

§806.9, suspending those attorneys, whose names are listed on **Exhibits "A", "B" and "C"** annexed hereto ("respondents"), from the practice of law due to uncontroverted evidence of professional misconduct as a result of respondents' failure to register with the Office of Court Administration ("OCA") in violation of Judiciary Law §468-a and 22 NYCRR §118.1.

5. OCA has compiled a list of attorneys ("the list") who have failed to register with OCA for at least the biennial registration periods of 2014-2015 and 2015-2016, and to date, remain delinquent with respect to their registration obligations.

6. The list was provided to the petitioner for its investigation and appropriate action.

7. Petitioner has reviewed the list and has separated the attorneys on the list into one of three groups as follows: (A) those attorneys whose last OCA registration address is within New York State [**Exhibit "A"**], (B) those attorneys whose last OCA registration address is out of State [**Exhibit "B"**], and (C) those attorneys whose last OCA registration address is out of Country [**Exhibit "C"**].

8. A review of OCA's Attorney Registration, List of Fees Reports, for each respondent shows that each respondent's registration status is "delinquent" and the periods of delinquency are for at least (2) consecutive biennial registration periods: 2014-2015 and 2016-2017 or 2015-2016 and 2017-2018. Due to the volume of reports, petitioner has not attached copies of the same and instead, respectfully refers this Court to the OCA Attorney Registration, List of Fees Reports, for each respondent.

9. Petitioner has reviewed the list and confirmed that the attorneys that are listed thereon have, to date, failed to register or pay their biennial registration fees.

10. As more specifically set forth in the Affidavit of Samuel Younger, Chief Management Officer for the OCA Attorney Registration Unit, which affidavit is annexed hereto and marked as **Exhibit "D"**, Mr. Younger explains the steps taken by OCA to give notice to the respondents of their failure to register, including the mailing of three separate notices to the respondents.

11. Judiciary Law §468-a(5) provides that an attorney's non-compliance with the registration requirements constitutes "conduct prejudicial to the administrative of justice" and directs "disciplinary action".

12. An attorney's failure to comply with the provisions of Judiciary Law §468-a constitutes conduct prejudicial to the administration of justice and renders an attorney subject to disciplinary action. *See, Matter of Hanson*, 146 A.D.3d 1229 (3rd Dept. 2017), ("...[t]he Rules of Professional Conduct explicitly define conduct which is prejudicial to the administration of justice as attorney misconduct (*see*, Rules of Professional Conduct [22NYCRR 1200.0], Rule 8.4(d)), and this Court has repeatedly and consistently held that failure to comply with registration requirements is professional misconduct warranting discipline (internal citations omitted)".) *See also: Matter of Humphrey*, 151 A.D.3d 1539 (3rd Dept. 2017); *Matter of Nichols*, 152 A.D.3d 1044 (3rd Dept. 2017); *Matter of Cluff*, 148 A.D.3d 1346,1346 (3rd Dept. 2017); *Matter of Bomba*, 146 A.D.3d 1226, 1226-1227 (3rd Dept. 2017).

13. Moreover, as this Court has held, an attorney's longstanding registration delinquency is indicative of their lack of interest in their fate as an attorney in New York State. *See, Matter of Ezeala*, 163 A.D.3d 1349, 1349 (3rd Dept. 2018); *Matter of Friedman*, 86 N.Y.S.3d 340 (3rd Dept. 2018); *Matter of Tambolini*, 155 A.D.3d 1302 (3rd Dept. 2017).

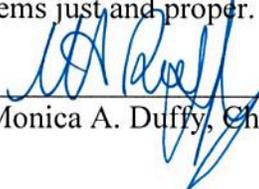
14. Petitioner has presented uncontroverted evidence that respondents have engaged in professional misconduct by failing to comply with the OCA attorney registration requirements for more than two biennial registration periods (four or more years), which misconduct is in violation of the New York Rules of Professional Conduct, Rule 8.4(d) [engaging in conduct prejudicial to the administration of justice].

15. Petitioner respectfully submits that respondents' persistent failure to honor the attorney registration obligations immediately threatens the public interest by jeopardizing the honor and integrity of the profession and encouraging other attorneys to engage in similar misconduct by disregarding their attorney registration obligations with no consequence for doing so. Respondents' misconduct warrants their suspension from the practice of law.

16. As the respondents listed on **Exhibits "A", "B" and "C"** cannot with due diligence be served personally with this Order to Show Cause seeking an order of suspension, and given the repeated efforts of the OCA to gain respondents' compliance with the registration requirements by means of multiple notices, respondents' persistent delinquencies with their attorney registration obligations, and pursuant to Judiciary Law §90(6), it is respectfully submitted that service and notice of this Order to Show Cause and supporting papers by publication on this Court's website at www.courts.state.ny.us/ad3, commencing on or before January 7, 2019, and continuing thereafter until the return date of this motion, and by posting on this Court's Twitter account, @NYAppDiv3, on each Monday of the successive weeks during the period commencing on January 7, 2019, and ending on the return date of this motion, be deemed good and sufficient service.

17. No previous application has been made for the relief requested herein or for any similar relief.

WHEREFORE, it is respectfully requested that an order be granted pursuant to the Rules for Attorney Disciplinary Matters §1240.9(a)(5) and Rules of the Appellate Division, Third Judicial Department, §806.9, suspending respondents, whose names are listed on **Exhibits "A", "B" and "C"**, from the practice of law due to uncontroverted evidence of professional misconduct as a result of their failure to comply with the OCA attorney registration requirements, together with such other further and different relief as this Court deems just and proper.



Monica A. Duffy, Chief Attorney

Sworn to before me this
18th day of December, 2018.



Notary Public

CHRISTINE M ADAMS
Notary Public - State of New York
No. 01AD6058915
Qualified in Albany County
Commission Expires May 21, 2019

