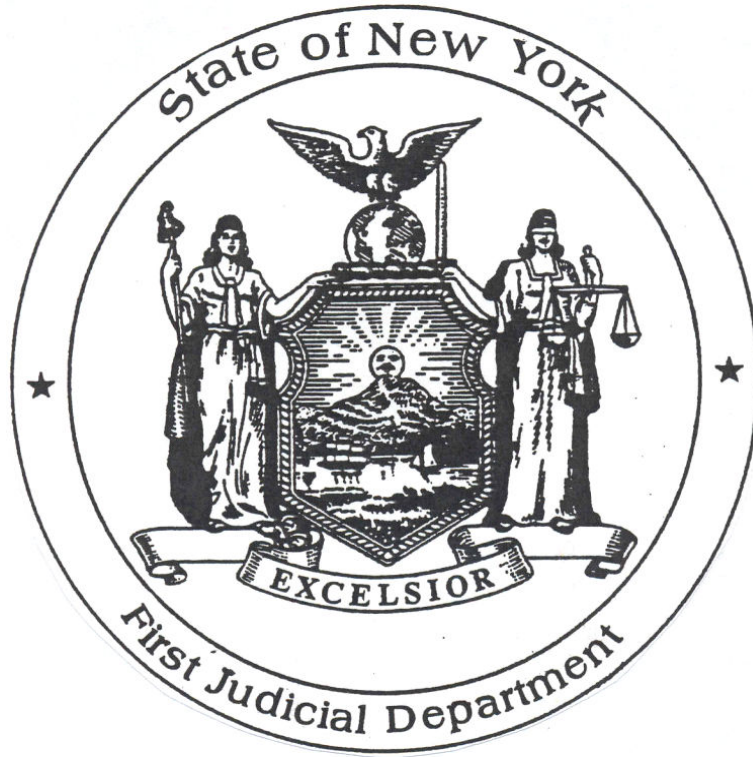


# 2024 ANNUAL REPORT



**Attorney Grievance Committee  
Supreme Court, Appellate Division  
First Judicial Department**



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First Judicial Department**

**Robert J. Anello  
Abigail T. Reardon  
Chairs**

**Jorge Dopico  
Chief Attorney**



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## **INTRODUCTION**

Complaints against attorneys, registered at an address in Manhattan or the Bronx, are investigated and resolved by the Attorney Grievance Committee for the Supreme Court, Appellate Division, First Judicial Department (AGC). The Chief Attorney of the AGC manages a staff of over 40 salaried lawyers and non-lawyers (staff). Together with a volunteer group of lawyers and non-lawyers (collectively referred to as Committee members or the Committee), the Chief Attorney's Office processed 6463 matters in 2024, including 5408 new complaints.

Committee members are volunteers appointed by the Court who fulfill both adjudicative and executive functions. Most significantly, they decide, after appropriate investigation by the Chief Attorney's Office, whether a disciplinary proceeding should be brought against an attorney, whether a private admonition or letter of advisement should be issued, or whether a complaint should be dismissed. If a disciplinary proceeding is approved, the Court may appoint a referee to conduct a hearing and prepare a written report, stating the referee's findings of fact, conclusions of law and recommended sanction. Thereafter, the Court makes the final determination on both liability and sanction based on its review of the record.

In 2024, two separate volunteer Committees, each with a Chair, Vice-Chair, and 19 other members, reviewed and approved staff's recommendations to dismiss, advise, admonish, or formally charge respondents. Each volunteer Committee operates independently and meets six times annually.

Below are brief biographies which highlight the diverse accomplishments of our volunteer Committee members.

## **COMMITTEE MEMBERS**

### CHAIRS

#### Robert J. Anello

Mr. Anello has litigated in the federal and state courts for almost forty years. He focuses his practice on white collar criminal defense, securities and regulatory enforcement matters, complex civil litigation, internal investigations and reviews, and employment discrimination and sexual harassment. Mr. Anello is widely recognized for his skills as a

