

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
STEVEN W. FISHER, JJ.

2008-10516

OPINION & ORDER

In the Matter of Janice L. Jessup, admitted as Janice Lorraine Jessup, an attorney and counselor-at-law.

Grievance Committee for the Tenth Judicial District, petitioner; Janice L. Jessup, respondent.

(Attorney Registration No. 2971026)

DISCIPLINARY proceeding instituted by the Grievance Committee for the Tenth Judicial District. By decision and order on motion dated February 6, 2009, this Court authorized the Grievance Committee for the Tenth Judicial District to institute and prosecute a disciplinary proceeding against the respondent, based on a petition dated November 12, 2008, and referred the issues raised to John F. Mulholland, Esq., as Special Referee to hear and report. By further decision and order on motion dated October 6, 2009, this Court granted the Grievance Committee's motion for leave to serve and file a verified supplemental petition to be incorporated into the pending disciplinary proceeding. By opinion and order of this Court dated March 25, 2008, the respondent was publicly censured based upon disciplinary action taken against her in the State of Ohio for noncompliance with attorney registration and continuing legal education requirements in that State (*see Matter of Jessup*, 51 AD3d 259). The respondent was admitted to the Bar at a term of the

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MATTER OF JESSUP, JANICE L.

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Appellate Division of the Supreme Court in the Second Judicial Department on November 17, 1999, under the name Janice Lorraine Jessup. She has now submitted an affidavit of resignation dated February 2, 2010.

Rita E. Adler, Hauppauge, N.Y. (Michael Fuchs of counsel) for petitioner.

McDonough and McDonough, Westbury, N.Y. (Chris G. McDonough of counsel), for respondent.

PER CURIAM.

The respondent indicates that her resignation is submitted voluntarily after consulting with her attorney. She avers that she has not been subjected to any coercion or duress and is fully aware of the implications of submitting a resignation. The respondent acknowledges that the verified petition dated November 12, 2008, contains 13 charges of professional misconduct including making false statements of law or fact, engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation, handling a legal matter without adequate preparation, engaging in conduct adversely reflecting on her fitness as a lawyer, and engaging in an impermissible conflict of interest. The supplemental petition contains two additional charges: engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation and conduct prejudicial to the administration of justice.

The respondent acknowledges her inability to successfully defend herself on the merits of the charges. She is fully aware of the implications of submitting her resignation, including being barred by Judiciary Law § 90 and the Rules of this Court from seeking reinstatement for at least seven years.

The respondent's resignation is submitted subject to any application which could be made by the Grievance Committee for the Tenth Judicial District (hereinafter the Grievance Committee) for an order directing restitution and reimbursement to the Lawyers' Fund, pursuant to Judiciary Law § 90(6-a). She acknowledges the continuing jurisdiction of the Court to make such an order, which could be entered as a civil judgment against her and she specifically waives the opportunity afforded her by Judiciary Law § 90(6-a)(f) to be heard in opposition thereto.

The Grievance Committee supports acceptance of the respondent's resignation as being in the best interests of the public.

Inasmuch as the proffered resignation comports with the requirements of 22 NYCRR 691.9, it is accepted, and, effective immediately, the respondent is disbarred and her name is stricken from the roll of attorneys and counselors-at-law. The pending disciplinary proceeding previously authorized by this Court is discontinued in light of the proffered resignation.

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

ORDERED that the resignation of Janice L. Jessup, admitted as Janice Lorraine Jessup, is accepted and directed to be filed; and it is further,

ORDERED that pursuant to Judiciary Law § 90, effective immediately, Janice L. Jessup, admitted as Janice Lorraine Jessup, is disbarred and his name is stricken from the roll of attorneys and counselors-at-law; and it is further,

ORDERED that Janice L. Jessup, admitted as Janice Lorraine Jessup, 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, effective immediately, Janice L. Jessup, admitted as Janice Lorraine Jessup, 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 herself out in any way as an attorney and counselor-at-law; and it is further,

ORDERED that if Janice L. Jessup, admitted as Janice Lorraine Jessup, has been issued a secure pass by the Office of Court Administration, it shall be returned forthwith to the issuing agency and the the respondent shall certify to the same in her 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 February 6, 2009, is discontinued.

ENTER:



James Edward Pelzer
Clerk of the Court