

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

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A. GAIL PRUDENTI, P.J.
REINALDO E. RIVERA
PETER B. SKELOS
STEVEN W. FISHER
LEONARD B. AUSTIN, JJ.

2009-06237

OPINION & ORDER

In the Matter of Christian Bernard, an attorney and
counselor-at-law.
Grievance Committee for the Ninth Judicial District,
petitioner; Christian Bernard, respondent.

(Attorney Registration No. 4045118)

Motion by the Grievance Committee for the Ninth Judicial District to strike the respondent's name from the roll of attorneys and counselors-at-law, pursuant to Judiciary Law § 90(4), upon his felony conviction. The respondent was admitted to the Bar at a term of the Appellate Division of the Supreme Court in the Second Judicial Department on June 26, 2002.

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

PER CURIAM.

The respondent was convicted in the County Court, Westchester County, upon his plea of guilty on December 16, 2008, before the Honorable Richard A. Molea, of grand larceny in the second degree, in violation of Penal Law § 155.40(1), a class C felony. The respondent agreed to represent Charles Rogers and Natalie Rogers in the purchase of real property in Suffolk County. During the plea allocution, the respondent admitted that he stole the sum of \$250,589.92 from his clients. When the real estate transaction failed to go forward, the

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respondent failed to return the down payment to his clients and intentionally retained those funds for his own personal use without the consent of his clients.

The respondent was sentenced to a five-year term of probation to expire on June 26, 2014. The Grievance Committee for the Ninth Judicial District (hereinafter the Grievance Committee) notes that restitution was paid in full.

Upon his conviction of a felony, the respondent automatically ceased to be an attorney.

Inasmuch as the respondent has been disbarred by operation of law due to his felony conviction, effective December 16, 2008, pursuant to Judiciary Law § 90(4)(a), the Grievance Committee's motion to strike his name from the roll of attorneys and counselors-at-law is granted.

PRUDENTI, P.J., RIVERA, SKELOS, FISHER and AUSTIN, JJ., concur.

ORDERED that pursuant to Judiciary Law § 90(4)(a), the respondent, Christian Bernard, is disbarred, effective December 16, 2008, and his name is stricken from the roll of attorneys and counselors-at-law, pursuant to Judiciary Law § 90(4)(b); and it is further,

ORDERED that the respondent, Christian Bernard, shall 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, Christian Bernard, 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, Christian Bernard, 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).

ENTER:



James Edward Pelzer
Clerk of the Court