criminal and civil trial and appellate attorney, his ability to negotiate effectively on behalf of his clients, and his efficiency and discretion in conducting investigations and reviews on behalf of a wide variety of institutions. Mr. Anello has acted as independent, outside counsel and consultant in a number of matters including to a Big Four accounting firm and a major global financial institution in connection with those firms' participation in SEC Look-Back Programs, which have included reviews of the firms' internal compliance programs. Mr. Anello is President Emeritus of the Federal Bar Council and is a Fellow of the American College of Trial Lawyers, the American Bar Foundation, and the New York State Bar Foundation. He is widely known for his dedication to organizations serving the legal community. He was recently appointed by the Supreme Court, Appellate Division, First Department, as Chairperson of the Attorney Grievance Committee. He is the former Chairman of the Audit Committee for the New York City Bar Association (NYCBA) and was a member of the Association's Nominating Committee. He also is the former Chairman of the Association's Committee on Professional Responsibility and was a member of many of its committees, including the Professional Ethics, Criminal Courts, and Judicial Committees. Mr. Anello also was named as a member of the Association's Ad Hoc Committee on Multi-disciplinary Practice and the Ad Hoc Committee Task Force on the Role of Lawyers in Corporate Governance. In addition to these roles, he is a member of numerous other bar associations, including the Association of Professional Responsibility Lawyers, New York Council of Defense Lawyers, the American Bar Association (ABA), the New York State Bar Association (NYSBA), where he was a member of the Association's House of Delegates, and the International Bar Association. Mr. Anello also serves on the Board of Trustees of The Supreme Court Historical Society and is a member and secretary of the Foundation of the New York Organ Donor Network and former Chairman of the organization's Audit Committee.

#### Abigail T. Reardon

Ms. Reardon is a partner in the firm of DLA Piper, LLP, and a member of the Litigation Group and the Technology Sector. She is a graduate of Duke University School of Law and College of the Holy Cross. Ms. Reardon is admitted to practice law in New York and Massachusetts, the US Court of Appeals, Second Circuit, and other federal courts. Ms. Reardon is a member of the NYCBA, and the Duke University Law School Board of Visitors. She is a former trustee of Windward School, White Plains, New York, and a former governor of the Nantucket Yacht Club. Ms. Reardon served as a Vice-Chair of the Committee for two terms before her appointment as a Chair.

## VICE-CHAIRS

### Tina M. Wells

Ms. Wells is a partner in the firm of Trolman Glaser Corley & Lichtman, PC. She is a graduate of Western New England School of Law and Syracuse University, and she is admitted to practice law in New York and Massachusetts. She is a member and past president of The Bronx County Bar Association, co-chair of the Civil Courts Committee, member of New York State Trial Lawyers Association and serves on the 1st Department Character and Fitness Committee. Ms. Wells has served on the Grievance Committee since 2019 and was appointed Vice-Chair of the Committee in 2022.

### Milton L. Williams, Jr.

Mr. Williams is a former federal prosecutor and a deputy general counsel with deep experience in white collar criminal and regulatory matters, employment law, litigation, and advisory work representing corporations, in addition to complex commercial litigation. During his distinguished career, he has tried more than 56 cases – both civil and criminal – to verdict. Prior to joining Walden Macht Haran & Williams, Mr. Williams was a partner at a nationally recognized law firm where he handled white collar matters. He also litigated discrimination claims, restrictive covenant, Dodd-Frank, and Sarbanes-Oxley retaliation claims, as well as Securities and Exchange Commission and Internal Revenue Service whistleblower claims on behalf of employees. Previously, he served as Deputy General Counsel and Chief Compliance Officer at Time Inc., where his responsibilities included internal investigations, compliance, the Foreign Corrupt Practices Act (FCPA), the Office of Foreign Assets Control (OFAC), and Sarbanes-Oxley, as well as intellectual property, privacy, data security, and other cutting-edge areas. He also litigated a variety of employment law matters on behalf of the company concerning race, age, disability, and gender discrimination; restrictive covenants; and independent contractor litigation. Earlier in his career, Mr. Williams was an Assistant United States Attorney in the US Attorney's Office (USAO) for the SDNY. His last assigned unit in the USAO was the Securities and Commodities Fraud Force. Mr. Williams also served as an Assistant District Attorney (ADA) in the Manhattan DA's office.

