

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

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A. GAIL PRUDENTI, P.J.
HOWARD MILLER
ROBERT W. SCHMIDT
STEPHEN G. CRANE
GABRIEL M. KRAUSMAN, JJ.

2006-05162

OPINION & ORDER

In the Matter of Sigmund V. Mazur,
an attorney and counselor-at-law.

Grievance Committee for the Ninth
Judicial District, petitioner;
Sigmund V. Mazur, respondent.

(Attorney Registration No. 1519461)

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 Fourth Judicial Department on July 9, 1975. By decision and order on motion of this Court dated October 20, 2006, the motion by the Grievance Committee for the Ninth Judicial District to suspend the respondent pursuant to 22 NYCRR 691.4(l)(1)(i), (ii), and (iii) and to authorize a disciplinary proceeding against him was held in abeyance and its investigation was stayed pending the respondent's participation in a diversion program pursuant to 22 NYCRR 691.4(m). The Court directed the respondent to complete a monitoring program sponsored by a lawyers' assistance program approved by the Court and directed the Grievance Committee for the Ninth Judicial District to keep the Court apprised of the monitoring efforts. By decision and order on motion of this Court

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MATTER OF MAZUR, SIGMUND V.

dated May 15, 2007, the Court denied the motion of the Grievance Committee for the Ninth Judicial District to immediately suspend the respondent and authorized it to institute and prosecute a disciplinary proceeding against the respondent based upon a petition dated May 25, 2006, upon the respondent's discharge from the Lawyers' Assistance Program Sobriety Monitoring Program for failure to comply with the requirements of the signed agreement. In that order, the Court referred the issues raised to Richard Greenblatt, Esq., as Special Referee to hear and report. The respondent has submitted an affidavit of resignation dated June 13, 2007.

Gary L. Casella, White Plains, N.Y. (Forrest Strauss of counsel), for petitioner.

Sigmund V. Mazur, Hyde Park, N.Y., respondent pro se.

PER CURIAM. The respondent avers that his resignation is submitted freely and voluntarily, that he is not being subjected to any coercion or duress, and that he is fully aware of the implications of submitting a resignation. The respondent acknowledges that the Court has authorized a disciplinary proceeding against him on the basis of a petition dated May 25, 2006, which contains five charges of professional misconduct.

The respondent concedes his inability to successfully defend himself on the merits against the charges contained in the petition, including the allegation that he owes former client James Montague the sum of \$1,525.74 in undisbursed proceeds from the sale of his property.

The respondent is aware that, pursuant to Judiciary Law § 90(6-a), to the extent that any funds held by him in a fiduciary capacity for any third parties may not be accounted for, the Court, in any order permitting him to resign, could require that he make monetary restitution to any persons whose money or property was misappropriated or misapplied, or that he reimburse the New York Lawyers' Fund for Client Protection. The respondent further acknowledges that any order issued pursuant to Judiciary Law § 90(6-a) could be entered as a civil judgment against him and he specifically waives the opportunity afforded him by Judiciary Law § 90(6-a)(f) to be heard in opposition thereto.

The Grievance Committee for the Ninth Judicial District joins in the respondent's request that the resignation be accepted in the interests of preserving time and court resources.

Inasmuch as the proffered resignation comports with 22 NYCRR 691.9, it is accepted, the respondent is disbarred, and his name is stricken from the roll of attorneys and counselors-at-law, effective immediately.

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

ORDERED that the resignation of the respondent, Sigmund V. Mazur, is accepted and directed to be filed; and it is further,

ORDERED that pursuant to Judiciary Law § 90, effective immediately, the respondent, Sigmund V. Mazur, is disbarred and his name is stricken from the roll of attorneys and counselors-at-law; and it is further,

ORDERED that the respondent, Sigmund V. Mazur, shall comply with this Court's rules governing the conduct of disbarred, suspended, and resigned attorneys (22 NYCRR 691.10); and it is further,

ORDERED that pursuant to Judiciary Law § 90, effective immediately, the respondent, Sigmund V. Mazur, is commanded to desist and refrain from (1) practicing law in any form, either as principal or as 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 himself out in any way as an attorney and counselor-at-law; and it is further,

ORDERED that if the respondent, Sigmund V. Mazur, 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 his affidavit of compliance pursuant to 22 NYCRR 691.10(f); and it is further,

ORDERED that the disciplinary proceeding authorized by decision and order on motion of this court dated May 15, 2007, is discontinued.

ENTER:



James Edward Pelzer
Clerk of the Court