008	1525	1596	101	52
2009	2903	2935	109	45
2010	1589	1484	75	39
2011	1364	1205	99	36

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

2002	574	546	84	4
2003	527	521	65	5
2004	520	521	39	5
2005	537	409	50	3
2006	539	543	91	4
2007	562	624	55	12
2008	584	620	42	10
2009	562	549	47	10
2010	593	794	71	9
2011	695	772	61	13

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

2002	589	573	65	11
2003	626	608	51	7
2004	654	639	51	8
2005	686	694	46	8
2006	622	639	51	9
2007	572	573	55	12
2008	584	626	50	5
2009	676	660	49	9
2010	568	699	69	10
2011	602	613	59	10

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

2002	919	965	167	11
2003	972	930	119	16
2004	898	896	129	8
2005	1337	1261	136	14
2006	1183	1175	168	15
2007	974	1011	99	12
2008	1370	1516	92	159
2009	1134	1052	100	14
2010	920	1265	89	6
2011	879	882	97	12

# 2011 Statistical Reports of Disciplinary Committees

**ATTORNEY DISCIPLINE ACTIVITIES**

PERIOD COVERED: ANNUAL 2011

FIRST JUDICIAL DISTRICT

FIRST DEPARTMENT

**I. MATTERS PROCESSED:**

A. Matters Pending at Start of Period	<u>1255</u>	
B. New Matters During Period	<u>3133</u>	
C. Closed Matters Reactivated During Period	<u>63</u>	
D. Total Matters to be Processed During Period (A+B+C)		<u>4451</u>
E. Total Matters Disposed of During Period		<u>3592</u>
F. Matters Pending at End of Period		<u>859</u>

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

	Cases	Matters
A. Rejected as Failing to State a Complaint	<u>386</u>	<u>410</u>
B. Referred to Other Disciplinary Committees	<u>335</u>	<u>351</u>
C. Referred to Other Agencies	<u>111</u>	<u>111</u>
D. Dismissed or Withdrawn	<u>2094</u>	<u>2312</u>
E. Dismissed through Mediation	<u>120</u>	<u>123</u>
F. Letter of Caution	<u>n/a</u>	<u>n/a</u>
G. Letter of Admonition	<u>101</u>	<u>114</u>
H. Reprimand (after hearing)	<u>1</u>	<u>1</u>
I. Referred to Appellate Division (Disc. Proc.)	<u>115</u>	<u>170</u>
Total Disposed of During Period (same as I.E above.)	<u>3263</u>	<u>3592</u>

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

A. Cases Pending at Start of Period		<u>43</u>
1. Disciplinary Proceedings	<u>22</u>	
2. Other	<u>21</u>	
B. Cases Received During Period		<u>151</u>
1. Disciplinary Proceedings	<u>103</u>	
2. Other	<u>48</u>	
C. Total to be Processed During Period		<u>194</u>

**ATTORNEY DISCIPLINE ACTIVITIES** (01/11-12/11)

D.	Cases Closed		
	1. Disbarred	22	
	<b>2. Disciplinary Resignations</b>	7	
	3. Suspended	25	
	4. Censured	6	
	5. Privately Censured <sup>④</sup>	4	
	6. Remanded to Disciplinary Committee	15	
	7. Discontinued	6	
	8. Dismissed	1	
	9. Reinstatements Granted	10	
	10. Reinstatements Denied	3	
	<b>11. Non-Disciplinary Resignations</b>	0	
	12. All Other Dispositions	34	
	13. Total Closed		133
E.	Total Cases Pending at End of Period		<b>43</b>
	1. Disciplinary Proceedings	33	
	2. Other	10	

For the purposes of this report, the term “Matter” includes the following;

- Complaints
- Inquiries (**Excluding telephone inquiries**)
- Sua Sponte investigations

- ① In the First Dept. “matters” does not include inquiries.
- ② 3133 includes 12 matters received in June, 2011 which were not counted then.
- ③ Cases refers to the number of respondent/attorneys. As some attorneys are the subject of multiple complaints, the number of matters may exceed the number of cases.
- ④ Reported as “Privately Reprimanded” in the 1<sup>st</sup> Department.

**2. COMMITTEE CASES ORGANIZED BY REFEREE AND HEARING PANEL (04/11)**

**A. Referee Cases Pending at Start of Period**

1. Formal Charges	10
2. Serious Crimes	2
3. Reinstatements	0
4. Reciprocal Discipline	0
5. Disability	0
6. Collateral Estoppel	0

12

**Hearing Panel Cases Pending at Start of Period**

1. Formal Charges	10
2. Serious Crimes	2
3. Reinstatements	2
4. Reciprocal Discipline	0
5. Disability	0
6. Collateral Estoppel	3

17

**Total Cases Pending at Start of Period**

**29**

**B. New Cases Received During Period**

**Referee Cases:**

1. Formal Charges	1
2. Serious Crimes	0
3. Reinstatements	0
4. Reciprocal Discipline	0
5. Disability	0
6. Collateral Estoppel	0

1

**Hearing Panel Cases:**

1. Formal Charges	0
2. Serious Crimes	0
3. Reinstatements	0
4. Reciprocal Discipline	0
5. Disability	0
6. Collateral Estoppel	0

0

**Total cases Received During Period**

**1**

C. Cases Concluded<sup>1</sup>

## Referee Cases:

1. Formal Charges	1
2. Serious Crimes	0
3. Reinstatements	0
4. Reciprocal discipline	0
5. Disability	0
6. Collateral Estoppel	0

1

## Hearing Panel Cases:

1. Formal Charges	0
2. Serious Crimes	0
3. Reinstatements	0
4. Reciprocal Discipline	0
5. Disability	0
6. Collateral Estoppel	0

0

**Total Cases Concluded During Period****1**D. Cases Pending at End of Period

## Referee Cases:

1. Formal Charges	10
2. Serious Crimes	2
3. Reinstatements	0
4. Reciprocal Discipline	0
5. Disability	0
6. Collateral Estoppel	0

12

## Hearing Panel Cases:

1. Formal Charges	10
2. Serious Crimes	2
3. Reinstatements	2
4. Reciprocal Discipline	0
5. Disability	0
6. Collateral Estoppel	3

17

**Total Cases Pending at End of Period****29**


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<sup>1</sup>A case is concluded when a Referee or Hearing Panel Report is filed or the hearing is otherwise completed. Under the Referee system a case is therefore concluded twice; once before the Referee and secondly before the Hearing Panel.



**ATTORNEY DISCIPLINARY ACTIVITIES**  
**PERIOD COVERED -- JANUARY 1, 2011 THROUGH DECEMBER 31, 2011**

SECOND, ELEVENTH AND THIRTEENTH JUDICIAL DISTRICTS

SECOND DEPARTMENT

**I. MATTERS PROCESSED:**

A	Matters Pending at Start of Period	995
B	New Matters During Period	<u>1,772</u>
C	Closed Matters Reactivated During Period	<u>32</u>
D	Total Matters to be Processed During Period (A+B+C)	2,799
E.	Total Matters Disposed of During Period	<u>2,043</u>
F	Matters Pending at End of Period	<u>756</u>

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

		<u>CASES*</u>	<u>MATTERS**</u>
A.	Rejected as Failing to State a Complaint	1,104	1,104
B.	Referred to Other Disciplinary Committees	<u>328</u>	<u>328</u>
C.	Referred to Other Agencies	<u>72</u>	<u>72</u>
D	Dismissed or Withdrawn	<u>248</u>	<u>248</u>
E	Dismissed through Mediation	<u>17</u>	<u>17</u>
F	Letter of Caution	<u>103</u>	<u>112</u>
G	Letter of Admonition	<u>40</u>	<u>53</u>
H	Reprimand	<u>0</u>	<u>0</u>
I	Referred to Appellate Division (Disc Proc )	<u>37</u>	<u>89</u>
J	Other***	<u>20</u>	<u>20</u>
Total Disposed of During Period (Same as I E above)		<u>1,969</u>	<u>2,043</u>

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

A	Cases Pending at Start of Period	<u>60</u>
	1    Disciplinary Proceedings****	<u>36</u>
	2    Other*****	<u>24</u>
B	Cases Received During Period	<u>117</u>
	1.    Disciplinary Proceedings	<u>38</u>
	2    Other	<u>79</u>
C	Total to be Processed During Period	<u>177</u>

D Cases Closed

1	Disbarred	<u>12</u>
2	Disciplinary Resignations	<u>6</u>
3	Suspended*****	<u>18</u>
4	Censured	<u>1</u>
5	Privately Censured	<u>0</u>
6	Remanded to Grievance Committee	<u>3</u>
7	Discontinued	<u>2</u>
8	Dismissed	<u>0</u>
9	Reinstatement Granted	<u>5</u>
10	Reinstatement Denied	<u>5</u>
11.	Non-Disciplinary Resignations	<u>24</u>
12	All other Dispositions	<u>29</u>
13	Total Closed	<u>105</u>

Total Cases Pending at End of Period 72

E.

1.	Disciplinary Proceedings	<u>42</u>
2	Other	<u>30</u>

Dated Brooklyn, New York  
27-Jan-12

Respectfully Submitted,

  
Diana Maxfield Kearse  
Chief Counsel

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

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

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

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

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

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

**Brooklyn Bar Association Committees**

Total Complaints Received	38
Withdrawn	0
Investigated and Dismissed	37
Complaints Pending	1

**Queens County Bar Association Committees**

**Grievance Committee**

Dismissed	29
Dismissed with Advisement	2
Letter of Caution	0
Referred to District Grievance Committee	4
Withdrawn	0
Tabled	1

**Richmond County Bar Association Grievance Committee**

**Matters Processed**

New matters received	28
Retained by 2 <sup>nd</sup> 11 <sup>th</sup> & 13 <sup>th</sup> District for investigation	19
Referred back to Grievance Committee for investigation	9
Dismissed/withdrawn	5
Pending investigation	4

**ATTORNEY DISCIPLINARY ACTIVITIES**  
YEAR END 2011 (January 1 - December 31, 2011)

NINTH JUDICIAL DISTRICT

SECOND DEPARTMENT

**I. MATTERS PROCESSED:**

	<u>Cases</u>	<u>Matters</u>
A. Matters Pending at Start of Period	837	817
B. New Matters During Period	1225	1225
C. Closed Matters Reactivated During Period	28	28
D. Total Matters to be Processed During Period (A+B+C)	2090	2070
E. Total Matters Disposed of During Period	1361	1388
F. Matters Pending at End of Period	729	682

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

	<u>Cases</u>	<u>Matters</u>
A. Rejected as Failing to State a Complaint	544	544
B. Referred to Other Disciplinary Committees	253	253
C. Referred to Other Agencies	48	48
D. Dismissed or Withdrawn	263	263
E. Dismissed through Mediation	0	0
F. Letter of Caution	94	94
G. Letter of Admonition	55	55
H. Reprimand	0	0
I. Referred to Appellate Division (Disc. Proc.)	62	89
J. Other	42	42

Total Disposed of During Period (same as I E above):                      1361                      1388

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

	<u>Cases</u>	<u>Matters</u>
A. Cases Pending at Start of Period	60	89
1. Disciplinary Proceedings	23	48
2. Other	37	41
B. Cases Received During Period	62	89
1. Disciplinary Proceedings	22	42
2. Other	40	47
C. Total to be Processed During Period	122	178

**ATTORNEY DISCIPLINARY ACTIVITIES**

	<u>Cases</u>	<u>Matters</u>
D. Cases Closed		
1. Disbarred	10	23
2. Disciplinary Resignations	5	15
3. Suspended	11	16
4. Censured	2	2
5. Privately Censured	0	0
6. Remanded to Grievance Committee	0	0
7. Discontinued	0	0
8. Dismissed	0	0
9. Reinstatements Granted	3	3
10. Reinstatements Denied	2	2
11. Non-Disciplinary Resignation	24	24
12. All Other Dispositions	20	23
13. Total Closed	77	108
E. Total Cases Pending at End of Period	45	70
1. Disciplinary Proceedings	22	41
2. Other	23	29

DATED: January 12, 2012  
White Plains, New York

Respectfully Submitted,

  
GARY L. CASELLA  
Chief Counsel

DUTCHESS COUNTY BAR ASSOCIATION  
 GRIEVANCE COMMITTEE  
 APPELLATE DIVISION, SECOND DEPARTMENT  
 NINTH JUDICIAL DISTRICT  
January 1, 2011 through December 31, 2011

I. MATTERS PROCESSED:

A. Matters pending on January 1, 2011 .....	<u>4</u>
B. New matters received during period .....	<u>6</u>
C. Closed matters reactivated during period .....	<u>0</u>
D. Total matters to be processed during period (A+B+C = D) .....	<u>10</u>
E. Total matters disposed of during period .....	<u>5</u>
F. Matters pending on December 31, 2011 .....	<u>5</u>

II. MATTERS DISPOSED OF BY COMMITTEE:

A. Rejected as Failing to State Complaint .....	<u>0</u>
B. Referred to Other Disciplinary Committees .....	<u>0</u>
C. Referred to Other Agencies .....	<u>0</u>
D. Dismissed .....	<u>3</u>
E. Dismissed with Advisory Language .....	<u>2</u>
F. Letter of Caution .....	<u>0</u>
G. Letter of Admonition .....	<u>0</u>
H. Reprimand .....	<u>0</u>
I. Total disposed of during period .....	<u>5</u>

ORANGE COUNTY BAR ASSOCIATION  
 GRIEVANCE COMMITTEE  
 APPELLATE DIVISION, SECOND DEPARTMENT  
 NINTH JUDICIAL DISTRICT  
January 1, 2011 through December 31, 2011

I. MATTERS PROCESSED:

A. Matters pending on January 1, 2011 .....	<u>12</u>
B. New matters received during period .....	<u>21</u>
C. Closed matters reactivated during period .....	<u>0</u>
D. Total matters to be processed during period (A+B+C = D) .....	<u>33</u>
E. Total matters disposed of during period .....	<u>26</u>
F. Matters pending on December 31, 2011 .....	<u>7</u>

II. MATTERS DISPOSED OF BY COMMITTEE:

A. Rejected as Failing to State Complaint .....	<u>1</u>
B. Referred to Other Disciplinary Committees .....	<u>3</u>
C. Referred to Other Agencies .....	<u>0</u>
D. Dismissed .....	<u>16</u>
E. Dismissed with Advisory Language .....	<u>6</u>
F. Letter of Caution .....	<u>0</u>
G. Letter of Admonition .....	<u>0</u>
H. Reprimand .....	<u>0</u>
I. Total disposed of during period .....	<u>26</u>

PUTNAM COUNTY BAR ASSOCIATION  
 GRIEVANCE COMMITTEE  
 APPELLATE DIVISION, SECOND DEPARTMENT  
 NINTH JUDICIAL DISTRICT  
January 1, 2011 through December 31, 2011

I. MATTERS PROCESSED:	
A. Matters pending on January 1, 2011.....	6
B. New matters received during period.....	2
C. Closed matters reactivated during period.....	0
D. Total matters to be processed during period..... (A+B+C = D)	8
E. Total matters disposed of during period.....	5
F. Matters pending on December 31, 2011 .....	3
II. MATTERS DISPOSED OF BY COMMITTEE:	
A. Rejected as Failing to State Complaint.....	0
B. Referred to Other Disciplinary Committees .....	1
C. Referred to other Agencies .....	0
D. Dismissed .....	3
E. Dismissed with Advisory Language .....	0
F. Letter of Caution .....	1
G. Letter of Admonition .....	0
H. Reprimand .....	0
I. Total disposed of during period .....	5



ROCKLAND COUNTY BAR ASSOCIATION  
 GRIEVANCE COMMITTEE  
 APPELLATE DIVISION, SECOND DEPARTMENT  
 NINTH JUDICIAL DISTRICT  
January 1, 2011 through December 31, 2011

I. MATTERS PROCESSED:

A. Matters pending on January 1, 2011 .....	<u>21</u>
B. New matters received during period .....	<u>18</u>
C. Closed matters reactivated during period .....	<u>0</u>
D. Total matters to be processed during period (A+B+C = D) .....	<u>39</u>
E. Total matters disposed of during period .....	<u>12</u>
F. Matters pending on December 31, 2011 .....	<u>27</u>

II. MATTERS DISPOSED OF BY COMMITTEE:

A. Rejected as Failing to State Complaint .....	<u>0</u>	
B. Referred to Other Disciplinary Committees .....	<u>1</u>	(Returned to 9th atly unresponsive)
C. Referred to Other Agencies .....	<u>0</u>	
D. Dismissed .....	<u>10</u>	
E. Dismissed with Advisory Language .....	<u>1</u>	
F. Letter of Caution .....	<u>0</u>	
G. Letter of Admonition .....	<u>0</u>	
H. Reprimand .....	<u>0</u>	
I. Total disposed of during period .....	<u>12</u>	

Westchester County Bar Association Grievance Committee  
Appellate Division, Second Department Ninth Judicial District

