

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

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A. GAIL PRUDENTI, P.J.
WILLIAM F. MASTRO
REINALDO E. RIVERA
PETER B. SKELOS
RANDALL T. ENG, JJ.

2009-10771

OPINION & ORDER

In the Matter of Adam Keith Serper, an attorney and
counselor-at-law.

Grievance Committee for the Second, Eleventh, and
Thirteenth Judicial Districts, petitioner; Adam Keith
Serper, respondent.

(Attorney Registration No. 2722007)

Application by the Grievance Committee for the Second, Eleventh, and Thirteenth
Judicial Districts pursuant to 22 NYCRR 691.3, to impose discipline on the respondent based upon
disciplinary action taken against him by the Supreme Court of Florida. The respondent was admitted
to the Bar at a term of the Appellate Division of the Supreme Court in the Second Judicial
Department on March 13, 1996.

Diana Maxfield Kearse, Brooklyn, N.Y. (Thomas Graham Amon of counsel), for
petitioner.

PER CURIAM. The Grievance Committee for the Second, Eleventh,
and Thirteenth Judicial District (hereinafter the Grievance Committee) personally served the

June 15, 2010

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respondent on November 6, 2009, with a notice pursuant to 22 NYCRR 691.3 informing him of his right to raise, within 20 days, any of the defenses to the imposition of reciprocal discipline enumerated in 22 NYCRR 691.3(c). Inasmuch as the respondent failed to submit a statement raising any of those enumerated defenses or demanding a hearing, there is no impediment to the imposition of reciprocal discipline at this time.

By order of the Supreme Court of Florida dated April 23, 2009, the respondent was suspended from the practice of law for 91 days, effective 30 days from the date of that order, and was directed to pay restitution in the sum of \$500 to Tyrone Davis under the terms and conditions set forth in a consent judgment. By further order of the Supreme Court of Florida dated May 1, 2009, the suspension was made effective immediately in light of the respondent's notification to that court that he is no longer practicing law.

On March 19, 2009, the respondent executed a stipulation as to probable cause, an unconditional plea of guilty, and a consent judgment for discipline pursuant to Rule 3-7.9(a) of the Florida Rules of Discipline. The respondent, a member of the Florida Bar, albeit delinquent with respect to his continuing legal education requirement, was the subject of three grievances. The respondent waived his right to consideration of the charges by a grievance committee and stipulated that probable cause for further disciplinary proceedings exists as to these matters.

The respondent specifically admitted that, during his representation of the complainant Shelly Ann Watts in a criminal matter, he lost evidence in her case and neglected to file an appeal on her behalf. He failed to respond to the Florida Bar regarding this complaint despite being given numerous extensions of time in which to do so.

With respect to the complainant Gerald Rainey, an appointed client of the respondent through his employment as a defense attorney at the Office of Criminal Conflict and Civil Regional Counsel, the respondent failed to file a timely appeal of his client's criminal conviction and failed to convey information on the status of the case to the complainant. The respondent failed to respond in writing to the Florida Bar's inquiry regarding that complaint.

The complainant Tyrone Davis paid the respondent \$500 for his representation on a violation of probation and on the substantive criminal case. The respondent undertook this private representation while still an employee at the Office of Criminal Conflict and Civil Regional Counsel. The respondent failed to appear in court, failed to work on the case, and failed to communicate with

the complainant. The respondent also failed to respond in writing to the Florida Bar regarding the Davis grievance.

Pursuant to the stipulation, the respondent agreed to: (1) a suspension of 91 days, (2) participate actively in the program offered by Florida Lawyers Assistance, Inc., by signing a rehabilitation contract with that organization within 30 days of the order of the Supreme Court of Florida approving the consent Judgment, (3) pay a registration fee in the sum of \$250 and a monitoring fee in the sum of \$100 per month to the Florida Bar's headquarters, and (4) pay restitution to Tyrone Davis in the sum of \$500 prior to filing a petition for reinstatement.

In view of the respondent's failure to submit a verified statement asserting any of the enumerated defenses or demanding a hearing, the Grievance Committee's application to impose reciprocal discipline is granted and the respondent is suspended for a period of six months based on the discipline imposed in Florida.

PRUDENTI, P.J., MASTRO, RIVERA, SKELOS, and ENG, JJ., concur.

ORDERED that the petitioner's application is granted; and it is further,

ORDERED that pursuant to 22 NYCRR 691.3, the respondent, Adam Keith Serper, is suspended from the practice of law for a period of six months, commencing July 15, 2010, and continuing until further order of this Court, with leave to the respondent to apply for reinstatement no sooner than 30 days prior to the expiration of the period of six months upon furnishing satisfactory proof that during the said periods he: (a) refrained from practicing or attempting to practice law, (b) fully complied with this order and with the terms and provisions of the written rules governing the conduct of disbarred, suspended, and resigned attorneys (*see* 22 NYCRR 691.10), (c) complied with the applicable provisions of 22 NYCRR 691.11(c)(4), and (d) otherwise properly conducted himself; and it is further,

ORDERED that the respondent, Adam Keith Serper, shall promptly 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, during the period of suspension and until the further order of this court, the respondent, Adam Keith Serper, shall 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 himself out in any way as an attorney and counselor-at-law; and it is further,

ORDERED that if the respondent, Adam Keith Serper, 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:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive style with a large, prominent initial "J".

James Edward Pelzer
Clerk of the Court