

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
RUTH C. BALKIN, JJ.

2010-01046

OPINION & ORDER

In the Matter of Wynman Chang, a suspended attorney.

Grievance Committee for the Ninth Judicial District,
petitioner; Wynman Chang, respondent.

(Attorney Registration No. 2790947)

DISCIPLINARY proceeding instituted by the Grievance Committee for the Ninth Judicial District. By decision and order on motion of this Court dated June 3, 2010, the respondent was immediately suspended from the practice of law, pending further order of the Court, pursuant to 22 NYCRR 691.4(l)(1)(i) and (iii); the Grievance Committee for the Ninth Judicial District was authorized to institute and prosecute a disciplinary proceeding, as the petitioner, against Wynman Chang, as the respondent, based upon the acts of professional misconduct set forth in a verified petition dated January 8, 2010; and the matter was referred to the Honorable John M. Perrone, as Special Referee, to hear and report. The respondent was admitted to the Bar at a term of the Appellate Division of the Supreme Court in the Second Judicial Department on April 2, 1997.

Gary L. Casella, White Plains, N.Y. (Antonia Cipollone of counsel), for petitioner.
Wynman Chang, Mableton, Georgia, respondent pro se.

PER CURIAM.

The respondent was duly served with a petition containing two

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charges of professional misconduct. He did not serve an answer within the time set forth by the Court's decision and order dated June 3, 2010.

On October 8, 2010, a conference call was conducted between the petitioner, the respondent, and the Special Referee, wherein the respondent stated that he did not dispute the charges; that he wished for his letter to the petitioner dated September 30, 2010, to serve as his answer; and that he did not wish to appear for a hearing. It was agreed that the petitioner would draft a stipulation of facts and evidence and forward it to the respondent for his review. The stipulation, with attachments, was subsequently marked into evidence. The Special Referee thereafter sustained charges one and two of the petition. The petitioner now moves to confirm the report of the Special Referee. The respondent has neither cross-moved nor submitted any papers in response to the petitioner's motion.

Charge one alleges that, contrary to the requirements of Judiciary Law § 468-a(1) and § 118.1 of the Rules of the Chief Administrator of the Courts (22 NYCRR 118.1), the respondent failed to re-register as an attorney for the 2005-2006 biennial registration period, and every period thereafter, until on or about October 1, 2010, when he updated his attorney registration from 2005 through the present.

Charge two alleges that the respondent failed to cooperate with the efforts of the Grievance Committee for the Ninth Judicial District (hereinafter the Grievance Committee) to investigate his failure to re-register between May 22, 2008, and September 29, 2010, by not responding to letters and phone calls from the Grievance Committee.

In sustaining charges one and two, the Special Referee determined that the respondent was guilty of engaging in conduct which is prejudicial to the administration of justice by failing to re-register as an attorney and counselor-at-law in violation of Rules of Professional Conduct (22 NYCRR 1200.0) rule 8.4(d), as well as conduct which reflects adversely on his fitness as a lawyer by failing to cooperate with the Grievance Committee in violation of Rules of Professional Conduct (22 NYCRR 1200.0) rule 8.4(h).

Based upon the respondent's admissions and the evidence adduced, the Special Referee properly sustained charges one and two. The petitioner's motion to confirm the Special Referee's report must, therefore, be granted.

In determining an appropriate measure of discipline to impose, we note that the

respondent has no prior disciplinary history. Moreover, we have also considered the financial difficulties experienced by the respondent during the period in question.

Under the totality of the circumstances, the respondent is reinstated to the practice of law, effective immediately, and is thereupon censured for his professional misconduct.

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

ORDERED that the petitioner's motion to confirm the report of the Special Referee is granted; and it is further,

ORDERED that the respondent, Wynman Chang, is reinstated to the practice of law, effective immediately, and is thereupon censured for his professional misconduct.

ENTER:

A handwritten signature in black ink that reads "Matthew G. Kiernan". The signature is written in a cursive, slightly slanted style.

Matthew G. Kiernan
Clerk of the Court