January 1, 2011 through December 31, 2011

I. Matters Processed:

A. Matters pending on January 1, 2011	<u>38</u>
B. New matters received during the period	<u>79</u>
C. Closed matters reactivated during period	<u>0</u>
D. Total matters to be processed during period	<u>117</u>
E. Total matters disposed of during period	<u>69</u>
F. Matters pending on December 31, 2011	<u>48</u>

II. Matters Disposed Of By Committee:

A. Rejected as Failing to State Complaint	<u>n/a</u>
B. Referred to Other Disciplinary Committees Closed by A/C	<u>4</u>
C. Referred to Other Agencies 9 <sup>th</sup> JD	<u>9</u>
D. Dismissed	<u>n/a</u>
E. Closed with Advisory Language	<u>1</u>
F. Letter of Caution	<u>n/a</u>
G. Letter of Admonition	<u>n/a</u>
H. Reprimand	<u>n/a</u>
I. Total disposed of during period	<u>10</u>

**ATTORNEY DISCIPLINARY ACTIVITIES**  
 PERIOD COVERED (Annual)  
JANUARY - DECEMBER 2011

TENTH JUDICIAL DISTRICT

SECOND DEPARTMENT

**I. MATTERS PROCESSED:**

A. Matters Pending at Start of Period	1,202	
B. New Matters During Period	1,936	
C. Closed Matters Re-activated During Period	<u>33</u>	
D. Total Matters to be Processed During Period		3,171
E. Total Matters Disposed of During Period		<u>2159</u>
F. Matters Pending at End of Period		1,012

**II. MATTERS DISPOSED OF BY COMMITTEE**

	<b>Cases</b>	<b>Matters</b>
A. Rejected as Failing to State a Complaint	889	889
B. Referred to Other Disciplinary Committees	285	285
C. Referred to Other Agencies	135	135
D. Dismissed or Withdrawn	381	381
E. Dismissed through Mediation	18	18
F. Letter of Caution	109	118
G. Letter of Admonition	43	90
H. Reprimand	0	0
I. Referred to Appellate Division (DPs)	35	135
J. Other	<u>51</u>	<u>108</u>
Total Disposed of During Period	1946	2159

**III. CASES PROCESSED IN ALL COURTS**

A. Cases Pending at Start of Period	<u>98</u>
1. Disciplinary Proceedings	51
2. Other	47
B. Cases Received During Period	<u>124</u>
1. Disciplinary Proceedings	35
2. Other	89
C. Total to be Processed During Period	<u>222</u>

**ATTORNEY DISCIPLINARY ACTIVITIES**

D. Cases Closed

1. Disbarred	17
2. Disciplinary Resignations	12
3. Suspended	17
4. Censured	6
5. Privately Censured	0
6. Remanded to Grievance Committee	8
7. Discontinued	4
8. Dismissed	2
9. Reinstatements Granted	4
10. Reinstatements Denied	0
11. Non-Disciplinary Resignation	23
12. All Other Dispositions	<u>43</u>
13. Total Closed	<u>136</u>

E. Total Cases Pending at End of Period 86

1. Disciplinary Proceedings	39
2. Other	47

Dated: January 5, 2012  
Hauppauge, New York

Respectfully Submitted,

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ROBERT A. GREEN, Chief Counsel

**LOCAL BAR ASSOCIATION ACTIVITIES  
JANUARY - DECEMBER 2011**

**NASSAU COUNTY BAR ASSOCIATION**

A.	Cases Referred to Grievance Committee	44
B.	Cases Referred to Mediation	<u>6</u>
	Total Cases Referred:	50

**SUFFOLK COUNTY BAR ASSOCIATION**

A.	Cases Referred to Grievance Committee	31
B.	Cases Referred to Mediation	<u>14</u>
	Total Cases Referred:	45

**TOTAL CASES REFERRED TO LOCAL BAR ASSOCIATIONS: 95**

\* Numbers do not include matters referred to Fee Dispute

**ATTORNEY DISCIPLINARY ACTIVITIES**PERIOD COVERED (ANNUAL REPORT 2011)

THIRD JUDICIAL DISTRICT

THIRD DEPARTMENT

**I. MATTERS PROCESSED: \***

A. Matters Pending at Start of Period	<u>731</u>	
B. New Matters During Period	<u>1471</u>	
C. Closed Matters Reactivated During Period	<u>26</u>	
D. Total Matters to be Processed During Period (A+B+C)		<u>2228</u>
E. Total Matters Disposed of During Period		<u>1338</u>
F. Matters Pending at End of Period		<u>890</u>

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

	Cases**	Matters
A. Rejected as Failing to State a Complaint	<u>677</u>	<u>707</u>
B. Referred to Other Disciplinary Committees	<u>76</u>	<u>114</u>
C. Referred to Other Agencies	<u>16</u>	<u>19</u>
D. Dismissed or Withdrawn	<u>158</u>	<u>170</u>
E. Dismissed through Mediation	<u>0</u>	<u>0</u>
F. Letter of Caution	<u>36</u>	<u>41</u>
G. Letter of Admonition	<u>26</u>	<u>34</u>
H. Admonition (or Reprimand)	<u>21</u>	<u>24</u>
I. Referred to Appellate Division (Disc. Proc.)	<u>175</u>	<u>229</u>

Total Disposed of During Period (same as I.E above.) 1185      1338

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

A. Cases Pending at Start of Period		<u>45</u>
1. Disciplinary Proceedings	<u>45</u>	
2. Other	<u>0</u>	
B. Cases Received During Period		<u>169</u>
1. Disciplinary Proceedings	<u>92</u>	
2. Other	<u>77</u>	
C. Total to be Processed During Period		<u>214</u>

**ATTORNEY DISCIPLINARY ACTIVITIES**

D.	Cases Closed	
	1. Disbarred	<u>9</u>
	2. Disciplinary Resignations	<u>0</u>
	3. Suspended***	<u>19</u>
	4. Censured	<u>8</u>
	5. Privately Censured	<u>0</u>
	6. Remanded to Grievance Committee	<u>0</u>
	7. Discontinued	<u>0</u>
	8. Dismissed	<u>1</u>
	9. Reinstatements Granted	<u>33</u>
	10. Reinstatements Denied	<u>2</u>
	11. Non-Disciplinary Resignations	<u>77</u>
	12. All Other Dispositions	<u>24</u>
	13. Total closed	<u>173</u>
E.	Total Cases Pending at End of Period	<u>41</u>
	1. Disciplinary Proceedings	<u>41</u>
	2. Other	<u>0</u>

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

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

\* Matters represents individual complaints and inquiries.

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

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

**ATTORNEY DISCIPLINARY ACTIVITIES****PERIOD COVERED (01-01-2011 to 12-31-2011)****5TH JUDICIAL DISTRICT****FOURTH DEPARTMENT****I. MATTERS PROCESSED:\***

A.	Matters Pending at Start of Period	<u>202</u>	
B.	New Matters During Period	<u>731</u>	
C.	Closed Matters Reactivated During Period	<u>8</u>	
D.	Total Matters to be Processed During Period (A+B+C)		<u>941</u>
E.	Total Matters Disposed of During Period		<u>816</u>
F.	Matters Pending at End of Period		<u>125</u>

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

		Cases**	Matters
A.	Rejected as Failing to State a Complaint	<u>390</u>	<u>477</u>
B.	Referred to Other Disciplinary Committees	<u>36</u>	<u>44</u>
C.	Referred to Other Agencies	<u>0</u>	<u>0</u>
D.	Dismissed or Withdrawn	<u>127</u>	<u>181</u>
E.	Dismissed through Mediation	<u>0</u>	<u>0</u>
F.	Letter of Caution	<u>41</u>	<u>48</u>
G.	Letter of Admonition	<u>7</u>	<u>13</u>
H.	Admonition (or Reprimand)		
I.	Referred to Appellate Division (Disc. Proc.)	<u>17</u>	<u>53</u>
	Total Disposed of During Period (same as I.E above)	<u>618</u>	<u>816</u>

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

A.	Cases Pending at Start of Period		<u>11</u>
	1. Disciplinary Proceedings	<u>9</u>	
	2. Other	<u>2</u>	
B.	Cases Received During Period		<u>17</u>
	1. Disciplinary Proceedings	<u>9</u>	
	2. Other	<u>8</u>	
C.	Total to be Processed During Period		<u>28</u>



**ATTORNEY DISCIPLINARY ACTIVITIES**

D.	Cases Closed	
1.	Disbarred	<u>8</u>
2.	Disciplinary Resignations	<u>1</u>
3.	Suspended***	<u>2</u>
4.	Censured	<u>2</u>
5.	Privately Censured	<u>0</u>
6.	Remanded to Grievance Committee	<u>3</u>
7.	Discontinued	<u>2</u>
8.	Dismissed	<u>0</u>
9.	Reinstatements Granted	<u>0</u>
10.	Reinstatements Denied	<u>0</u>
11.	Non-Disciplinary Resignations	<u>0</u>
12.	All Other Dispositions	<u>5</u>
13.	Total closed	<u>23</u>
E.	Total Cases Pending at End of Period	<u>5</u>
1.	Disciplinary Proceedings	<u>3</u>
2.	Other	<u>2</u>

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

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

\* Matters represents individual complaints and inquiries.

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

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

**ATTORNEY DISCIPLINARY ACTIVITIES****PERIOD COVERED (01-01-2011 to 12-31-2011)****7TH JUDICIAL DISTRICT****FOURTH DEPARTMENT****I. MATTERS PROCESSED:\***

A.	Matters Pending at Start of Period	<u>102</u>
B.	New Matters During Period	<u>664</u>
C.	Closed Matters Reactivated During Period	<u>2</u>
D.	Total Matters to be Processed During Period (A+B+C)	<u>768</u>
E.	Total Matters Disposed of During Period	<u>677</u>
F.	Matters Pending at End of Period	<u>91</u>

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

	Cases**	Matters
A.	<u>303</u>	<u>354</u>
B.	<u>61</u>	<u>63</u>
C.	<u>1</u>	<u>1</u>
D.	<u>156</u>	<u>170</u>
E.	<u>0</u>	<u>0</u>
F.	<u>44</u>	<u>48</u>
G.	<u>6</u>	<u>11</u>
H.		
I.	<u>23</u>	<u>30</u>
	<u>594</u>	<u>677</u>
	Total Disposed of During Period (same as I.E above)	

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

A.	Cases Pending at Start of Period	<u>8</u>
	1. Disciplinary Proceedings	<u>2</u>
	2. Other	<u>6</u>
B.	Cases Received During Period	<u>23</u>
	1. Disciplinary Proceedings	<u>13</u>
	2. Other	<u>10</u>
C.	Total to be Processed During Period	<u>31</u>

**ATTORNEY DISCIPLINARY ACTIVITIES**

D.	Cases Closed	
1.	Disbarred	<u>3</u>
2.	Disciplinary Resignations	<u>2</u>
3.	Suspended***	<u>3</u>
4.	Censured	<u>2</u>
5.	Privately Censured	<u>0</u>
6.	Remanded to Grievance Committee	<u>0</u>
7.	Discontinued	<u>0</u>
8.	Dismissed	<u>0</u>
9.	Reinstatements Granted	<u>4</u>
10.	Reinstatements Denied	<u>0</u>
11.	Non-Disciplinary Resignations	<u>1</u>
12.	All Other Dispositions	<u>4</u>
13.	Total closed	<u>19</u>
E.	Total Cases Pending at End of Period	<u>12</u>
1.	Disciplinary Proceedings	<u>9</u>
2.	Other	<u>3</u>

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

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

\* Matters represents individual complaints and inquiries.

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

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

**ATTORNEY DISCIPLINARY ACTIVITIES****PERIOD COVERED (01-01-2011 to 12-31-2011)****8TH JUDICIAL DISTRICT****FOURTH DEPARTMENT****I. MATTERS PROCESSED:\***

A.	Matters Pending at Start of Period	<u>296</u>	
B.	New Matters During Period	<u>881</u>	
C.	Closed Matters Reactivated During Period	<u>17</u>	
D.	Total Matters to be Processed During Period (A+B+C)		<u>1194</u>
E.	Total Matters Disposed of During Period		<u>901</u>
F.	Matters Pending at End of Period		<u>293</u>

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

		Cases**	Matters
A.	Rejected as Failing to State a Complaint	<u>371</u>	<u>438</u>
B.	Referred to Other Disciplinary Committees	<u>19</u>	<u>19</u>
C.	Referred to Other Agencies	<u>0</u>	<u>0</u>
D.	Dismissed or Withdrawn	<u>261</u>	<u>299</u>
E.	Dismissed through Mediation	<u>0</u>	<u>0</u>
F.	Letter of Caution	<u>74</u>	<u>89</u>
G.	Letter of Admonition	<u>5</u>	<u>8</u>
H.	Admonition (or Reprimand)		
I.	Referred to Appellate Division (Disc. Proc.)	<u>29</u>	<u>48</u>
	Total Disposed of During Period (same as I.E above)	<u>759</u>	<u>901</u>

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

A.	Cases Pending at Start of Period		<u>11</u>
	1. Disciplinary Proceedings	<u>7</u>	
	2. Other	<u>4</u>	
B.	Cases Received During Period		<u>29</u>
	1. Disciplinary Proceedings	<u>5</u>	
	2. Other	<u>24</u>	
C.	Total to be Processed During Period		<u>40</u>

**ATTORNEY DISCIPLINARY ACTIVITIES**

D.	Cases Closed	
1.	Disbarred	<u>1</u>
2.	Disciplinary Resignations	<u>3</u>
3.	Suspended***	<u>5</u>
4.	Censured	<u>3</u>
5.	Privately Censured	<u>0</u>
6.	Remanded to Grievance Committee	<u>0</u>
7.	Discontinued	<u>1</u>
8.	Dismissed	<u>2</u>
9.	Reinstatements Granted	<u>2</u>
10.	Reinstatements Denied	<u>3</u>
11.	Non-Disciplinary Resignations	<u>5</u>
12.	All Other Dispositions	<u>9</u>
13.	Total closed	<u>34</u>
E.	Total Cases Pending at End of Period	<u>6</u>
1.	Disciplinary Proceedings	<u>3</u>
2.	Other	<u>3</u>

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

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

\* Matters represents individual complaints and inquiries.

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

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

**Disciplinary Decisions Reported by  
Appellate Division in 2011**

## FIRST DEPARTMENT

### REPRESENTATIVE PUBLIC DISCIPLINE CASES

In 2011, the Appellate Division, First Judicial Department, publicly disciplined 59 lawyers as follows: 21 disbarments, 7 resignations by attorneys facing charges (equivalent to disbarment), 25 suspensions and 6 public censures. Several cases prosecuted by Committee staff attorneys that have become a matter of public record in 2011 are reviewed below:

#### Matter of Earl Munroe, 89 AD3d 1 (1st Dept 2011)

The Committee filed a reciprocal petition based on a Massachusetts order sanctioning Munroe for misconduct in two matters. In the first matter, Munroe drafted a will for a close friend and named himself as the sole beneficiary and executor without explaining the conflict to the friend. When the friend died, Munroe sought to probate the will and have himself appointed as the permanent executor. Without authorization, Munroe began transferring assets from the estate to his personal accounts. Upon the decedent's brother's challenge of the will, Probate Court appointed a Special Administrator to oversee the estate. Munroe refused to cooperate, and filed false documents to hide the decedent's assets from the Special Administrator. The Special Administrator obtained an injunction to prevent Munroe from disposing of estate assets. Munroe was eventually found in contempt. In the second matter, despite a court order stating that Munroe's client did not have the authority to possess a certain amount of funds, Munroe took the money and deposited the disputed funds into his escrow account and paid himself legal fees from the disputed funds. Massachusetts suspended Munroe for two and a half years. The Committee argued that the Court should deviate from its general policy of deference to the home state on sanction and recommended a five year suspension. The Court disbarred Munroe. (Staff Counsel Kathy Wu)

#### Matter of Robert B. Davis, 88 AD3d 314 (1st Dept 2011)

In November 2008, Davis pled guilty to conspiracy to commit bank and wire fraud in violation of 18 USC 1349 and 3551. During his plea allocution, Davis admitted that between 2005 and 2008, he conspired with others to defraud mortgage lenders by knowingly engaging in illegal conduct, involving straw buyers, inflating property values, preparing fraudulent HUD-1 statements and disbursing monies to the other scheme participants. Davis was sentenced to six months incarceration which he served from July 6, 2010 to January 4, 2011. Following his release from prison, Davis submitted his resignation. The Committee moved to accept Davis' affidavit of resignation from the practice of law and requested that it be granted *nunc pro tunc* to the date of his federal guilty plea. The Court accepted Davis's resignation, effective *nunc pro tunc* to April 18, 2011, the date of his affidavit of resignation. (Staff Counsel Elisabeth A. Palladino)

Matter of Donal Barrett, 88 AD3d 177 (1st Dept 2011)

In addition to New York, Barrett was admitted in Massachusetts and the District of Columbia (DC). Barrett had an attorney-client relationship with a Massachusetts corporation, and, in his capacity as CEO and sole director, withdrew \$130,000 from the corporation's account for his own use. Thereafter, Barrett made false representations to an investor to induce a loan to the lawyer, created false documents to hide his misconduct, and provided bar counsel with false documents. By order entered August 16, 2006, Massachusetts suspended respondent from the practice of law for two years. When the DC Bar Counsel belatedly learned of Barrett's suspension through the ABA National Regulatory Data Bank, it moved for reciprocal discipline and disbarment. The DC Court of Appeals disbarred Barrett from the practice of law in a decision dated March 5, 2009. Thereafter, the Committee moved for reciprocal discipline pursuant to 22 NYCRR 603.3, based on the misconduct in Massachusetts and sought disbarment; Barrett failed to oppose the motion. In granting the Committee's motion, the Court found that Barrett was afforded due process, sufficient evidence established his misconduct, and the conduct for which Barrett was disciplined in Massachusetts constituted misconduct in New York. The Court determined that disbarment was warranted and that the fact that the misconduct here did not occur in connection with the practice of law did not serve to lessen the sanction. (Staff Counsel Elisabeth A. Palladino)

Matter of Jeffrey P. Squitieri, 88 AD3d 380 (1st Dept 2011)

Squitieri was ordered disbarred for his intentional conversion of client escrow funds. The Court rejected respondent's claim that his judgment and thought processes were so negatively impacted by his psychiatric disorders and alcoholism triggered by a divorce that he could not have formed the venal intent necessary to sustain the disputed charges. The Court found, as aggravating factors, respondent's actions in obtaining loans to restore funds to his escrow account, his sophisticated check kiting scheme designed to create the illusion of a greater amount of currency and his concealment of his use of the escrow account from the court handling his own divorce proceeding. The Court found that respondent first revealed his check kiting scheme during cross-examination at the hearing, showing that he had previously been less than candid with the Committee. (Deputy Chief Counsel Raymond Vallejo)

Matter of Victor J. Molina, 88 AD3d 363 (1st Dept 2011)

Molina was publicly censured by the Court as a result of his guilty plea to Official Misconduct, a misdemeanor, in violation of Penal Law 195.00[1]. While employed with the New York State Department of Taxation and Finance, respondent engaged in the private practice of law without seeking permission from his employer and accessed the confidential tax records of a company for use in a client's civil suit. Respondent testified that his supervisors and co-workers, some of whom he represented, were aware of his law practice.



