

3. This affirmation is based upon information contained in files and records maintained by petitioner.

4. This affirmation is submitted in support of petitioner's application for an order, pursuant to Atty. Disc. Rules §1240.9(a)(5) and Court Rules §806.9, suspending those attorneys, whose names are listed on **Exhibits "A", "B" and "C"** annexed hereto ("respondents" or "attorneys"), 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, Attorney Services-Registration ("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 the biennial registration periods of 2016-2017 and 2017-2018, and thereafter, 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 Services-Registration records for the respondents shows that each respondent's registration status is delinquent and the delinquent registration periods are 2016-2017 or 2017-2018, and additional registration periods thereafter. Due to the volume of OCA records, petitioner has not attached copies of the same and instead, respectfully refers this Court to OCA's Attorney Services-Registration records for each respondent.

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

10. The Affidavit of Diane Mole-Blaha, Senior Court Analyst for the OCA Attorney Registration Unit, is submitted herewith and annexed hereto and marked as **Exhibit "D"**, in support of petitioner's application. Ms. Mole-Blaha explains the steps taken by OCA to provide notice to the respondents of their delinquent registration status and 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: Matters of Attorneys in Violation of Judiciary Law §468-a*, 172 A.D.3d 1706 (3rd Dept. 2019); *Mattes of Attorneys in Violation of Judiciary Law §468-a*, 185 A.D.3d 1373 (3rd Dept. 2020).

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 fulfill their attorney registration obligations for more than two biennial registration periods (four or more years) and remain delinquent in those obligations to date, 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 of petitioner's application be made on respondents by: (1) publication on this Court's website at www.courts.state.ny.us/ad3, commencing on or before July 23, 2021, and continuing thereafter until the return date of this motion; (2) publication on this Court's Twitter account,

@NYAppDiv3, on each Friday of the successive weeks during the period commencing on July 23, 2021, and ending on the return date of this motion; (3) email to respondents at any and all email addresses on file with the New York State Office of Court Administration, Attorney Services-Registration ("OCA"), on or before July 23, 2021; and (4) first-class mail sent on or before July 23, 2021, to the home address most recently provided to OCA by those respondents not having an email address on file with OCA, 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 Atty. Disc. Rules §1240.9(a)(5) and Court Rules §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 fulfill their attorney registration obligations, together with such other further and different relief as this Court deems just and proper.



Monica A. Duffy, Chief Attorney

Dated this
15th day of July, 2021