## MEMBERS

### Marijo C. Adimey

Ms. Adimey is a partner with the law firm of Gair Gair Conason Rubinowitz Bloom Hershenhorn Steigman & Mackauf (GGCRBHS&M). She has devoted her entire legal

career to litigating on behalf of those who have suffered immeasurable loss from a catastrophic injury or death of a loved one. Her empathetic approach toward her clients, remarkable trial skills, and relentless pursuit of justice have made her a prominent attorney in the areas of personal injury, wrongful death, and medical malpractice. Recently named one of the “Top Women’s Litigators” in New York by Super Lawyers, Ms. Adimey quickly became a formidable force of the GGCRBHS&M team after joining in 2014, obtaining several multi-million-dollar verdicts and settlements on behalf of her clients. Her career began as an ADA in Bronx County, where she prosecuted cases on behalf of victims of horrific crimes. There, she became an experienced trial attorney, trying dozens of felony and misdemeanor trials to verdict. Prior to joining GGCRBHS&M, Ms. Adimey had the privilege of representing individuals who have had the unfortunate experience of being the victim of medical malpractice or who have suffered serious physical injury or death in an accident. She continued her zealous representation in 2014 when she joined GGCRBHS&M, whereat her exceptional advocacy and litigation skills paid off in 2017, when she became a partner of the firm. Since 2015, Ms. Adimey has been consistently recognized by her peers each year for inclusion in The Best Lawyers in America and New York Magazine’s “Best Lawyers” in New York in the specialties of medical malpractice and personal injury. She holds an “AV” rating (highest rating) from the Martindale-Hubbell Law Directory, one of the oldest and best-known peer review ratings in the US for both legal and ethical standards. Her advocacy skills and dedication to her clients were recognized early in her career, when she was selected by her peers for inclusion in the Super Lawyers 2013: Rising Stars, an honor reserved for those lawyers who exhibit excellence in practice and published in The New York Times. She has since been selected as a “Super Lawyer” every year. She has been awarded the “Client Distinction Award” issued by Martindale-Hubbell, an honor made possible by the clients she served and awarded to less than 1% of the 900,000+ attorneys listed in Martindale-Hubbell. Ms. Adimey was appointed by the Administrative Judge for Civil Matters, First Judicial Department, as an attorney member of the Medical Malpractice Advisory Committee for the Supreme Court, New York County. She was also selected to serve a two-year term on the Judiciary Committee of the NYCBA, a committee which evaluates judges for appointment, reappointment, election, or reelection to the bench on the city, state, and federal level, and makes recommendations for approval. For the past three years, Ms. Adimey has served as a board member of the New York State Trial Lawyers Association, where she also sits on the Medical Malpractice and Labor Law Committees. She is a lecturer for the NYSBA, and is admitted to the New York and New Jersey Bar, as well as the SDNY, EDNY, NDNY, and the District of New Jersey.

### Erica Barrow

Ms. Barrow is a litigation partner at the firm of Baker & Hostetler LLP and a member of the commercial litigation and securities litigation groups. She is a graduate of Fordham Law School and Fordham College at Lincoln Center. She is admitted to practice law in New York and New Jersey, the U.S. Court of Appeals, Second Circuit, and other federal courts. Ms. Barrow is a member of the New York State Supreme Court, Appellate Division, Character and Fitness Committee and an active member of the NYSBA, Commercial and Federal Litigation Section and the National Asian Pacific American Bar Association. Ms. Barrow regularly takes a leadership role in the Diversity and Inclusion and Women's Committee groups at Baker & Hostetler LLP.

### Martin S. Bell

Mr. Bell is a partner at Simpson Thacher & Bartlett LLP, where he is a member of its Litigation Department and Government and Internal Investigations Group and leads its Equity and Civil Rights Reviews team. He is a graduate of Harvard Law School and Harvard College. He is admitted to practice law in New York, the U.S. Court of Appeals for the Second Circuit, the Eastern District of New York (EDNY) and the Southern District of New York (SDNY). Mr. Bell served as an Assistant U.S. Attorney in the SDNY from 2010 to 2021. An accomplished trial lawyer, Mr. Bell has been appointed to the Criminal Justice Act Panel for the SDNY, where he represents indigent criminal defendants. Mr. Bell is a member of the Boards of the Harvard Law School Association of New York City, the Office of the Appellate Defender, the Brooklyn Botanic Garden, and the Brooklyn Debate League, and a former trustee of Regis High School.

### Peter A. Bellacosa

Mr. Bellacosa joined Phillips Lytle as a litigation partner resident in its NYC and Albany offices in June 2018. Prior to that, he was a partner in the litigation department of Kirkland & Ellis for over 21 years and began his career as an associate in the litigation department of Milbank Tweed Hadley & McCloy. He concentrates his practice in the areas of product liability, mass torts, class action defense, ERISA, securities, and commercial disputes. He also has extensive experience with criminal and regulatory investigations, as well as handling matters in state and federal trial and appellate courts, and in arbitrations. He has represented a diverse group of leading US and international companies in complex, high stakes disputes. Mr. Bellacosa has complemented his private law practice with significant *pro bono publico* service, including serving by appointment to highly sensitive public boards with wide-ranging duties and responsibilities by Governors Pataki and Patterson and the New York Court of Appeals. He has served on the Board of Trustees of the New

York State Lawyers' Fund for Client Protection since 2009 and also serves as its Treasurer. He served as a Member of the Appellate Division, First Department Disciplinary Committee from 2008-2014 and was re-appointed to the Committee in 2020. He is a graduate of Georgetown University (1985) and St. John's University School of Law (1988) and is a member of the NYSBA, and the ABA.