In mitigation, the Court considered that Molina was a recovering alcoholic and substance abuser, who attends Narcotics Anonymous and Alcoholics Anonymous meetings weekly. The Court found that he was drug free and sober since 1988 and became the first member of his family to graduate from college. The Court also found that respondent's decision to practice law was attributable to financial pressure, rather than "a lavish lifestyle or the desire for a personal accumulation of wealth." (Deputy Chief Counsel Raymond Vallejo)

Matter of Alexander P. Rosenberg, 82 AD3d 85 (1st Dept 2011)

Rosenberg was ordered suspended for one year as a result of his guilty plea to the misdemeanor of failing to file his New York State personal income tax returns. Respondent did not make any estimated state tax payments for the years 2002 through 2006 nor did he pay his federal taxes. His annual income during these years ranged from \$363,992 to \$597,989. Respondent subsequently paid approximately \$150,000 to the state government in outstanding taxes, including penalties and interest, and approximately \$1.2 million in taxes, penalties and interest to the federal government for the same period. Respondent admitted that his failure to file his tax returns and pay his taxes was not the result of an inability to pay or of economic distress. In mitigation, the Court considered his unblemished disciplinary history, his cooperation with all investigating authorities, his acceptance of responsibility and expressed remorse, and his corrective actions to ensure that his nonpayment never happens again. (Deputy Chief Counsel Raymond Vallejo)

Matter of Kenneth Sirkin, 88 AD3d 165 (1st Dept 2011)

Sirkin has the distinction of being reciprocally sanctioned twice by the Court within one year. On August 24, 2010, the Court suspended Sirkin for three months on the basis of discipline imposed on him in Florida and in New Jersey. Sirkin was sanctioned in both foreign jurisdictions for neglect of client matters and failure to cooperate with the local grievance committees. Unbeknownst to the Committee, while the 2010 petition for reciprocal discipline was pending before the Court, Florida commenced a contempt proceeding against Sirkin for practicing law while under suspension. Simultaneously, on the basis of numerous complaints filed against Sirkin subsequent to the first suspension, Florida also charged Sirkin with a pervasive pattern of neglect, failure to maintain required accounting records and willful refusal to participate in the disciplinary process. By order dated October 5, 2010, Florida disbarred Sirkin. On August 4, 2011, the First Department reciprocally disbarred Sirkin. (Deputy Chief Counsel Naomi F. Goldstein)

Matter of Jordan W. Kapchan, 86 AD3d 110 (1st Dept 2011)

For over 20 years, Kapchan acted as attorney, title closer and/or settlement agent in hundreds of real estate closings. Then, in 2008, the Suffolk County District Attorney opened a mortgage fraud investigation focusing on mortgages where the settlement agents falsely verified the fraudulent information provided on the HUD-1 Statements. In a sworn

statement to the Suffolk County D.A., and in his testimony pursuant to an immunity agreement, at the trial of an unlicensed mortgage broker, Kapchan admitted that he knowingly participated in various fraudulent mortgage transactions by preparing HUD-1 Statements containing false information. On the basis of his sworn admissions that he committed acts of professional misconduct posing an immediate threat to the public interest, the Court interimly suspended Kapchan. (Deputy Chief Counsel Naomi F. Goldstein)

Matter of Ronald S. Salomon, 91 AD3d 187 (1st Dept 2011)

On October 14, 2010, the US Court of Appeals for the Second Circuit suspended Salomon for three months. The Second Circuit found that Salomon, over a period of several years and despite explicit warnings from the court, persisted in failing to comply with the court's scheduling orders and failed to diligently prosecute his clients' cases. In reciprocally disciplining Salomon, the Court increased the sanction to a six-month suspension given his pattern of neglect, prior disciplinary history, and misrepresentations to the Committee. (Staff Counsel Jun H. Lee)

Matter of Zelda Stewart, 91 AD3d 195 (1st Dept 2011)

Stewart was charged with neglecting a client matter, improperly soliciting a client, and failing to pay a judgment owed to a client. At the time, Stewart was interimly suspended. Despite knowing that she was the subject of disciplinary proceedings, Stewart defaulted by failing to submit a written Answer to the Charges or participating in the hearings until she opposed the Committee's petition to confirm the Hearing Panel's Determination. Although the Court acknowledged that there is support for the Committee's assertion that a default may serve as an independent basis for disbarment, the Court declined to disbar Stewart because it found that the misconduct was non-venal and limited to one client and that Stewart submitted evidence of mental health issues. Given that Stewart had already been suspended for three years, the Court determined that Stewart could seek reinstatement without further suspension. The Court ordered any motion for reinstatement be conditioned on a psychiatric report; a plan for making payments in satisfaction of the outstanding judgment; and payment of any outstanding biennial attorney registration fees. (Staff Counsel Jun H. Lee)

Matter of Thomas Farinella, 91 AD3d 35 (1st Dept 2011)

On September 23, 2010, the Southern District of New York suspended Farinella for three months for misconduct in two separate bankruptcy matters. The Committee filed a petition for reciprocal discipline. At the same time, the Committee charged Farinella with neglecting numerous client matters, failing to cooperate with the Committee's investigations, failing to carry out contracts of employment, and failing to return unearned fees. The Referee held three days of liability hearings and then scheduled a date for a sanction hearing. At that point, Farinella filed a motion seeking interim suspension based on mental infirmity and

requested a stay of all disciplinary proceedings except for the Committee's petition for reciprocal discipline. The Committee did not oppose Farinella's interim suspension, but took exception with his contention that he had not been able to assist in his defense at the hearing. The Court granted Farinella's motion for suspension based on mental infirmity staying all disciplinary proceedings. The Court ordered that if and when it is determined that Farinella's disability no longer exists, and he can adequately defend himself, then both the reciprocal disciplinary matter and the sanction hearing on the Charges can proceed. (Staff Counsel Jun H. Lee)

Matter of Paul B. Dalnoky, 90 AD3d 1 (1st Dept 2011)

Dalnoky was suspended from the practice of law for three years for using his attorney escrow account as his personal account in order to stymie collection of judgments and liens by creditors, for neglecting legal matters and failing to refund unearned fees to clients. (Deputy Chief Counsel Vitaly Lipkansky)

Matter of Jimmie Engram, 88 AD3d 171 (1st Dept 2011)

Engram was disbarred pursuant to 22 NYCRR 603.4(g) after being suspended on an interim basis for six months based on uncontested evidence of misappropriation, neglect, and conflict of interest. (Deputy Chief Counsel Vitaly Lipkansky)

Matter of Mauricio A. Malagon, 88 AD3d 287 (1st Dept 2011)

Malagon resigned on the basis of his admissions that he falsely informed a client that he had settled her medical malpractice case for \$1,250,000. In fact, the action had been stayed nearly four years earlier after the defendant hospital had filed for bankruptcy, and no award of funds was ever paid to the attorney. (Deputy Chief Counsel Vitaly Lipkansky)

Matter of Harold L. Adrion, 88 AD3d 62 (1st Dept 2011)

Adrion was suspended for three years for forging his wife's signature on Powers of Attorney and mortgage-related documents, and for misappropriating the stamps of notaries and forging the notaries' signatures in order to give a false impression of authenticity to his forgeries. (Deputy Chief Counsel Vitaly Lipkansky)

Matter of Marshall Posner, 86 AD3d 103 (1st Dept 2011)

Posner was suspended for one year for forging his client's signature on settlement documents, notarizing the forgery, and for unintentional misappropriation of funds from his escrow account. Posner accepted the settlement and forged his client's signature because he had not been able to get in touch with the client for a long time, and Posner believed that the settlement was in the client's best interest. Posner gave the client his rightful share of the settlement funds when the client resurfaced. (Deputy Chief Counsel Vitaly Lipkansky)

Matter of John M. Ioannou, 89 AD3d 245 (1st Dept 2011)

Ioannou was suspended for three months for his failure, over a period of time beginning in 2000, to timely file retainer agreements and closing statements in 59 matters. His attempt to cure the omission by *nunc pro tunc* filings in February of 2008 was not deemed a mitigating factor. Ioannou was also found to have improperly taken a \$50,000 loan from a former client based upon the former client's implicit trust in him. Ioannou was found to have exploited that trust to obtain a substantial loan on terms unfair to his former client. (Staff Counsel Kevin E. F. O'Sullivan)

### **SUMMARY OF REPRESENTATIVE CASES**

Although it may appear that the Committee should be engaged mainly in bringing formal charges of misconduct and conducting hearings on those charges, those obviously important functions of the Committee are only a part of the picture. A significant portion of what the Committee does in a confidential manner eventually does become public when the Court acts on motions made by the Committee.

#### **Interim Suspensions**

The Court's rules provide that an attorney may be suspended from the practice of law pending consideration of charges against the attorney for: (1) a default in responding to pending charges of professional misconduct or failure to comply with lawful demands made in connection with an investigation; (2) a substantial admission under oath that the attorney has committed an act of professional misconduct; (3) other uncontested evidence of professional misconduct; or (4) willful failure to pay money owed to a client evidenced by a judgment or other clear and convincing evidence.

The most serious misconduct the Committee deals with involves the theft or misappropriation of money belonging to clients or held as a fiduciary. The Court has repeatedly stated that the intentional conversion of money held as a fiduciary or for a client requires disbarment, except when there are exceptional mitigating circumstances which are rarely found. Because such misconduct immediately threatens the public interest, the Committee's staff attorneys will seek an immediate suspension for such misconduct if there is sufficient evidence to justify the motion. In addition, the Committee's staff will seek a suspension of an attorney who fails to cooperate in answering a complaint or does not comply with lawful demands for information on records. In 2011, the Court suspended 10 attorneys on an interim basis pending resolution of the charges against them in the following cases: Matter of Richard J. Shapiro, 81 AD3d 25; Matter of Yong Wang, 83 AD3d 32; Matter of Jordan W. Kapchan, 86 AD3d 110; Matter of Stephen G. Kennedy, 87 AD3d 107; Matter of Tracey A. Bloodsaw, 87 AD3d 190; Matter of James J. Harrington, 88 AD3d 31;

Matter of Patrick J. Maruggi, 87 AD3d 201; Matter of Daniel Millstone, 88 AD3d 283; Matter of Kevin P. Claffey, 91 AD3d 59; Matter of Robert L. Cohen, 90 AD3d 21.

The Court also has a rule unique to the First Department (see 22 NYCRR 603.4 [g]), whereby a motion to suspend may also include a notice to the attorney that the attorney may be disbarred if the attorney is suspended and fails to apply in writing to the Committee or Court requesting a hearing, or reinstatement within six months. In 2011, the First Department invoked 22 NYCRR 603.4[g] to disbar seven attorneys: Matter of Kenneth J. Auslander, 86 AD3d 341; Matter of Jerrold A. Weinstein, 87 AD3d 56; Matter of Kelechi B. Amasike, 88 AD3d 51; Matter of Samuel R. Bautista, 88 AD3d 129; Matter of Jimmie L. Engram, 88 AD3d 171; Janeen S. Jones, 89 AD3d 227; Matter of John James Bambury, 91 AD3d 141.

### Felony Disbarments

In 2011, the First Department granted seven petitions to strike the names of attorneys convicted of felonies: Matter of Salvador Collazo, 81 AD3d 220; Matter of Raphael H. Golb, 81 AD3d 53; Matter of Arthur J. Cutillo, 86 AD3d 1; Matter of James J. Armenakis, 86 AD3d 205; Matter of Robert S. Brown, 86 AD3d 263; Matter of Kenneth I. Starr, 88 AD3d 145; Matter of Fred M. Lax, 88 AD3d 342.

### Disciplinary Resignations

The Court may permit an attorney to resign from the bar during an investigation by the Committee, or after the filing of charges, if the attorney submits an affidavit pursuant to 22 NYCRR 603.11, acknowledging that the attorney knows the nature of potential charges and cannot defend against them. A resignation pending charges is the equivalent of disbarment. In 2011, the First Department accepted resignations under 22 NYCRR 603.11 from seven attorneys and ordered their names stricken from the roll of attorneys: Matter of Neil S. Kramer, 81 AD3d 56; Matter of Augustine A. Diji, 81 AD3d 143; Matter of Susan F. Steier, 88 AD3d 142; Matter of Mauricio A. Malagon, 88 AD3d 287; Matter of Robert B. Davis, 88 AD3d 314; Matter of Elgin R. Clemons, 88 AD3d 174; Matter of Anthony Rahmanan, 90 AD3d 7.

### Suspension as Discipline

A suspension can be ordered by the Court as discipline and also to protect the public. The Court imposes suspension for conviction of “serious crimes,” as defined in the Judiciary Law 90(4)(d), for reciprocal discipline and for misconduct. In 2011, the Court imposed suspensions for misconduct on 15 attorneys for periods ranging from three months to four

years. One attorney was suspended indefinitely due to mental infirmity: Matter of David A. Dorfman, 81 AD3d 59; Matter of Alexander P. Rosenberg, 82 AD3d 85; Matter of Alexis Ravitch, 82 AD3d 126; Matter of James D. Christo, 86 AD3d 74; Matter of Marshall Posner, 86 AD3d 103; Matter of Marsha Edelman, 86 AD3d 96; Matter of Peter H. Jacoby, 86 AD3d 330; Matter of Eugenie H. Moody, 88 AD3d 54; Matter of Harold L. Adrion, 88 AD3d 62; Matter of Roger M. Roisman, 89 AD3d 164; Matter of John M. Ioannou, 89 AD3d 245; Matter of Thomas A. Farinella, 91 AD3d 35; Matter of Paul B. Dalnoky, 90 AD3d 1; Matter of Ronald S. Salomon, 91 AD3d 187; Matter of Elliott Dear, 91 AD3d 111.

### Public Censures

The least severe form of public discipline that the Court may impose is a censure (see 22 NYCRR 605.5[a][3]). In 2011, the First Department issued public censures in six cases, all based on professional misconduct in violation of the Lawyer's Code of Professional Responsibility: Matter of Bruce A. Young, 84 AD3d 29; Matter of Victor J. Molina, 88 AD3d 363; Matter of Theodore N. Cox, 89 AD3d 147; Matter of Kevin M. Dyer, 89 AD3d 182; Matter of Robert J. Adinolfi, 90 AD3d 32; Matter of Roman Leonov, 92 AD3d 50.

