

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
MARK C. DILLON, JJ.

2010-01854

OPINION & ORDER

In the Matter of Stephen T. Mitchell, admitted as
Stephen Theodore Mitchell, an attorney and
counselor-at-law, resignor.

(Attorney Registration No. 2318616)

Resignation tendered pursuant to 22 NYCRR 691.9 by Stephen T. Mitchell, who was admitted to the Bar at a term of the Appellate Division of the Supreme Court in the Second Judicial Department on March 16, 1988, under the name Stephen Theodore Mitchell.

Diana Maxfield Kears, Brooklyn, N.Y. (Mark F. DeWan of counsel), for the
Grievance Committee for the Second, Eleventh, and Thirteenth Judicial Districts.

Clarence Smith, Jr., New York, N.Y., for resignor.

PER CURIAM. Stephen T. Mitchell has submitted an affidavit dated February 15, 2010, wherein he tenders his resignation as an attorney and counselor-at-law (*see* 22 NYCRR 691.9). Mr. Mitchell was admitted to the Bar at a term of the Appellate Division of the Supreme Court in the Second Judicial Department on March 16, 1988, under the name Stephen Theodore Mitchell.

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MATTER OF MITCHELL, STEPHEN T.

Mr. Mitchell avers that his resignation is freely and voluntarily submitted with a full awareness of the implications of its submission. He acknowledges that he has not been subjected to coercion or duress.

Mr. Mitchell is aware that the Grievance Committee for the Second, Eleventh, and Thirteenth Judicial Districts (hereinafter the Grievance Committee) is currently investigating 11 complaints of professional misconduct against him alleging, inter alia, failure to satisfy lawful monetary judgments against him, escrow violations, and other conduct prejudicial to the administration of justice and adversely reflecting on his fitness to practice law. He acknowledges his inability to successfully defend himself on the merits against any charges predicated upon his alleged professional misconduct.

Mr. Mitchell submits his resignation subject to any application by the Grievance Committee for an order directing him to make restitution to and reimburse the Lawyers' Fund for Client Protection, pursuant to Judiciary Law § 90(6-a). He acknowledges the Court's continuing jurisdiction to make such an order. Mr. Mitchell is aware that any order issued pursuant to that statute could be entered as a civil judgment against him, and he specifically waives the opportunity to be heard in opposition, as afforded him by Judiciary Law § 90(6-a)(f).

Mr. Mitchell offers his apologies to the legal profession, the Court, and his family for any disrepute his actions may have wrought on each of them. He has agreed to accept no new clients subsequent to the date his resignation was executed.

Mr. Mitchell asks permission to complete four designated matters for which he is attorney of record in the federal court system. The Grievance Committee supports acceptance of the proffered resignation but takes no position with respect to his request to be allowed to finish the four referenced matters.

Inasmuch as the resignation complies with the requirements of 22 NYCRR 691.9, it is accepted, and, effective immediately, Stephen T. Mitchell is disbarred and his name is stricken from the roll of attorneys and counselors-at-law. Mr. Mitchell's request to be allowed to complete the pending matters is denied.

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

ORDERED that pursuant to Judiciary Law § 90, effective immediately, Stephen T. Mitchell, admitted as Stephen Theodore Mitchell, is disbarred and his name is stricken from the roll

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

ORDERED that Stephen T. Mitchell, admitted as Stephen Theodore Mitchell, 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, effective immediately, Stephen T. Mitchell, admitted as Stephen Theodore Mitchell, 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 Stephen T. Mitchell, admitted as Stephen Theodore Mitchell, 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).

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

ENTER:



James Edward Pelzer
Clerk of the Court