

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

D15945
G/cb

_____AD3d_____

A. GAIL PRUDENTI, P.J.
HOWARD MILLER
ROBERT W. SCHMIDT
STEPHEN G. CRANE
WILLIAM F. MASTRO, JJ.

2006-07149

OPINION &

ORDER

In the Matter of Nancy E. Cohen,
admitted as Nancy Ellen Cohen,
a suspended attorney.

Grievance Committee for the Ninth
Judicial District, petitioner;
Nancy E. Cohen, respondent.

(Attorney Registration No. 2052157)

DISCIPLINARY proceeding instituted by the Grievance Committee for the Ninth Judicial District. The respondent was admitted to the Bar at a term of the Appellate Division of the Supreme Court in the First Judicial Department on March 3, 1986, under the name Nancy Ellen Cohen.

Gary L. Casella, White Plains, N.Y. (Antonia Cipollone of counsel) for petitioner.

PER CURIAM.

The Grievance Committee for the Ninth Judicial District (hereinafter the Grievance Committee) moves for an order adjudicating the respondent in default on the ground that she has failed to serve and file an answer to the petition, dated July 24,

August 21, 2007

Page 1.

MATTER OF COHEN, NANCY E.

2006, and imposing such discipline upon the respondent as the court deems just and proper.

By decision and order on motion of this court dated November 8, 2006, the respondent was immediately suspended from the practice of law pursuant to 22 NYCRR 691.4(l)(1)(i) and (iii) upon a finding that she was guilty of misconduct immediately threatening the public interest in that she failed to answer a complaint of professional misconduct and to appear pursuant to a judicial subpoena, and that there existed uncontroverted evidence of professional misconduct against her. In that decision and order on motion, the Grievance Committee was authorized to institute and prosecute a disciplinary proceeding against the respondent based on a petition dated July 24, 2006, the respondent was directed to answer the petition within 20 days after service upon her of a copy of the November 8, 2006, decision and order on motion, and the issues raised were referred to the Honorable William D. Friedmann, as Special Referee to hear and report.

The petition contains five separate charges, including failure to cooperate with the lawful demands of the Grievance Committee, failure to properly maintain her attorney registration, failure to appear pursuant to a judicial subpoena, and pleading guilty to an alcohol-related offense. The respondent entered a plea of guilty in the Lewisboro Town Court, Westchester County, to a violation of Vehicle and Traffic Law § 1192(3), operating a motor vehicle while intoxicated, an unclassified misdemeanor.

Although the respondent admitted service of the decision and order on motion on November 28, 2006, she failed to serve an answer to the petition as directed by the court. Accordingly, she is in default and the charges contained in the petition must be deemed established.

Although the respondent admitted service of the Grievance Committee's motion to adjudicate her in default on February 20, 2007, she failed to oppose it or to reply in any way.

Accordingly, the motion to disbar the respondent upon her default is granted, the charges in the petition are deemed established and, effective immediately, the respondent is disbarred and her name is stricken from the roll of attorneys and counselors-at-law.

PRUDENTI, P.J., MILLER, SCHMIDT, CRANE and MASTRO, JJ., concur.

ORDERED that the motion to disbar the respondent, Nancy E. Cohen, admitted as Nancy Ellen Cohen, upon her default is granted; and it is further,

ORDERED that, pursuant to Judiciary Law § 90, effective immediately, the respondent, Nancy E. Cohen, admitted as Nancy Ellen Cohen, is disbarred and her name is stricken

from the roll of attorneys and counselors-at-law; and it is further,

ORDERED that the respondent, Nancy E. Cohen, admitted as Nancy Ellen Cohen, shall continue to comply with this court's rules governing the conduct of disbarred, suspended, and resigned attorneys (*see* 22 NYCRR 691.10); and it is further,

ORDERED that pursuant to Judiciary Law § 90, the respondent, Nancy E. Cohen, admitted as Nancy Ellen Cohen, is commanded to continue to desist and refrain from (1) practicing law in any form, either as principal or agent, clerk or employee of another, (2) appearing as an attorney or counselor-at-law before any court, Judge, Justice, board, commission, or other public authority, (3) giving to another an opinion as to the law or its application or any advice in relation thereto, and (4) holding herself out in any way as an attorney and counselor-at-law; and it is further,

ORDERED that if the respondent, Nancy E. Cohen, admitted as Nancy Ellen Cohen, has been issued a secure pass by the Office of Court Administration, it shall be returned forthwith to the issuing agency and the respondent shall certify to the same in her affidavit of compliance pursuant to 22 NYCRR 691.10(f).

ENTER



James Edward Pelzer
Clerk of the Court