### Reinstatements

Section 90 of the Judiciary Law and Court Rule 22 NYCRR 603.14 permit attorneys to apply for reinstatement to the practice of law after a period of suspension, or seven years after disbarment. Attorneys who are suspended for six months, or less, may be reinstated at the end of the period of suspension by filing with the Court and serving upon the Chief Counsel's Office an affidavit stating that the attorney has met certain requirements (see 22 NYCRR 603.14). An attorney who has been suspended for a period of more than six months may petition the Court for reinstatement upon the expiration of the period of suspension (*id.*). An attorney who has been disbarred, or stricken from the roll of attorneys, may not petition for reinstatement until the expiration of seven years from the effective date of disbarment (*id.*). In such cases, the Court may refer the matter for a hearing before a Referee, or a Hearing Panel. In either case, a written report and recommendation is submitted to the Court, which issues its decision on reinstatement. In 2011, the Court granted ten petitions for reinstatement and denied three.

### Immigration Complaints

Staff Attorney Jun Hwa Lee handles the initial screening of all immigration matters. Lee also coordinates our efforts with many other agencies and prosecutors who target immigration fraud. Further, Lee supervises the Committee's use of immigration Special

Counsel approved by the Court to assist the Committee. Lee often speaks before various groups, including federal judges interested, or involved, in immigration matters.

Office Safety and Emergency Procedures

In addition to other duties, some involving disciplinary hearings, Lt. Gerard Hayde is in charge of taking all appropriate measures for the safety of the Staff and in case of emergency.

## SECOND DEPARTMENT

### Second, Eleventh and Thirteenth Judicial Districts 2011

Hernan Raul Vasquez Alzamora, a licensed legal consultant 81 A.D.3d 22	Resigned (disciplinary)	Exceeded the scope of practice as a legal consultant.
S. Hal Mercer IV, a disbarred attorney	Reinstatement denied	
Edward Horn, a disbarred attorney 81 A.D.3d 729	Reinstated	
E. Peter Shin 82 A.D.3d 81	Public censure	Reciprocal discipline – US Bankruptcy Court, Eastern District of New York (one year suspension).
Martin Nissenbaum 82 A.D.3d 157	Disbarred	Felony conviction – conspiracy to defraud the United States by impeding the IRS, evading taxes, making materially false statements under the United States government jurisdiction (18 USC §371); tax evasion (26 USC §7201); and obstructing the IRS (26 USC §7217).
Shawn D. Chand 83 A.D.3d 126	Disbarred	Felony conviction – grand larceny in the 2 <sup>nd</sup> degree (Penal Law §155.40(1)).
Matthew W. Woitkowski 84 A.D.3d 15	Suspended 2 years	Engaging in a pattern and practice of maintaining insufficient funds in escrow account; drawing IOLA checks against insufficient funds; violation of fiduciary duty; conversion; failure to maintain required escrow bookkeeping records; and engaging in an impermissible conflict of interest.
Hector M. Roman 83 A.D.3d 40	Suspended 6 months	Reciprocal discipline – US Court of Appeals for the Second Circuit (one month suspension based on professional



		misconduct in that court and reciprocal suspension of six months based on discipline imposed by the US Court of Appeals for the Ninth Circuit).
J. Edward Cardoso, a disbarred attorney	Reinstatement denied	
Michael John Wynne 84 A.D.3d 118	Suspended 6 months	Criminal conviction – endangering the welfare of a child (Penal Law §260.10).
Scevia Storr Ellis 85 A.D.3d 68	Disbarred (resigned)	Subject of an investigation by the Queens County District Attorney’s Office into allegations of criminal facilitation in the 4 <sup>th</sup> degree.
Terrance N. Toner 85 A.D.3d 55	Disbarred	Reciprocal discipline – New Jersey.
Gerard M. Tanella	Interim suspension	Substantial admissions under oath – conduct involving dishonesty, fraud, deceit, or misrepresentation; mismanagement and misappropriation of escrow funds; failure to supervise non-attorney staff; sharing legal fees with non-lawyers; neglect; failing to associate with an experienced attorney competent to handle a matter; and failing to satisfy a judgment or move to vacate it.
Jae-Bum Chung 85 A.D.3d 74	Disbarred	Failure to properly safeguard funds held as a fiduciary; commingling; and failure to maintain required bookkeeping records for escrow account.
Stella Mednik 86 A.D.3d 196	Suspended 2 years	Commingling; failure to maintain required bookkeeping records for escrow account; engaging in a pattern and practice of issuing checks from

<p>Jemal A. Deshong aka Jamal Eloheenatir, a suspended attorney 86 A.D.3d 114</p>	<p>Disbarred (on default)</p>	<p>escrow account prior to depositing corresponding client funds; failure to adequately supervise a non-attorney employed by her firm; practicing under a trade name.</p> <p>Serious crime conviction – criminal contempt in the 2<sup>nd</sup> degree (Penal Law §§215.50(1) and (2)); criminal trespass in the 4<sup>th</sup> degree (New Jersey Statutes Annotated 2C:18-3(A)); obstructing governmental administration in the 2<sup>nd</sup> degree (Penal Law §195.05); resisting arrest (Penal Law §205.30); and failing to file records of his criminal convictions with the Appellate Division.</p>
<p>Arturo A. Campomanes 86 A.D.3d 134</p>	<p>Disbarred (resigned)</p>	<p>Conversion.</p>
<p>Uzmah Saghir 86 A.D.3d 121</p>	<p>Disbarred</p>	<p>Reciprocal discipline – US District Court, Southern District of New York.</p>
<p>Ganiu Owolabi Ajose, a suspended attorney 86 A.D.3d 285</p>	<p>Disbarred (on default)</p>	<p>Failure to cooperate; failure to satisfy a judgment entered against him incident to his practice of law; neglect; failure to refund an unearned fee; improper withdrawal; pattern and practice of sharing legal fees with a non-attorney; pattern and practice of improperly accepting compensation for legal services from someone other than his client absent the clients’ consent regarding the representation, after full disclosure.</p>
<p>Adam Ira Skolnik 86 A.D.3d 211</p>	<p>Suspended 6 months</p>	<p>Reciprocal discipline – Florida (90 day suspension).</p>

Roman Mavashev 86 A.D.3d 297	Disbarred	Felony conviction – conspiracy to commit bank fraud (18 USC §§1349 and 1344); conspiracy to commit wire fraud (18 USC §§1349 and 1343); and bank fraud (18 USC §1344).
Joseph Foglia, a suspended attorney 87 A.D.3d 170	Suspended 3 years	Serious crime conviction – attempt to evade or defeat tax (26 USC §7201) and making false statements (18 USC §§1001 and 1002).
Wilmer Hill Grier 86 A.D.3d 293	Suspended 5 years	Misappropriated fiduciary funds; commingling; failure to maintain required bookkeeping records for escrow account.
Michael N. Durante, a suspended attorney 87 A.D.3d 112	Suspended 3 years	Conversion; failure to satisfy a judgment; commingling, making cash withdrawals from escrow account; failure to maintain required bookkeeping records for escrow account.
Danielle M. Muscatello 87 A.D.3d 156	Suspended 1 year	Misrepresenting evidence to a Grand Jury and altering a document entered into evidence before a Grand Jury.
Andrea J. Robinson 88 A.D.3d 47	Suspended 2 ½ years	Conversion and neglect.
Richard M. Strauss, a disbarred attorney 87 A.D.3d 546	Reinstated	
Jonathan Mason-Kinsey, a suspended attorney 88 A.D.3d 158	Disbarred (resigned)	Failure to cooperate and unauthorized practice of law during suspension.
Koston Hui Feng, admitted as Koston F. Pelly, a suspended attorney	Reinstated	

Akintayo Abimbola Ayorinde 95 A.D.3d 47	Interim suspension	Serious crime conviction – conspiracy to commit wire fraud and bank fraud (18 USC §§1343 and 1344).
Sirina A. Suklal 89 A.D.3d 36	Suspended 1 year	Reciprocal discipline – Maryland (disbarred – unauthorized practice of law).
Frank J. Ingrassia 88 A.D.3d 311	Disbarred	Reciprocal discipline – Florida.
Cheddi B. Goberdhan 88 A.D.3d 208	Disbarred	Felony conviction – conspiracy to commit bank fraud and wire fraud (18 USC §§1343 and 1344) and bank fraud (18 USC §1344).
Colvin C. Goddard	Interim suspension	Failure to cooperate and conversion.
Olabanji O. Elegbe 89 A.D.3d 20	Disbarred (on default)	Neglect and failure to comply with lawful demands of the Grievance Committee.
Spencer Lader, a disbarred attorney	Reinstatement denied	
Damien Semel-DeFeo, a suspended attorney	Reinstatement denied	
Ralph E. Ciervo	Interim suspension	Failure to cooperate.
Charles Adam Willinger, a suspended attorney 89 A.D.3d 232	Suspended 3 years	Engaging in a pattern and practice of failing to cooperate and neglect.
Yitzchok David Wagshul, a suspended attorney	Reinstatement denied	
Yountae Yoo	Interim suspension	Engaging in a pattern and practice of failing to cooperate; misappropriating escrow funds; failing to re-register with the Office of Court Administration.

Joseph K. LoBue, a suspended attorney 90 A.D.3d 26	Disbarred (on default)	Misappropriation of funds held as a fiduciary; failure to pay a judgment; failure to maintain proper bookkeeping records for escrow account; and engaging in a pattern and practice of failing to cooperate.
Martin S. Vasquez 91 A.D.3d 68	Disbarred (resigned).	Failure to safeguard client funds; failure to satisfy a judgment; and failure to cooperate.
Trevor K. Rupnarain 90 A.D.3d 29	Disbarred (resigned)	Criminal conviction of criminal facilitation in the 4 <sup>th</sup> degree (Penal Law §115.00 (1)) in satisfaction of pending charges, including grand larceny in the 2 <sup>nd</sup> degree, in connection with a mortgage fraud scheme.
Percy Randall	Interim suspension	Serious crime conviction – criminal facilitation in the 4 <sup>th</sup> degree (Penal Law §115).
James E. O’Hare	Interim suspension	Serious crime conviction – attempted aggravated harassment in the 2 <sup>nd</sup> degree (Penal Law §§110 and 124.30).
Hector M. Roman, a suspended attorney 90 A.D.3d 1057	Reinstated	

GRIEVANCE COMMITTEE FOR THE  
NINTH JUDICIAL DISTRICT

DISPOSITIONS/SANCTIONS  
Disciplinary Proceedings  
2011

Stephen E. Atkins (Suspended Attorney)	Suspended Pending Further Order April 19, 2011	DR 1-102(a)(5) and/or RPC 8.4(c): Conduct prejudicial to the administration of justice; DR 1-102(a)(7) and/or RPC 8.4(d): Conduct adversely reflecting upon fitness to practice law.
Harvey Bayer (Disbarred Attorney)	Application for Reinstatement Denied October 13, 2011	
Wynman Chang (Suspended Attorney)	Public Censure and Immediate Reinstatement June 28, 2011	RPC 8.4(c): Conduct prejudicial to the administration of justice; RPC 8.4(d): Conduct adversely reflecting upon fitness to practice law.
Rory Kiernan Clark	Interim Suspension and Disciplinary Proceeding Authorized May 9, 2011	Judiciary Law §90(4): Conviction of Serious Crime - Michigan Criminal Law §750.941.
Enid J. Cruz	Disbarred Pursuant to Resignation September 27, 2011	DR 1-102(a)(4): Conduct involving dishonesty, fraud, deceit or misrepresentation; DR 6-101(a)(3): Neglecting legal matter(s).
Scott B. Feiden (Suspended Attorney)	Application for Reinstatement Held in Abeyance and matter Referred to Committee on Character and Fitness June 15, 2011	.

Bruce S. Frank (Suspended Attorney)	Disbarred May 24, 2011	DR 1-102(a)(4) and/or RPC 8.4(c): Conduct involving dishonesty, fraud, deceit or misrepresentation; DR 1-102(a)(5) and/or RPC 8.4(d): Conduct prejudicial to the administration of justice; DR 1-102(a)(7) and/or RPC 8.4(h): Conduct adversely reflecting upon fitness to practice law; DR 9-102(c)(3)and/or RPC 1.15(c)(3): Failing to render accounting for funds held in attorney escrow account.
Seth M. Gunar	Interim Suspension and Disciplinary Proceeding Authorized August 15, 2011	22 NYCRR 691.4(l)(1)(i) and (iii): Failure to comply with lawful demands in investigation and other uncontroverted evidence of misconduct.
Mark E. Gold (Suspended Attorney)	Disbarred June 21, 2011	22 NYCRR 691.3: Reciprocal Discipline based upon Disbarment issued in the State of New Jersey.
Ronald A. Graziano	One Year Suspension June 28, 2011 ( <i>Nunc Pro Tunc</i> to August 10, 2010)	22 NYCRR 691.3: Reciprocal Discipline based upon one year probation period imposed in the State of New Jersey.
George O. Guldi	Disbarred Pursuant to Felony Conviction June 14, 2011 (Effective February 16, 2011)	Judiciary Law §90(4): Felony Conviction - Penal Law §155.40: Grand larceny in the second degree. Penal Law §176.20: Insurance Fraud in the third degree.

Jeremy Glantz	Disbarred Pursuant to Resignation September 27, 2011	DR 1-102(a)(5) and/or RPC 8.4(d): Conduct prejudicial to the administration of justice; DR 1-102(a)(7) and/or RPC 8.4(h): Conduct adversely reflecting upon fitness to practice law; DR 9-102 and/or RPC 1.15: Breach of fiduciary duty with respect to escrow funds.
Glenn O. Gray	One Year Suspension March 29, 2011 (Effective April 29, 2011)	22 NYCRR 691.3: Reciprocal Discipline based upon nine month suspension issued in the State of South Carolina.
Virginia R. Iaquina-Snigur	Application for Reinstatement Held in Abeyance and matter Referred to Committee on Character and Fitness December 20, 2011	
Stuart N. Kingoff (Suspended Attorney)	Disbarred Pursuant to Felony Conviction October 25, 2011 (Effective March 11, 2011)	Judiciary Law §90(4): Felony Conviction - Penal Law 155.35: Grand larceny in the third degree.
Tara Anne Laudonio	Application for Reinstatement Granted August 9, 2011	
Kenneth D. Law	Disbarred Pursuant to Felony Conviction October 25, 2011 (Effective July 30, 2010)	Judiciary Law §90(4): Felony Conviction - Penal Law §460(1)(a): Enterprise corruption; Penal Law §190(1)(b): Scheme to defraud in the first degree; Penal Law §155.40(1): Grand larceny in the second degree; Penal Law §155.42: Grand larceny in the first degree; Penal Law §105.05(1): Conspiracy in the fifth degree (Misdemeanor conviction)



Vincent L. Leibell, III	Disbarred Pursuant to Resignation September 27, 2011	Federal Criminal Conviction of Serious Crimes per Judiciary Law §90(4) - 18 USC §1503: Obstruction of justice; 26 USC §7206(1); False and Fraudulent Income Tax Returns
Anthony J. Mangone	Disbarred Pursuant to Felony Conviction May 24, 2011 (Effective November 29, 2010)	Judiciary Law §90(4): Felony Conviction - 18 USC §§ 18 USC 371, 666(a)(1)(B) and (a)(2); 18 USC §§ 1951(a) and (b) - Conspiracy to bribe and aiding in receipt of corrupt payments; Affecting commerce by extortion under color of official right; 26 USC §7201 - Tax evasion.
Francis B. Mann, Jr.	Two Year Suspension April 26, 2011 (Effective May 25, 2011)	DR 1-102(a)(7): Conduct adversely reflecting upon fitness to practice law; DR 9-102(a): Commingling and misappropriation of funds in attorney escrow account; DR 9-102(e): Issuance of escrow check payable to “cash”
John G. McDonald	Suspended Pending Further Order due to Incapacity April 4, 2011	22 NYCRR §691.13
John Anthony McHugh	Interim Suspension and Disciplinary Proceeding Authorized December 20, 2011	22 NYCRR 691.4(l)(1)(i) and (iii): Failure to comply with lawful demands in investigation and other uncontroverted evidence of misconduct.

John F. O'Reilly	Interim Suspension and Disciplinary Proceeding Authorized March 31, 2011  Disbarred November 29,	22 NYCRR 691.4(l)(1)(i): Failure to answer grievance  RPC 8.4(d): Conduct prejudicial to the administration of justice; RPC 8.4(h): Conduct adversely reflecting upon fitness to practice law;
Eileen Potash	Disbarred Pursuant to Felony Conviction November 29, 2011 (Effective November 29, 2010)	Judiciary Law §90(4): Felony Conviction - Penal Law §105.10: Conspiracy in the fourth degree.
David C. Reback	Disbarred Pursuant to Felony Conviction May 31, 2011 (Effective July 23, 2010)	Judiciary Law §90(4): Felony Conviction - Penal Law §155.40: Grand larceny in the second degree; Penal Law 190.65(1)(b): Scheme to defraud in the first degree; Penal Law §105.10: Conspiracy in the fourth degree.
Fred Rosenberg	Disbarred Pursuant to Resignation June 7, 2011	DR 9-102: Breach of fiduciary duty with respect to escrow funds.
Barbara Ross	Suspended Pending Further Order due to Incapacity December 20, 2011	22 NYCRR §691.13
Stephen L. Segall	Disbarred Pursuant to Resignation April 26, 2011	DR 9-102: Breach of fiduciary duty with respect to escrow funds.

Eric A. Stewart (Suspended Attorney)	Disbarred April 19, 2011	RPC 8.4(c): Conduct involving dishonesty, fraud, deceit or misrepresentation; RPC 8.4(c): Conduct prejudicial to the administration of justice; RPC 8.4(d): Conduct adversely reflecting upon fitness to practice law; RPC 1.3(c): Neglect or failure to carry out contract for services.
Daniel D. Tartaglia	Application for Reinstatement Granted March 15, 2011	
Charlotte T. Watson	Interim Suspension and Disciplinary Proceeding Authorized August 15, 2011	22 NYCRR 691.4(l)(1)(i), (ii) and (iii): Failure to comply with lawful demands in investigation; admissions under oath of misconduct; and, other uncontroverted evidence of misconduct.
John C. Wirth Suspended Attorney	Application for Reinstatement Held in Abeyance and matter Referred to Committee on Character and Fitness April 26, 2011	
Gregory Lance Wood	Public Censure August 30, 2011	Judiciary Law §90(4): Conviction of a Serious Crime  Penal Law: §220.03 - Criminal possession of controlled substance in the seventh degree

SECOND DEPARTMENT  
Tenth Judicial District  
2011

1. Anonymous "A" - A/Disciplinary Resignation rejected; DP discontinued 11/28/11
2. Alderdice, George R. - O/Interim Suspension & DP Authorization granted 9/7/11
3. Archer, Thomas W. - O/Disbarment dated 5/24/11 effective 3/24/10
4. Armon, Jacob C. O/Suspension for 6 Months dated 11/9/11 commencing 12/2/11
5. Anonymous "B" - DP Authorization granted 4/4/11
6. Anonymous "B2" - R's M/DP Abeyance denied 10/7/11
7. Anonymous "B3" - A/Disclosure granted 3/10/2011
8. Anonymous "B4" - DP Authorization granted 2/23/2011
9. Anonymous "B5" - M/Dismiss Petition denied 10/7/11
10. Anonymous "B6" - M/Renew, Reargue, Modify & Revoke or Dismiss denied 11/19/2011
11. Anonymous "B7" - DP Authorization granted 6/24/11
12. Anonymous "B8" - M/Substituted Service granted 1/11/2011
13. Barbara, Dominick A. - O/Suspension for 6 Months dated 2/8/2011 commencing 3/8/2011
14. Buscemi, Lawrence - O/Disbarment based on Resignation dated 5/24/11
15. Bush, Martin J. - O/Disbarment based on Resignation dated 2/15/2011
16. Byers, Stafford H. - A/Reinstatement granted 6/7/11
17. Anonymous "C" - A/Appeal denied 10/20/11
18. Anonymous "C2" - M/Leave to Renew & Reargue denied 3/21/2011
19. Anonymous "C3" - Motion Referred back to Grievance Committee by Order dated 4/26/11
20. Anonymous "C4" - A/Disclosure granted 1/5/2011
21. Anonymous "C5" - M/Appeal at Court of Appeals dismissed 9/14/11
22. Anonymous "C6" - DP Authorization granted 5/9/11
23. Anonymous "C7" - A/Reciprocal Discipline discontinued 2/4/2011
24. Caputo, Stephen J. - O/Disbarment dated 8/16/11 effective 1/4/10
25. Casamassima, Anthony C. - O/Disbarment dated 4/12/11
26. Chisena, Ronald J. - O/Disbarment dated 6/28/11
27. Cohen, Kevin I. - O/Disbarment dated 5/24/11 effective 11/1/10
28. Covert, Cory J. - O/Suspension for 6 Months dated 5/31/11 commencing 6/30/11
29. Anonymous "D" - A/Disclosure granted 4/5/11
30. Anonymous "D2" - O/Show Cause to Suspend denied 8/15/11
31. Anonymous "D3" - O/Show Cause by Respondent to Stay DP granted 12/13/2010\*
32. Anonymous "D4" - A/Diversion denied 6/27/11
33. Anonymous "D5" - M/Appeal dismissed 2/17/2011
34. Anonymous "D6" - M/Dismiss denied 9/9/11
35. DeBenedetto, Yvonne - O/Disbarment based on Resignation dated 2/1/2011
36. Donner, Andrew S. - O/Disbarment dated 8/16/11 effective 9/8/11
37. Doumazios, Ted - O/Disbarment dated 10/18/11 effective 12/15/10
38. Anonymous "F" - M/Substituted Service granted 2/8/2011
39. Faeth, George J. - O/Disbarment dated 4/19/11
40. Feinerman, Jeffrey S. - O/Public Censure dated 6/7/11
41. Feldman, Richard D. - O/Interim Suspension & DP Authorization granted 12/20/11
42. Ferraro, Mitchell P. - O/Suspension for 2 Years dated 11/29/11 commencing 12/29/11
43. Finger, Eric S. - O/Disbarment dated 6/14/11 effective 11/16/10
44. Fitzsimons, James G. - O/Suspension for 6 Months dated 6/14/11 commencing 7/14/11
45. Anonymous "G" - DP transferred to 2nd, 11th & 13th by PJ's letter dated 7/18/11
46. Anonymous "G2" - M/Substituted Service granted 12/30/2010\*
47. Gluszak, Richard F. - O/Disbarment dated 6/28/11

48. Godt, Kenneth H. - O/Indefinite Suspension based on Medical Infirmity dated 12/7/2010\*
49. Gorray, Stephen G. - O/Disbarment dated 5/3/11
50. Grande III, Vincent J. - O/Suspension for 6 Months dated 2/15/2011 commencing 3/17/2011
51. Grossman, Edward J. - O/Public Censure dated 11/29/11
52. Gurlides, Michael P. - A/Voluntary Resignation accepted 1/25/2011
53. Anonymous "H" - DP Authorization granted 7/29/11
54. Hanrahan, Michael V. - O/Suspension for 3 Years dated 4/26/11 commencing 5/26/11
55. Harrison Jr., William Henry - M/Discharge Inventory Attorney granted 5/13/11
56. Hill, Stephen R. - O/Disbarment based on Resignation dated 7/26/11
57. Hohn, Richard G. - A/Voluntary Resignation discontinued 11/9/11
58. Howell, Kyra Fishbeck - A/Voluntary Resignation accepted 4/28/11
59. Jacobson, Lawrence - A/Voluntary Resignation accepted 1/24/2011
60. Jamiolkowski, Susan G. - A/Reinstatement granted 1/25/2011
61. Anonymous "K" - Motion Referred back to Grievance Committee by Order dated 6/13/11
62. Anonymous "K2" - Motion Referred back to Grievance Committee by Order dated 4/8/11
63. Anonymous "K3" - A/Disclosure granted 5/25/11
64. Kazemi, Leila - A/Voluntary Resignation accepted 10/28/11
65. Kelly, William R. - O/Suspension for 2 Years dated 12/28/2010\*
66. Kerno, Raymond E. - O/Interim Suspension & DP Authorization granted 8/16/11
67. Kert, Arnold L. - O/Public Censure dated 8/30/11
68. Kozak, Timothy - O/Disbarment based on Resignation dated 5/31/11
69. Lampert, Baris - A/Voluntary Resignation accepted 4/28/11
70. Lecesne, Blaine G. - A/Voluntary Resignation accepted 7/12/11
71. Lee, Andrew P. - A/Voluntary Resignation accepted 4/28/11
72. LeMelle, Gerald A. - A/Voluntary Resignation accepted 10/28/11
73. Lupoli, Virginia E. - A/Voluntary Resignation accepted 1/21/2011
74. Anonymous "M" - DP Authorization granted 12/12/11
75. Anonymous "M2" - Motion referred back to Grievance Committee by Order dated 2/2/2011
76. Anonymous "M3" - O/Show Cause by R's Counsel to be Relieved granted 10/7/11
77. Anonymous "M4" - DP Authorization granted 12/20/11
78. Anonymous "M5" - DP Authorization granted 1/6/2011
79. Anonymous "M6" - A/Substitued Service granted 3/31/11
80. Anonymous "M7" - A/Disclosure granted 3/31/2011
81. Malone, Stephen K. - O/Interim Suspension & DP Authorization granted 11/22/11
82. Margolin, Brett K. - O/Disbarment based on Resignation dated 9/20/11
83. Marsh, Donald E. - A/Voluntary Resignation accepted 4/27/11
84. Martz, Edward J. - O/Interim Suspension & DP Authorization granted 1/25/2011
85. Martz, Edward J. - O/Disbarment dated 12/27/11
86. Masino, Dennis - O/Disbarment based on Resignation dated 11/29/11
87. Matson, Diana B. - A/Voluntary Resignation accepted 1/21/2011
88. McCabe, John F. - A/Voluntary Resignation accepted 1/24/2011
89. McDonough, Mark T. - A/Voluntary Resignation accepted 1/21/2011
90. McDowell, Edmund T. - O/Disbarment dated 8/30/11
91. McGrath, John J. - O/Public Censure dated 12/28/2010\*
92. McVann Jr., Thomas T. - O/Disbarment dated 2/15/2011 effective 7/1/2010
93. Miller, Angela P. - A/Voluntary Resignation accepted 1/24/2011
94. Milone Jr., Louis J. - O/Disbarment based on Resignation dated 12/28/2010\*

95. Mohan, Caryn S. - A/Voluntary Resignation accepted 1/21/2011
96. Moore, Leonanous A. - O/Disbarment dated 11/15/11
97. Anonymous "N" - Motion referred back to Grievance Committee by Order dated 2/23/2011
98. Nims, Bruce H. - A/Voluntary Resignation accepted 4/27/11
99. Anonymous "O" - Motion referred back to Grievance Committee by Order dated 1/10/2011
100. Anonymous "O2" - Motion Referred back to Grievance Committee by Order dated 3/31/11
101. Oziel, Robert I. - A/Disclosure granted 3/31/2011
102. O'Beirne, Kate Walsh - A/Voluntary Resignation accepted 1/24/2011
103. O'Connor, Ann L. - A/Voluntary Resignation accepted 1/24/2011
104. Ortiz, Wendoly - A/Voluntary Resignation accepted 1/24/2011
105. O'Shea, John - A/Voluntary Resignation accepted 1/24/2011
106. Anonymous "P" - Motion opened in Error - Close 12/27/11
107. Anonymous "P2"- A/Leave to Appeal denied & Stay of Suspension vacated by Order dated 9/16/11
108. Anonymous "P3" - M/Dismiss Petition denied 10/7/11
109. Anonymous "P4" - DP Authorization granted 2/23/2011
110. Piken, Kenneth M. - O/Public Censure dated 5/31/11
111. Post, Joel G. - O/Disbarment dated 3/8/2011 effective 7/28/2010
112. Powell, Frederic A. - O/Disbarment dated 12/27/11 effective 3/29/11
113. Price, Peter R. - O/Suspension for 5 Years dated 7/5/11 commencing 8/4/11
114. Przygoda, Deirdre A. - O/Disbarment based on Resignation dated 8/2/11
115. Anonymous "R" - A/Disclosure granted 9/15/11
116. Anonymous "R2" - M/Serve Supplemental Petition granted 11/22/11
117. Anonymous "R3" - M/Vacate O/Suspension denied; M/Stay DP granted 11/22/11
118. Anonymous "S" - M/Leave to Serve Supplement Petition granted 6/23/11
119. Anonymous "S2" - Interim Suspension denied; DP Authorization granted 7/29/11
120. Anonymous "S3" - A/Disclosure granted 10/26/11
121. Sands, Sandra M. - O/Interim Suspension & DP Authorization granted 2/14/2011
122. Sands, Sandra M. - O/Disbarment based on Resignation dated 12/27/11
123. Shain, Ray E. - A/Reinstatement granted 6/7/11
124. Shapiro, Paul L. - A/Voluntary Resignation accepted 1/21/2011
125. Siddiqui, Maqsood H. - O/Disbarment based on Resignation dated 4/26/11
126. Silberman, Stuart M. - A/Voluntary Resignation accepted 1/25/2011
127. Sternbach, Mitchell S. - O/Disbarment based on Resignation dated 5/24/11
128. Anonymous "T" - DP Discontinued by Order dated 4/4/11
129. Treuber, William T. - A/Reinstatement granted 1/18/2011
130. Tsoumpelis, Bill - O/Public Censure dated 6/21/11
131. Vargas, Diana M. - O/Suspension for 1 Year dated 4/26/11 commencing 5/26/11
132. Anonymous "W" - M/Leave to Serve Amended Petition granted 7/29/11
133. Anonymous "W2" - M/Reargument denied by Order dated 1/10/2011
134. Anonymous "W3" - DP Authorization granted 6/30/11
135. Wilson, Lucy J. - A/Voluntary Resignation accepted 1/24/2011
136. Anonymous "Z" - A/Disclosure granted 8/2/11

THIRD DEPARTMENT

**DIGEST OF 2011 DISCIPLINARY DECISIONS**

<b>Attorney</b>	<b>Disposition</b>	<b>Summary of charges</b>
Abergel, Oliver N. 90 AD3d 1404 12/22/11	Reinstated	9/24/09 suspension (65 AD3d 1447) for failure to comply with Judiciary Law §468-a. Reinstated upon proof of compliance.
Adorno, Henry N. 88 AD3d 1245 10/27/11	3 year suspension	22 NYCRR 806.19, reciprocal discipline based upon three year suspension in the state of Florida.
Albowicz, Edward J. 89 AD3d 1213 11/3/11	Reinstated	9/24/09 suspension (65 AD3d 1447) for failure to comply with Judiciary Law §468-a. Reinstated upon proof of compliance.
Anderson, Aaron R. 87 AD3d 815 8/25/11	Disbarred	Decision dated 10/28/10 suspending respondent pending full compliance with a subpoena duces tecum (77 AD3d 1277). Respondent did not answer petition alleging that he engaged in the practice of law while suspended and failed to cooperate with Committee's investigation.
Callagy, Sean R. 84 AD3d 1696 5/26/11	Reinstated	9/24/09 suspension (65 AD3d 1447) for failure to comply with Judiciary Law §468-a. Reinstated upon proof of compliance.
Calonge, Gloria S. 88 AD3d 1060 10/13/11	Reinstated	Attorney suspended by order dated 6/19/09 (52 AD3d 1111). Reinstated upon proof of compliance of requirements.
Channing, Cassandra 83 AD3d 1202 4/7/11	Reinstated	Respondent was suspended by decision dated 10/8/09 for six months. Application for reinstatement from 2009 granted. Respondent reinstated to practice.
Delmedico, Amodeo 82 AD3d 1573 3/31/11	Disbarred	Application for resignation pursuant to 22 NYCRR Part 806.8. Court grants application and attorney disbarred.
Doda, Paul F. 90 AD3d 1228 12/8/11	Reinstated	9/24/09 suspension (65 AD3d 1447) for failure to comply with Judiciary Law §468-a. Reinstated upon proof of compliance.
Faulk, Decada 86 AD3d 789	Reinstated	Attorney suspended for failing to comply with Judiciary Law §468(a); 22 NYCRR Part 118 for

<b>Attorney</b>	<b>Disposition</b>	<b>Summary of charges</b>
7/14/11		failure to file registration payment and pay the required registration fee. Attorney complies and is reinstated to practice.
Feldstein, Deborah 86 AD3d 910 7/28/11	Censured	22 NYCRR 806.19 reciprocal discipline based upon censure in New Jersey.
Fisher, Chaz R. 90 AD3d 1138 12/1/11	3 month suspension	22 NYCRR 806.19, reciprocal discipline based upon 90 day suspension in Massachusetts.
Galvin, Madeline S. 87 AD3d 1223 9/22/11	2 year stayed suspension	DR 1-102(a)(4),(5),(7) and DR 7-102(a)(2) respondent engaged in fraudulent conduct prejudicial to the administration of justice and made frivolous claims in a proceeding on behalf of a client. DR 1-102(a)(5) failure to cooperate with the Albany County Bar Association in a fee dispute matter. Application for reinstatement shall include documentation of the required CLE and passage of the Multistate Professional Responsibility Examination.
German, Galina 88 AD3d 1244 10/27/11	Disbarred	Judiciary Law §90(4)(a)(b) plea of guilty Penal Law §105.10 to conspiracy in the fourth degree.
Ginsburg, Ira A.  89 AD3d 1368 11/23/11	Reinstated	9/24/09 suspension (65 AD3d 1447) for failure to comply with Judiciary Law §468-a. Reinstated upon proof of compliance.
Gross, David R. 86 AD3d 910 7/28/11	Reinstated	22 NYCRR 806.12 respondent suspended based on New Jersey discipline. Respondent's application for reinstatement granted.
Gugino, Mark C. 83 AD3d 1200 4/7/11	1 year suspension	Disciplinary proceedings commenced against attorney for violating Disciplinary Rules 2-106, 7-102, 6-101(a)(3) and 2-110.
Hong, Young-Kyoo 82 AD3d 1492 3/24/11	Reinstated	9/24/09 suspension (65 AD3d 1447) for failure to comply with Judiciary Law §468-a. Reinstated upon proof of compliance.
Hudson, Paul 85 AD3d 1287	Censured	Disciplinary proceedings commenced against attorney for violating Disciplinary Rules 1-



<b>Attorney</b>	<b>Disposition</b>	<b>Summary of charges</b>
6/9/11		102(a)(4),(5),(7) and 8-102.
Huebner, Paul 84 AD3d 1696 5/26/11	Reinstated	10/25/07 suspension (44 AD3d 1246) for failure to comply with Judiciary Law §468-a. Reinstated upon proof of compliance.
Jacques, Stephen L. 87 AD3d 803 8/18/11	Reinstated	9/7/99 suspension (262 AD3d 702) for failure to comply with Judiciary Law §468-a. Reinstated upon proof of compliance.
Jasaitis, Joseph C. 92 AD3d 1573 3/31/11	Reinstated	9/24/09 suspension (65 AD3d 1447) for failure to comply with Judiciary Law §468-a. Reinstated upon proof of compliance.
Johnson, Brandon 83 AD3d 1369 4/28/11	Reinstated	9/24/09 suspension (65 AD3d 1447) for failure to comply with Judiciary Law §468-a. Reinstated upon proof of compliance.
Kim, Jisu 82 AD3d 1574 3/31/11	Reinstated	9/24/09 suspension (65 AD3d 1447) for failure to comply with Judiciary Law §468-a. Reinstated upon proof of compliance.
Klarman, Marie 85 AD3d 1386 6/9/11	Reinstated	Attorney suspended 10/20/05 for two years based on criminal conviction. Application for reinstatement 22 NYCRR 806.12 reinstatement granted.
Kolodziej, J. Paul 84 AD3d 1584 5/12/11	2 year stayed suspension	Respondent convicted of tax fraud, a misdemeanor, pursuant to NYS Tax Law §1802. A serious crime as defined by Judiciary Law §90(f)(d).
Kowalski, Brian P. 89 AD3d 1214 11/3/11	Reinstated	9/24/09 suspension (65 AD3d 1447) for failure to comply with Judiciary Law §468-a. Reinstated upon proof of compliance.
Kozan, Craig 85 AD3d 1445 6/16/11	Reinstated	9/24/09 suspension (65 AD3d 1447) for failure to comply with Judiciary Law §468-a. Reinstated upon proof of compliance.
Krouner, Leonard 84 AD3d 1585 5/12/11	Reinstatement denied	22 NYCRR 806.12 application for reinstatement after attorney disbarred resulting from felony conviction. Court denied application for

Attorney	Disposition	Summary of charges
Learned, III, Norman J. 83 AD3d 1283 4/14/11	Indefinite suspension	reinstatement.  Confidential decision dated 1/4/11 respondent was directed to be examined for the purpose of determining whether he is incapacitated from continuing to practice law. Respondent was evaluated on 1/21/11. Order seeking indefinite suspension on grounds respondent is incapacitated from continuing to practice law. Application for reinstatement shall include a medical opinion that he possesses the capacity to practice law.
Macchaverna, Louis 87 AD3d 1176 9/8/11	Censured	22 NYCRR 806.19, reciprocal discipline based upon New Jersey reprimands.
Macero, Rosemary A. 87 AD3d 793 8/4/11	1 year suspension	22 NYCRR 806.19, reciprocal discipline based upon one year suspension in Massachusetts.
Morgan, James E.  AD3d 1223 9/22/11	2 year stayed suspension	DR 1-102(a)(4),(5),(7) and DR 7-102(a)(2) respondent engaged in fraudulent conduct prejudicial to the administration of justice and made frivolous claims in a proceeding on behalf of a client. DR 1-102(a)(5) failure to cooperate with the Albany County Bar Association in a fee dispute matter. DR 6-101(a)(3) neglect client matters on behalf of a client. Application for reinstatement shall include documentation of the required CLE and passage of the Multistate Professional Responsibility Examination.
Muscatello, Thomas A. 80 AD3d 982 1/13/11	Reinstated	Attorney suspended pursuant to Judiciary Law 468-a; 22 NYCRR Part 118 for failure to file a registration statement and pay the required registration fee. Reinstated upon proof of compliance.
Nemchek, Edward F. 87 AD3d 1263 9/29/11	Reinstated	9/24/09 suspension (65 AD3d 1447) for failure to comply with Judiciary Law §468-a. Reinstated upon proof of compliance.

<b>Attorney</b>	<b>Disposition</b>	<b>Summary of charges</b>
Neroni, Frederick 7/7/11	Disbarred	Attorney disbarred for engaging in intentionally fraudulent behavior in violation of Judiciary Law §487.
Palmieri, Michael 85 AD3d 1287 6/9/11	Censured	22 NYCRR 806.19, reciprocal discipline based upon censure in Massachusetts.
Pannu, Jasdeep S. 87 AD3d 1158 9/1/11	Censured	22 NYCRR 806.19, reciprocal discipline based upon censure in Vermont.
Parsons-Reul, Cheryl 81 AD3d 1158 2/17/11	Stayed suspension vacated	Respondent's stayed suspension vacated until further order of the Court.
Parsons-Reul, Cheryl 89 AD3d 1318 11/17/11	Reinstated	Reinstatement application from 2011 four month suspension (81 AD3 1158) granted.
Perlman, Randy S. 89 AD3d 1214 11/3/11	Reinstated	9/24/09 suspension (65 AD3d 1447) for failure to comply with Judiciary Law §468-a. Reinstated upon proof of compliance.
Perry, Alexander 83 AD3d 1198 4/7/11	1 year suspension	DR 6-101(a)(3) [Rule 1.3(b)] neglect of five client matters, DR 1-102(a)(4),(5),(7), [Rule 8.4(c),(d),(h)] attempt to mislead and deceive Committee with respect to four matters, attempt to mislead and deceive four clients as to the status of their matters, DR 1-102(a)(4),(5), (7) [Rule 8.4(c),(d),(h), fail to communicate with six clients and failed to promptly refund the unearned portion of retainers, Rule 1.16 fail to comply with rules governing representation of clients in domestic relations matters, fail to cooperate with Committee in its investigation of two client complaints.
Perry, Alexander 85 AD3d 1443 6/16/11	Disbarred	Motion for default judgment attorney in default responding to petition of charges. Granted for neglect of 11 client matters, failing to remit client funds, attempting to mislead clients, refusing to comply with fee arbitration decision and committing contempt of court in intentionally prejudicing client's rights in a proceeding,

<b>Attorney</b>	<b>Disposition</b>	<b>Summary of charges</b>
		collecting excessive fees, failing to communicate, failing to comply with the rules governing representation of clients in domestic relations matters and failing to cooperate with petitioner.
Pesante, Wilfredo 88 AD3d 1059 10/13/11	Indefinite Suspension	22 NYCRR 806.19, reciprocal discipline based upon suspension by the District of Columbia.
Pilawa, Dennis 83 AD3d 1369 4/28/11	Reinstated	9/24/09 suspension (65 AD3d 1447) for failure to comply with Judiciary Law §468-a. Reinstated upon proof of compliance.
Rockind, Neil S. 86 AD3d 859 7/21/11	Censured	22 NYCRR 806.19, reciprocal discipline based upon censure in the state of Michigan.
Rosenberg, Stewart 90 AD3d 1137 12/1/11	3 year suspension	Suspension extended three years for failing to remit client property.
Rosenthal, Louis R. 88 AD3d 1052 10/6/11	Reinstated	Respondent was suspended by decision dated 12/4/08 for two years. Application for reinstatement granted.
Sack, Barry D.  89 AD3d 1317 11/17/11	Reinstated	Respondent was suspended by decision dated 6/24/10 for one year. Application for reinstatement granted.
Silverstein, Karen 81 AD3d 1244 2/24/11	Reinstated	9/11/03 disbarment. Reinstated upon proof of compliance.
Sinclair, Charles J. 90 AD3d 1229 12/8/11	Reinstated	9/24/09 suspension (65 AD3d 1447) for failure to comply with Judiciary Law §468-a. Reinstated upon proof of compliance.
Southern, Noceebea D. 87 AD3d 816 8/25/11	Reinstated	9/24/09 suspension (65 AD3d 1447) for failure to comply with Judiciary Law §468-a. Reinstated upon proof of compliance.
Swedick, Matthew J. 81 AD3d 1033	1 year suspension	DR 1-102(a)(3),(5),(7) [Rule 8.4(b),(d),(h)] illegal conduct that adversely reflected on honesty,

Attorney	Disposition	Summary of charges
2/3/11		trustworthiness or fitness as a lawyer, prejudicial to the administration of justice and adversely reflected on fitness as a lawyer. DR 5-101(a) [Rules 1.7(1)(2); 1.8(j)(1)(i), (ii), while serving as public defender for a client, respondent engaged in sexual relations with the client.
Taiwo, Oyentunji A. 85 AD3d 1446 6/16/11	Reinstated	9/24/09 suspension (65 AD3d 1447) for failure to comply with Judiciary Law §468-a. Reinstated upon proof of compliance.
Terrell, A. Dennis 83 AD3d 1574 4/14/11	Censured	22 NYCRR 806.19, reciprocal discipline based upon censure in New Jersey.
Tsai, Stephen 82 AD3d 1574 3/31/11	Disbarred	22 NYCRR 806.19 reciprocal discipline based upon disbarment in New Jersey.
Tung, Nicole J. 81 AD3d 1244 2/24/11	Reinstatement	6/25/00 suspension (273 AD2d 600) for failure to comply with Judiciary Law §468-a. Reinstated upon proof of compliance.
Uhl, Christopher M. 88 AD3d 1052 10/6/11	Disbarred	Judiciary law §90(4)(g) final discipline order after 7/28/10 conviction of tax evasion in Massachusetts.
Waite, Stephen J. 87 AD3d 1200 9/15/11	1 year stayed suspension	DR 1-102(a)(4),(5),(7), assisting his client in fraudulently evading creditors and others, DR 7-102 (a)(7), attempting to mislead and deceive the Committee, DR 1-102(A)(4),(5),(7) failing to maintain funds belonging to another incident to the practice of law in an escrow account.
Weinheimer, Richard P. 88 AD3d 1245 10/27/11	1 year stayed suspension	DR 1-102(a)(5)(7) conversion of escrow account funds.
Wheatley, Kevin P. 89 AD3d 1276 11/10/11	Disbarred	Judiciary law §90(4)(a)(b) plea of guilty to Penal Law §155.490 grand larceny in the second degree, a class C felony and §190.65(1)(b) scheme to defraud in the first degree, a class E felony.
Williams, Derrick R. 84 AD3d 1499	Reinstatement denied	Application for reinstatement pursuant to 22 NYCRR 806.12 from 2008 reciprocal one year

Attorney	Disposition	Summary of charges
5/5/11		suspension (52 AD3d 1112) denied.
Winsor, Martin P. 84 AD3d 1584 5/12/11	6 month suspension	DR 6-101(a)(3), Rules 1.3(b), 8.4(c),(d),(h) neglect fo a legal matter, failing to respond to clients' communications and misled the clients as to the status of their matters. Terminating 10/29/09 decision (66 AD3d 1324) staying the two year suspension of respondent.
Wright, Stephen L. 84 AD3d 1697 5/26/11	Reinstated.	9/24/09 suspension (65 AD3d 1447) for failure to comply with Judiciary Law §468-a. Reinstated upon proof of compliance.
Yehl, Michael A. 90 AD3d 1139 12/1/11	6 month suspension	Rules 1.3(b), 1.4, 8.4(c),(d),(h) respondent neglect of client matter, failure to communicate with client, attempted to mislead and deceive the Committee and failed to cooperate with the Committee. Upon application for reinstatement respondent shall submit a medical report supporting his capacity to resume the practice of law and documentation establishing that he has reimbursed the fees that were paid to him, less any amounts already expended on the client's behalf.

**DISCIPLINARY DECISIONS REPORTED BY  
APPELLATE DIVISION IN 2011**

**FOURTH DEPARTMENT**

**(Fifth Judicial District)**

Christopher J. Chadick 94 A.D. 3d 1579	Disbarred	Judiciary Law § 90 (a) and (e) Convicted of scheme to defraud in the first degree.
Devin B. Garramone. 86 A.D. 3d 343	Censured	Rule 8.4 (b) engaging in illegal conduct that adversely reflects on his honesty, trustworthiness or fitness as a lawyer; 8.4 (h) engaging in conduct that adversely reflects on his fitness as a lawyer.
Michael P. Marmor 81 A.D. 3d 1385	Disbarred	Judiciary Law §90 (a) and (e) Convicted of grand larceny in the second degree.
Hurclee Maye 81 A.D. 3d 1385	Disbarred	Respondent's unexcused failure to appear or answer the petition constitutes default.
Thomas E. O'Bryan 86 A.D. 3d 337	Disbarred	DR 1-102 (a) (4) - engaging in conduct involving dishonesty, fraud, deceit or misrepresentation; DR 1-102 (a) (5) engaging in conduct that is prejudicial to the administration of justice, DR 1-102 (a) (7) engaging in conduct that adversely reflects on his fitness as a lawyer; DR 2-106 (c) (2) (ii) entering into an arrangement for, charging or collecting a fee in a domestic relations matter without a written retainer agreement signed by the lawyer and client setting forth in plain language the nature of the relationship and the details of the fee arrangement; DR 2-106 (e) failing to resolve fee disputes in civil matters by arbitration at the election of a client; 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 9-102 (a) misappropriating funds belonging to another person that are in his possession incident to his practice of law; and DR 9-102 (c) (3) failing to maintain complete records of all funds, securities and other properties of a client or third person coming into his possession and to render appropriate accounts to the client or third person regarding them. 22 NYCRR 1022.27 failing to notify clients of his suspension, failing to withdraw from two pending actions in compliance with the order of suspension; 22

		NYCRR 1400 failing to provide clients with itemized billing statements at regular intervals in domestic relations matters.
David W. Pelland 81 A.D. 3d 1385	Suspension	22 NYCRR 1022.20 (d)(3)(d) Suspension pending disposition.
David W. Pelland 82 A.D. 3d 1717	Disbarred	Order entered accepting resignation per 22 NYCRR 1022.26 (a).
John R. Petrone II 87 A.D. 3d 187	Suspension	DR 1-102 (a) (7) and rule 8.4 (h) of the Rules of Professional Conduct - engaging in conduct that adversely reflects on their fitness as lawyers; DR 9-102 (a) and rule 1.15 (a) of the Rules of Professional Conduct - misappropriating client funds and commingling client funds with personal funds; DR 9-102 (b) (1) and rule 1.15 (b) (1) of the Rules of Professional Conduct - failing to maintain client funds in a special account separate from their business or personal accounts DR 9-102 (c)(3) and rule 1.15 (c) (3); DR 9-102 (e) and rule 1.15 (e) of the Rules of Professional Conduct - making withdrawals by bank transfer without the prior written approval of the party entitled to the proceeds.
Lori E. Petrone 87 A.D. 3d 187	Suspension	Per Curiam Opinion as in Matter of Petrone 87 A.D. 3d 187.
Robert R. Sossen, Jr. 85 A.D. 3d 25	Censure	DR 1-102 (a) (3) engaging in illegal conduct that conduct that adversely reflects on his honesty, trustworthiness or fitness as a lawyer; DR 1-102 (a) 7 engaging in conduct that adversely reflects on his fitness as a lawyer.



(Seventh Judicial District)

Karolyne N. Armer 91 A.D.3d 200	One-Year Suspension, but stayed with conditions	DR 1-102 (a) (3) (22 NYCRR 1200.3 [a] [3]) - engaging in illegal conduct that adversely reflects on her honesty, trustworthiness or fitness as a lawyer; DR 1-102 (a) (7) (22 NYCRR 1200.3 [a] [7]) and rule 8.4 (h) of the Rules of Professional Conduct (22 NYCRR 1200.0) - engaging in conduct that adversely reflects on her fitness as a lawyer; rule 1.3 (b) of the Rules of Professional Conduct (22 NYCRR 1200.0) - neglecting a legal matter entrusted to her; rule 1.15 (c) (4) of the Rules of Professional Conduct (22 NYCRR 1200.0) - failing to pay or deliver to a client or third person in a prompt manner as requested by the client or third person the funds, securities or other properties in her possession that the client or third person is entitled to receive; and rule 8.4 (d) of the Rules of Professional Conduct (22 NYCRR 1200.0) - engaging in conduct that is prejudicial to the administration of justice.
Nasser Ashgriz 89 A.D.3d 1493	Reinstated	
John Aversa 88 A.D.3d 339	Disbarred	Rule 1.8 (c) (1) (22 NYCRR 1200.0)- soliciting a gift from a client, including a testamentary gift, for the benefit of the lawyer or a person related to the lawyer; rule 1.8 (c) (2) (22 NYCRR 1200.0) - preparing on behalf of a client an instrument giving the lawyer or a person related to the lawyer any gift where the lawyer or other recipient is not related to the client and a reasonable lawyer would not conclude that the transaction is fair and reasonable; and, rule 8.4 (h) (22 NYCRR 1200.0) - engaging in conduct that adversely reflects on his fitness as a lawyer.
Bentley B. Bisbee 90 A.D.3d 1590	Resigned	22 NYCRR 1022(a) - Disciplinary Resignation.
Harvey S. Bunis 84 A.D.3d 33	Censured	DR 1-102 (a) (3) (22 NYCRR 1200.3 [a] [3]) - engaging in illegal conduct that adversely reflects on his honesty, trustworthiness or fitness as a lawyer; and DR 1-102 (a) (7) (22 NYCRR 1200.3 [a] [7]) - engaging in conduct that adversely reflects on fitness as a lawyer.

DR 1-102 (a) (4) (22 NYCRR 1200.3 [a] [4]) and rule 8.4 (c) (22 NYCRR 1200.0) - engaging in conduct involving dishonesty, fraud, deceit or misrepresentation; DR 1-102 (a) (5) (22 NYCRR 1200.3 [a] [5]) and rule 8.4 (d) (22 NYCRR 1200.0) - engaging in conduct that is prejudicial to the administration of justice; DR 1-102 (a) (7) (22 NYCRR 1200.3 [a] [7]) and rule 8.4 (h) (22 NYCRR 1200.0) - engaging in conduct that adversely reflects on his fitness as a lawyer; DR 9-102 (a) (22 NYCRR 1200.46 [a]) and rule 1.15 (a) (22 NYCRR 1200.0) - misappropriating client funds and commingling client funds with personal funds; DR 9-102 (b) (1) (22 NYCRR 1200.46 [b] [1]) and rule 1.15 (b) (1) (22 NYCRR 1200.0) - failing to maintain client funds in a special account separate from his business or personal accounts; DR 9-102 (c) (3) (22 NYCRR 1200.46 [c] [3]) and rule 1.15 (c) (3) (22 NYCRR 1200.0) - failing to maintain complete records of all funds of a client coming into his possession and to render appropriate accounts to his client regarding them; DR 9-102 (c) (4) (22 NYCRR 1200.46 [c] [4]) and rule 1.15 (c) (4) (22 NYCRR 1200.0) - failing to pay or deliver to a client in a prompt manner as requested by the client the funds, securities or other properties in his possession that the client is entitled to receive; DR 9-102 (d) (1) (22 NYCRR 1200.46 [d] [1]) and rule 1.15 (d) (1) (22 NYCRR 1200.0) - failing to maintain required records of bank accounts; DR 9-102 (d) (2) (22 NYCRR 1200.46 [d] [2]) and rule 1.15 (d) (2) (22 NYCRR 1200.0) - failing to maintain a record for special accounts, showing the source of funds deposited in such accounts, the names of all persons for whom the funds are or were held, the amount of such funds, the description and amounts, and the names of all persons to whom such funds were disbursed; and DR 9-102 (e) (22 NYCRR 1200.46 [e]) and rule 1.15 (e) (22 NYCRR 1200.0) - making withdrawals from a special account payable to cash and not to a named payee and allowing a nonattorney to be an authorized signatory of a special account; rule 1.8(a) (22 NYCRR 1200.0) - entering into a business transaction with a client if they have differing interests therein and if the client expects

him to exercise professional judgment therein for the protection of the client unless the transaction is fair and reasonable to the client, the terms of the transaction are fully disclosed to the client in writing, the client is advised in writing of the desirability of seeking the advice of independent legal counsel on the transaction, and the client gives informed consent in writing to the terms of the transaction and the lawyer's role in the transaction.

Edward J. Leichtner 85 A.D.3d 1654	Reinstated	
Rudolph J. Le Pore 90 A.D.3d 1707	Disbarred	Felony Conviction - Promoting Prison Contraband in the First Degree, in violation of Penal Law §205.25[1].
Carole C. Livsey 86 A.D.3d 257	Censured	DR 1-102(a)(3) (22 NYCRR 1200.3[a][3]) - engaging in illegal conduct that adversely reflects on her honesty, trustworthiness or fitness as a lawyer; and DR 1-102(a)(7) (22 NYCRR 1200.3[a][7]) - engaging in conduct that adversely reflects on her fitness as a lawyer.
Brian Charles Malady 90 A.D.3d 1590	Disbarred	Judiciary Law 90(4)(a) - Guilty plea to violating 18 U.S.C. §1956(h), which is essentially similar to Conspiracy to Commit Money laundering in the Second Degree (Penal Law §105.10[1] and §470.15).
Melvin B. Neisner, Jr. 89 A.D.3d 160	Two-Year Suspension	Judiciary Law §90(4)(g) - Final order based upon respondent's conviction in Vermont for gross negligent operation of a motor vehicle, a misdemeanor, in violation of 23 V.S.A. 1091(b); leaving the scene of an accident, a misdemeanor, in violation of 23 V.S.A. 1128(a); and impeding a public officer, a felony, in violation of 13 V.S.A. 3001.
Matthew John Skiff 89 A.D.3d 1493	Resigned	22 NYCRR 1022(a) - Disciplinary resignation.
Douglas P. Thompson 89 A.D.3d 1493	Reinstated	

**(Eighth Judicial District)**

Armstrong, James F. 90 AD3d 1590	Disbarred (Resigned)	
John A. Cappellini, Jr. 90 AD3d 10	Censured	Rule 1.7(a) - representing multiple clients with differing interests without disclosing the implications of the simultaneous representation and obtaining from each affected client informed consent to the representation confirmed in writing; Rule 8.4(b) - engaging in illegal conduct that adversely reflects on his honesty, truthfulness or fitness as a lawyer; Rule 8.4(c) - engaging in conduct that involves dishonesty, fraud, deceit or misrepresentation; and Rule 8.4(h) - engaging in conduct that adversely reflects on his fitness as a lawyer.
David Dale, A Disbarred Attorney 87 AD3d 198	Order of Contempt	
Carl H. Doboizin 81 AD2d 234	Censured	DR 1-102(a)(5); Rule 8.4(d) - engaging in conduct that is prejudicial to the administration of justice; DR 1-102(a)(7); Rule 8.4(h) - engaging in conduct that adversely reflects on his fitness as a lawyer; DR 2-110(a)(2) - withdrawing from employment without taking steps to the extent reasonably practicable to avoid foreseeable prejudice to the rights of the client; DR 6-101(a)(3) - neglecting a legal matter entrusted to him; DR 7-101(a)(2) - intentionally failing to carry out a contract of employment entered into with a client for professional services; and DR 9-102(c)(4) - failing to pay or deliver to a client or third person in a prompt manner as requested by the client or third person the funds, securities or other properties in his possession that the client or third person is entitled to receive.
Charles E. Fagan 83 AD3d 1601	Disbarred (Resigned)	

David E. Fretz  
88 AD3d 420

Three-Year  
Suspension

DR 1-102(a)(3) - engaging in illegal conduct that adversely reflects on his honesty, trustworthiness and fitness as a lawyer; DR 1-102(a)(4) - engaging in conduct involving dishonesty, deceit or misrepresentation; DR 1-102(a)(5) - engaging in conduct that is prejudicial to the administration of justice; DR 1-102(a)(7) - engaging in conduct that adversely reflects on his fitness as a lawyer; 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)(1) - intentionally failing to seek the lawful objectives of a client through reasonably available means permitted by law and the disciplinary rules; DR 7-101(a)(2) - intentionally failing to carry out a contract of employment entered into with a client for professional services; DR 7-101(a)(3) - intentionally prejudicing or damaging a client during the course of the professional relationship; DR 7-106(a) - disregarding a ruling of a tribunal made in the course of a proceeding; DR 9-102(a) - misappropriating client funds and commingling client funds with personal funds; DR 9-102(b)(1) - failing to maintain client funds in a special account separate from his business or personal accounts; DR 9-102(c)(1) - failing to notify promptly a client of the receipt of property in which the client had an interest; DR 9-102(c)(2) - failing to place the property of a client in a safe deposit box or other place of safekeeping as soon as practicable upon receipt; DR 9-102(c)(3) - failing to maintain complete records of the property of a client coming into his possession and to render appropriate accounts to the client regard that property; DR 9-102(c)(4) - failing to deliver promptly to a client as requested by the client the property in his possession that the client is entitled to receive; DR 9-102(d)(1) - failing to maintain required records of bank accounts; DR 9-102(d)(2) failing to maintain a record for special accounts, showing the source of all funds deposited in such accounts, the names of all persons for whom the funds are or were held, the amount of such funds, the description and amounts, and the names of all persons to whom such funds were disbursed; DR 9-102(d)(9) -

failing to make accurate, contemporaneous entries of all financial transactions in his records of receipts and disbursements, special accounts, ledger books and in any other books of account kept by him in the regular course of his practice; and DR 9-102(e) - making withdrawals from a special account payable to cash and not to a named payee.

Michael S. Gawel  
89 AD3d 1493

Reinstatement Denied

Jeffrey M. Jayson  
90 AD3d 1590

Reinstated

James F. Lagona  
82 AD3d 1717

Interim Suspension

Lawrence S. Lane  
81 AD3d 139

Censured

DR 1-102(a)(7) - engaging in conduct that adversely reflects on his fitness as a lawyer; DR 5-105(c) - representing multiple clients with differing interests without disclosing the implications of the simultaneous representation and obtaining the consent of the clients to the representation; DR 6-101(a)(3) - neglecting a legal matter entrusted to him; DR 7-102(a)(1) - filing a suit or asserting a position on behalf of a client when he knows or when it is obvious that such action would serve merely to harass or maliciously injure another; DR 7-104(a)(1) - communicating during the course of the representation of a client on the subject of the representation with a party the lawyer knows to be represented by a lawyer in the matter; DR 9-102(a) - misappropriating funds belonging to another person that are in his possession where such possession is incident to his practice of law; DR 9-102(b)(1) - failing to maintain client funds in a special account separate from his business or personal accounts; DR 9-102(b)(2) - failing to identify special bank accounts in a proper manner; DR 9-102(c)(3) - failing to maintain complete records of all funds, securities and other properties of a client or third person coming into his possession and to reenter appropriate accounts to the client or third person regarding them; DR 9-102(c)(4) - failing to pay or deliver to a client or

third person in a prompt manner as requested by the client or third person the funds, securities or other properties in his possession that the client or third person is entitled to receive; and DR 9-102(d)(1) - failing to maintain required records of bank accounts.

Danielle Lenahan  
81 AD3d 1385

Reinstated

Joseph G. Makowski  
86 AD3d 271

Six-Month  
Suspension

DR 1-102(a)(3) - engaging in illegal conduct that adversely reflects on the lawyer's honesty, trustworthiness or fitness as a lawyer; DR 1-102(a)(4) - engaging in conduct involving dishonesty, fraud, deceit or misrepresentation; DR 1-102(a)(5) - engaging in conduct that is prejudicial to the administration of justice; and DR 1-102(a)(7) - engaging in conduct that adversely reflects on the lawyer's fitness as a lawyer.

Thomas J. Morehouse  
90 AD3d 1590

Reinstatement Denied

Roger J. Niemel  
81 AD3d 1385

Interim Suspension

Roger J. Niemel  
83 AD3d 173

Disbarred

Rule 1.3(a) - failing to act with reasonable diligence and promptness in representing a client; Rule 1.3(b) - neglecting a legal matter entrusted to him; Rule 1.4(a)(1)(iii)(3)(4) - failing in a prompt manner to inform a client of material developments in a matter; failing to keep a client reasonably informed about the status of a matter; and failing in a prompt manner to comply with a client's reasonable requests for information; Rule 1.15(a) - misappropriating funds in his possession incident to his practice of law that were entrusted to him as a fiduciary and commingling such funds with his own funds; Rule 1.15(b) - failing to maintain client funds in a special account separate from his business or personal accounts; Rule 1.15(d) - failing to maintain a record for special accounts, showing the source of all funds deposited in such accounts, the names of all persons for whom the funds are or were held, the amount of such funds, the description and

amounts, and the name of all persons to whom such funds were disbursed; Rule 1.15(i)(j) - failing to make available to the Grievance Committee financial records required by the rules to be maintained, rendering him subject to disciplinary proceedings; Rule 8.4(c) - engaging in conduct involving dishonesty, fraud, deceit or misrepresentation; Rule 8.4(d) - engaging in conduct that is prejudicial to the administration of justice; Rule 8.4(h) - engaging in conduct that adversely reflects on his fitness as a lawyer; and 22 NYCRR 1400.2 - failing to render to a client in a domestic relations matter written, itemized bills at 60-day intervals.

Louis Rosado  
91 AD3d 103

One-Year  
Suspension

DR 1-102(a)(5); Rule 8.4(d) - engaging in conduct that is prejudicial to the administration of justice; DR 1-102(a)(7); Rule 8.4(h) - engaging in conduct that adversely reflects on his fitness as a lawyer; DR 2-106(c)(2)(ii); Rule 1.5(d)(5)(ii) - entering into an arrangement for charging or collecting a fee in a domestic relations matter without a written retainer agreement signed by the lawyer and client setting forth in plain language the nature of the relationship and the details of the fee arrangement; DR 2-106(f); Rule 1.5(e) - failing to provide a prospective client in a domestic relations matter with a statement of client's rights and responsibilities at the initial conference and prior to the signing of a written retainer agreement; DR 2-110(a)(3); Rule 1.16(e) - failing to refund promptly any part of a fee paid in advance that has not been earned; DR 6-101(a)(3); Rule 1.3(b) - neglecting a legal matter entrusted to him; DR 9-102(b)(1); Rule 1.15(b)(1) - failing to maintain client funds in a special account separate from his business or personal accounts; DR 9-102(c)(3); Rule 1.15(c)(3) - failing to maintain complete records of all funds of a client coming into his possession and to render appropriate accounts to his client regarding them; DR 9-102(d)(9); Rule 1.15(d)(2) - failing to make accurate, contemporaneous entries of all financial transactions in his records of receipts and disbursements, his special accounts, his ledger books and in any other books of account kept by him in the regular course of his practice; Rule



1.3(a) - failing to act with reasonable diligence and promptness in representing a client; Rule 1.4(a)(2)-(4) - failing to consult with a client in a reasonable manner about the means by which the client's objectives are to be accomplished; failing to keep a client reasonably informed about the status of a matter; and failing in a prompt manner to comply with a client's reasonable requests for information; and NYCRR Part 1440 - failing to provide clients in domestic relations matters with a statement of client's rights, a written retainer agreement and itemized billing statements at regular intervals.

David R. Schnell 87 AD3d 1411	Interim Suspension
Donald L. Summer 85 AD3d 1654	Disbarred (Resigned)
Vincent S. Tracy, Jr. 87 AD3d 1411	Reinstatement Denied

# **Departmental and District Grievance Committees**

## DEPARTMENTAL AND DISTRICT GRIEVANCE COMMITTEES

### FIRST DEPARTMENT

#### Departmental Disciplinary Committee

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Martin P. Randisi, CPA\*  
Alan J. Reardon, Esq.  
Kenneth M. Seidell, Esq.  
Barry M. Smolowitz, Esq.  
M. David Tell, Esq.  
John B. Zollo, Esq.

### **THIRD DEPARTMENT**

James W. Bendall, Esq.  
John R. Casey, Esq.  
Joseph M. Curtin\*  
Monica A. Duffy, Esq., Vice-Chairperson  
John Ferrara, Esq.  
Dirk A. Galbraith, Esq.  
Leonard A. Govern\*  
David S. Hartnett, Esq.  
Samantha M. Holbrook, Esq.  
William J. Keniry, Esq., Chairperson  
William E. Lorman, Esq.

Edward R. Marinstein, Esq.  
Michael D. McCormick, Esq.  
Carol B. Merchant\*  
Lisa M. Mills, Esq.  
John F. Niles, Esq.  
Alan J. Pope, Esq.  
Ransom P. Reynolds, Esq.  
John G. Rusk, Esq.  
Michael G. St. Leger, Esq.  
Richard D. Wickerham, Esq.  
Akosua Yeboah\*

### **FOURTH DEPARTMENT**

#### **Grievance Committee for the Fifth Judicial District**

Robert A. Barrer, Chair  
Miles M. Bottrill\*  
Keith A. Eisenhut  
Deborah K. Field  
Philip I. Frankel  
Catherine A. Gale  
Joseph P. Giruzzi  
Lawrence W. Golden  
Cindy A. Granger  
Joseph E. Grant, Jr.\*

Amy L. Hallenbeck  
Eugene J. Langone, Jr.  
Kathlene M. Coconto  
Karl Manne  
James H. Messenger, Jr.  
David M. Primo  
Kathy L. Quencer  
Mark R. Rose  
William W. Rose  
Steven A. Smith

#### **Grievance Committee for the Seventh Judicial District**

Thomas N. Trevett, Chair  
Richard E. Alexander  
Robert E. Barry  
Alan S. Biernbaum  
June Castellano  
Carl M. Darnall  
Timothy Dennis\*  
James F. Foley  
James A. Gabriel  
Sheila A. Gaddis  
Riccardo T. Galbato

Valerie G. Gardner  
Susan G. Jones  
Mary Jo S. Konona  
John M. Lockhart, III  
William McDonald\*  
Judith A. Palumbo  
Paul E. Richardson  
Jeffrey E. Squires  
Mary Walpole-Lightsey  
Michael G. Wiedemer\*

## **Grievance Committee for the Eighth Judicial District**

Deanne M. Tripi, Chair  
Laurie Styka Bloom  
Benjamin J. Bonarigo  
Michael A. Brady  
David G. Brock  
Wesley L. Hicks, Jr.\*  
Nicholas G. Jonas  
Thomas F. Keefe  
Valerie A. Leuthe\*  
Charles R. Loveland  
Jeffrey R. Martin

James A. Musacchio  
David H. Nelson  
John R. Nuchereno  
John J. Ottaviano  
Mary B. Schiller  
Raymond F. Shirtz, Jr.\*  
Ellen Swartz Simpson  
Sheldon K. Smith  
Robert Viola  
Laura A. Wagner

\*Denotes Non-lawyer Member

# **Professional Disciplinary Staffs**

## Professional Disciplinary Staffs

### FIRST DEPARTMENT

#### Departmental Disciplinary Committee

First Judicial Department  
61 Broadway, 2<sup>nd</sup> Floor  
New York, NY 10006  
212-401-0800

Jorge Dopico, Chief Counsel  
Angela Christmas, Deputy Chief Counsel  
Naomi F. Goldstein, Deputy Chief Counsel  
Vitaly Lipkansky, Deputy Chief Counsel  
Raymond Vallejo, Deputy Chief Counsel  
Jeremy S. Garber, Special Trial Counsel  
Nicole Corrado, Staff Counsel  
Kevin P. Culley, Staff Counsel  
Kevin Doyle, Staff Counsel  
Paul Friman, Staff Counsel  
Roberta N. Kolar, Staff Counsel  
Jun Hwa Lee, Staff Counsel  
Norma I. Lopez, Staff Counsel  
Norma I. Melendez, Staff Counsel  
Kevin E. F. O'Sullivan, Staff Counsel  
Elisabeth A. Palladino, Staff Counsel  
Orlando Reyes, Staff Counsel  
Eileen J. Shields, Staff Counsel  
Kaylin L. Whittingham, Staff Counsel  
Kathy Wu, Staff Counsel  
John E. Puglise, Chief Investigator

George Cebisch, Investigator  
Anthony Rodriguez, Investigator  
Martin Schwinger, Investigator  
Leonard Zarrillo, Investigator  
Virgil Cruz, Clerk  
Rebeca V. Taub, Chief Paralegal  
Nancy K. De Leon, Paralegal  
Donna M. Killian, Paralegal  
Joel A. Peterson, Paralegal  
Lt. Gerard Hayde, Court Officer  
Marcy Sterling, Office Manager  
Eartha Hobot, Administrative Assistant  
Monique Hudson, Administrative Assistant  
Tennille Millhouse, Administrative Assistant  
Tina Nardelli, Administrative Assistant  
Celina Nelson, Administrative Assistant  
Hermine Otto, Administrative Assistant  
Gloria Rodriguez, Administrative Assistant  
Michele Y. Wang, LAN Administrator  
Charles Sauer, Computer Analyst

### SECOND DEPARTMENT

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

335 Adams Street – Suite 2400  
Brooklyn, NY 11201-3745  
718-923-6300

Diana Maxfield Kearse, Chief Counsel  
Mark F. DeWan, Deputy Counsel  
Melissa D. Broder, Assistant Counsel  
Susan Korenberg, Assistant Counsel  
Colette M. Landers, Assistant Counsel  
Sharon Gursen Ades, Assistant Counsel  
Susan B. Master, Assistant Counsel

Myron C. Martynetz, Assistant Counsel  
Kathryn Donnelly Gur-Arie, Assistant Counsel  
Thomas Graham Amon, Assistant Counsel  
Erika Edinger, Paralegal  
Joan Drabczyk, Accountant  
Louis Romaine, Investigator



**Grievance Committee for the Ninth Judicial District**

399 Knollwood Road – Suite 200  
White Plains, NY 10603  
914-949-4540

Gary L. Casella, Chief Attorney  
Faith Lorenzo, Deputy Chief Counsel  
Gloria J. Anderson, Staff Counsel  
Antonia Cipollone, Staff Counsel  
Fredda Fixler-Fuchs, Staff Counsel  
Matthew Renert, Staff Counsel  
Glenn E. Simpson, Staff Counsel  
Forrest Strauss, Staff Counsel  
Anthony Wynne, Staff Counsel  
Patrick Smith, Principal Court Analyst

Virginia E. Mordiglia, Court Analyst  
Maryellen Horan, Assistant Court Analyst  
Ellen M. Tallevi, Senior Court Analyst  
Joanne Roncallo, Senior Appellate Court Clerk  
Patricia Marucci, Secretary  
Claire Zeppieri, Secretary  
Denise Santamorena, Secretary (Half Time)  
Rita Passidomo, Secretary  
Anita Bellenchia, Secretary

**Grievance Committee for the Tenth Judicial District**

150 Motor Parkway – Suite 102  
Hauppauge, NY 11788  
631-231-3775

Robert A. Green, Chief Counsel  
Mitchell T. Borkowsky, Deputy Chief Counsel  
Nancy B. Gabriel, Assistant Counsel  
Elizabeth A. Grabowski, Assistant Counsel  
Stacey J. Sharpelletti, Assistant Counsel  
Michael J. Kearse, Assistant Counsel  
Leslie B. Anderson, Assistant Counsel  
Michael Fuchs, Assistant Counsel  
Michele Filosa, Assistant Counsel  
Robert C. Cabble, Assistant Counsel  
Daniel M. Mitola, Assistant Counsel

Ian P. Barry, Assistant Counsel  
Carolyn Mazzu Genovesi, Assistant Counsel  
Christopher Kern, Principal Court Analyst  
Douglas K. Kronenberg, Senior Court Analyst  
Kerry E. Smith, Court Analyst  
Patricia Lumley, Law Stenographer  
Noreen Johnston, Law Stenographer  
Phyllis Carusillo, Law Stenographer  
Mera Maharaj-Panan, Law Stenographer  
Elizabeth Secondino, Secretary  
Joann McLaughlin, Secretary

**THIRD DEPARTMENT**

**Grievance Committee for the Third Judicial District**

**Committee on Professional Standards**

40 Steuben Street – Suite 502  
Albany, NY 12207-2109  
518-285-8350

Peter M. Torncello, Chief Attorney  
Michael G. Gaynor Deputy Chief Attorney  
Michael K. Creaser, Staff Attorney  
Jevon L. Garrett, Staff Attorney  
Steven D. Zayas, Staff Attorney

Elizabeth M. Devane, Staff Attorney  
Joseph L. Legnard, Investigator  
Matthew C. Devane, Investigator

## **FOURTH DEPARTMENT**

### **Grievance Committee for the Fifth Judicial District**

224 Harrison Street – Suite 408  
Syracuse, NY 13202  
315-471-1835

Gregory J. Huether, Chief Counsel  
Anthony J. Gigliotti, Principal Counsel  
Mary E. Gasparini, Senior Attorney  
Sheryl M. Crankshaw, Investigator  
Sabre Maddock-Bracy, Assistant Court Analyst\*  
Tamra L. Cary, Secretary\*

### **Grievance Committee for the Seventh Judicial District**

50 East Avenue – Suite 404  
Rochester, NY 14604  
585-530-3180

Gregory J. Huether, Chief Counsel  
Daniel A. Drake, Principal Counsel  
Andrea E. Tomaino, Principal Counsel  
Janet A. Montante, Investigator\*  
Karen C. Malbone, Secretary  
Cheryl L. Thompson, Secretary

### **Grievance Committee for the Eighth Judicial District**

438 Main Street – Suite 800  
Buffalo, NY 14202  
716-845-3630

Gregory J. Huether, Chief Counsel  
Roderick Quebral, Principal Counsel  
Margaret C. Callanan, Principal Counsel  
Susan M. Eagan, Associate Counsel\*  
Guy C. Giancarlo, Associate Counsel  
Mary E. Davis, Investigator  
Carolyn M. Stachura, Investigator  
Craig E. Semple, Investigator  
Anna M. Hunt, Court Analyst  
Carol A. Cherry, Assistant Court Analyst  
Kathleen J. Kasperek, Secretary  
Misty A. White, Junior Court Analyst

\*Resigned during 2011

**Appendix:  
Attorney Discipline Budget  
Appropriations and  
Salaries of Disciplinary Staff**

**FIRST DEPARTMENT**

<u>Title</u>	<u>Grade</u>	<u>Salary</u>
Dep Chf Ap Court Attorney	560	\$126,764
Deputy Chief Attorney	532	\$141,840
Deputy Chief Attorney	532	\$137,629
Deputy Chief Attorney	532	\$137,629
Deputy Chief Attorney	532	\$135,559
Principal Attorney	531	\$103,810
Principal Attorney	531	\$112,232
Principal Attorney	531	\$110,814
Principal Attorney	531	\$137,498
Principal Attorney	531	\$129,076
Principal Attorney	531	\$103,810
Principal Attorney	531	\$119,492
Principal Attorney	531	\$129,076
Principal Attorney	531	\$129,076
Principal Attorney	531	\$129,076
Principal Attorney	531	\$129,076
Principal Attorney	531	\$120,654
Principal Attorney	531	\$129,076
Principal Attorney	531	\$133,287
Principal Attorney	531	\$116,443
Principal Attorney	531	\$121,122
Principal Attorney	531	\$103,810
Associate Attorney	528	\$88,689
Associate LAN Admin.	525	\$99,445
Principal Court Analyst	523	\$86,779
Sr. Appellate Court Asst.	521	\$78,465
Sr. Court Analyst	521	\$84,227
Sr. Court Analyst	521	\$71,523
Sr. Court Analyst	521	\$81,346
Sr. Court Analyst	521	\$78,465
Court Analyst	518	\$67,473
Court Analyst	518	\$72,529
Court Analyst	518	\$72,529
Court Analyst	518	\$54,833
Court Analyst	518	\$70,001
Administrative Secretary	517	\$66,345
Assistant Court Analyst	516	\$60,583
Assistant Court Analyst	516	\$62,880
Assistant Court Analyst	516	\$60,583
Assistant Court Analyst	516	\$52,506
Assistant Court Analyst	516	\$60,583
Law Stenographer	514	\$57,762
Law Stenographer	514	\$43,975
Secretary	514	\$41,873
Secretary	514	\$54,485
Secretary	514	\$54,485

**2011-2012 Budget – Attorney Discipline 1<sup>st</sup> Department:**

Personal Service	\$4,300,823
Nonpersonal Service	<u>\$327,900</u>

Total: \$4,628,723

**SECOND DEPARTMENT  
(Second & Eleventh District)**

<u>Title</u>	<u>Grade</u>	<u>Salary</u>
Chief Attorney	560	\$140,038
Deputy Chief Attorney	532	\$141,840
Principal Attorney	531	\$124,865
Principal Attorney	531	\$133,287
Principal Attorney	531	\$133,287
Principal Attorney	531	\$133,287
Principal Attorney	531	\$133,287
Principal Attorney	531	\$133,287
Attorney	523	\$71,104
Sr. LAN Administrator	523	\$89,914
Sr. Court Analyst	521	\$81,346
Sr. Court Analyst	521	\$69,822
Court Analyst	518	\$70,001
Assistant Court Analyst	516	\$62,880
Assistant Court Analyst	516	\$60,583
Secretary	514	\$50,281

**Second & Eleventh District Budget:**

Personal Service	\$1,551,724
Nonpersonal Service	<u>\$127,300</u>

Total: \$1,679,024

**SECOND DEPARTMENT  
(Ninth District)**

<u>Title</u>	<u>Grade</u>	<u>Salary</u>
Chief Attorney	560	\$142,899
Deputy Chief Attorney	532	\$139,901
Principal Attorney	531	\$133,287
Principal Attorney	531	\$137,498
Principal Attorney	531	\$129,076
Principal Attorney	531	\$133,287
Principal Attorney	531	\$129,076
Principal Attorney	531	\$129,076
Principal Attorney	531	\$121,499
Principal Court Analyst	523	\$89,914
Sr. Court Analyst	521	\$69,822
Court Analyst	518	\$70,001
Assistant Court Analyst	516	\$62,880
Secretary	514	\$58,689
Secretary	514	\$58,689
Secretary	514	\$52,383
Secretary	514	\$48,179
Secretary	514	\$48,179

**Ninth District Budget:**

Personal Service	\$1,805,476
Nonpersonal Service	<u>\$ 371,758</u>

Total: \$2,177,234

**SECOND DEPARTMENT  
(Tenth District)**

<u>Title</u>	<u>Grade</u>	<u>Salary</u>
Deputy Chief Attorney	532	\$135,559
Deputy Chief Attorney	532	\$135,559
Principal Attorney	531	\$129,076
Principal Attorney	531	\$116,443
Principal Attorney	531	\$129,076
Principal Attorney	531	\$137,498
Principal Attorney	531	\$120,654
Principal Attorney	531	\$129,076
Principal Attorney	531	\$133,287
Principal Attorney	531	\$129,076
Principal Attorney	531	\$116,443
Asc. Attorney	528	\$92,481
Sr. Attorney	526	\$93,880
Principal Court Analyst	523	\$93,049
Sr. Court Analyst	521	\$81,346
Court Analyst	518	\$70,001
Assistant Court Analyst	516	\$60,583
Law Stenographer	514	\$58,689
Secretary	514	\$54,485
Secretary	514	\$46,077
Sr. App. Office Assnt.	509	\$37,450
Sr. App. Office Assnt.	509	\$36,094

**Tenth District Budget:**

Personal Service	\$2,198,761
Nonpersonal Service	<u>\$423,135</u>
<b>Total:</b>	<b>\$2,621,896</b>

**SECOND DEPARTMENT  
(Special Grievance Counsel – 2<sup>nd</sup> Department)**

<u>Title</u>	<u>Grade</u>	<u>Salary</u>
Special Counsel	560	\$142,232
Deputy Chief Attorney	532	\$144,243
Secretary	514	\$52,383

Personal Service	\$349,953
Nonpersonal Service	<u>\$27,200</u>
<b>Total:</b>	<b>\$377,153</b>

**2011-2012 Budget – Attorney Discipline 2<sup>nd</sup> Department:**

Personal Service	\$5,905,914
Nonpersonal Service	<u>\$949,393</u>
<b>Total:</b>	<b>\$6,855,307</b>

### **THIRD DEPARTMENT**

<u>Title</u>	<u>Grade</u>	<u>Salary</u>
Chief Attorney	560	\$126,555
Principal Attorney	531	\$129,076
Principal Attorney	531	\$129,076
Principal Attorney	531	\$129,076
Asc. Attorney	528	\$91,108
Asc. Attorney	528	\$111,441
PRN Court Analyst	523	\$93,049
Assistant Court Analyst	516	\$60,583
Assistant Court Analyst	516	\$56,509
Secretary	514	\$52,383
Secretary	514	\$48,179
Secretary	514	\$43,975
Secretary	514	\$46,077
Secretary	514	\$46,077
Pr. App. Office Assnt.	513	\$47,339

#### **2011-2012 Budget – Attorney Discipline 3<sup>rd</sup> Department:**

Personal Service	\$1,212,016
Nonpersonal Service	<u>\$214,198</u>

Total: \$1,426,214

## FOURTH DEPARTMENT

<u>Title</u>	<u>Grade</u>	<u>Salary</u>
Chief Attorney	560	\$126,555
Principal Attorney	531	\$137,498
Principal Attorney	531	\$137,498
Principal Attorney	531	\$133,287
Principal Attorney	531	\$133,287
Principal Attorney	531	\$129,076
Associate Attorney	528	\$94,900
Associate Attorney	528	\$115,233
Sr. Court Analyst	521	\$78,465
Sr. Court Analyst	521	\$78,465
Sr. Court Analyst	521	\$84,227
Court Analyst	516	\$67,473
Assistant Court Analyst	516	\$60,583
Assistant Court Analyst	516	\$60,583
Jr. Court Analyst	512	\$43,147
Secretary	514	\$54,485
Secretary	514	\$54,485
Secretary	514	\$48,179

### 2011-2012 Budget – Attorney Discipline 4<sup>th</sup> Department:

Personal Service	\$1,705,637
Nonpersonal Service	<u>\$342,553</u>

Total: \$2,048,190