#### Steven Benathen

Mr. Benathen is a court attorney in Bronx Supreme Court, Criminal Term. He has previously served as a law clerk at the Appellate Division, First Department and as a public defender at the trial and appellate levels. He is co-chair of the Appellate Courts Committee of the New York County Lawyers' Association, a member of the LGBTQ Rights Committee and Rule of Law Taskforce of the New York City Bar Association, and a member of the LGBT Bar Association of Greater New York (LeGal). He received his bachelor's degree from New York University and his law degree *magna cum laude* from the University of Illinois College of Law.

#### Eleazar F. Bueno

Mr. Bueno is currently the Chair of the Public Safety Community Board 12 Manhattan of The Chamber of Commerce of Washington Heights and Director of Public Engagement of the DOT Commissioner. He is a graduate of The University of Central Florida and CUNY on Liberal Arts and Public Administration. Mr. Bueno is a business owner and a seasoned results-driven professional with exceptional skills in problem-solving, project management, constituent services, intergovernmental affairs, regulatory compliance, and oversight with extensive experience leading complex organizations and large-scale initiatives in fast paced environments. In addition, he has a proven record of developing cross-sectoral strategic partnerships to improve service delivery and impact using practical, bilingual oral and written communication skills, stakeholder engagement, community networks, and a public service ethos.

#### John P. Buza

Mr. Buza is a partner at Konta Georges and Buza, PC. Upon graduating from law school, Mr. Buza served as a prosecutor in the New York County DA's Office from 2008 through March of 2014 when he entered private practice. Mr. Buza specializes in defending those accused of crimes on the state and federal level as well as representing individuals and corporations being investigated by the government.

Rev. Reyn Cabinte

Rev. Cabinte is the Senior Pastor of Uptown Community Church in Washington Heights. He planted Uptown in 2008, previously serving Emmanuel Presbyterian Church (Morningside Heights) and Church planting Fellow at Redeemer Presbyterian Church. Rev. Cabinte is a founding board member of Viva Uptown, a church-based collaborative non-profit working for the renewal of northern Manhattan. He is also the Manhattan Catalyst for Redeemer City to City, a global urban missions organization. Prior to the ministry, he worked at CBS News' 60 Minutes, served as a writer for economic development NGO World Vision, and was once captain of the men's swim team at Columbia University. He has two boys with his wife, Esther.

Miguelina M. Camilo

Ms. Camilo is currently Counsel to Speaker Carl E. Heastie of the New York State Assembly. Prior to joining the Assembly, she served as Associate Counsel to the NYC Board of Elections. She currently serves as the President of the Bronx Chapter of the 100 Hispanic Women. She previously served as chapter President of the Bronx Women's Bar Association and President of the Dominican Bar Association. She earned a juris doctorate from New York Law School and a bachelor's degree from New York University.

Russell Capone

Mr. Capone, a partner at Cooley, LLP, is a former federal prosecutor with significant experience handling complex criminal cases, particularly those involving corruption, financial fraud, and other white collar crimes. Mr. Capone served for more than 10 years at the US Attorney's Office for the Southern District of New York, most recently as chief counsel to the US Attorney. In that role, he helped oversee SDNY's most significant and sensitive investigations and prosecutions involving, among other crimes, white collar and cybercrime, securities fraud, public corruption, terrorism, gang violence, organized crime, sex trafficking and international narcotics trafficking. Mr. Capone also helped supervise matters arising in SDNY's Civil Division, including those involving civil rights violations, as well as violations of the False Claims Act and Anti-Kickback Statute.

Hon. James M. Catterson

Judge Catterson is a partner at Pillsbury Winthrop Shaw Pittman LLP, specializing in commercial litigation and appellate practice. Prior to Joining Pillsbury, Judge Catterson was a partner at Arnold & Porter and Kaye Scholer. He previously served as a Justice of the Supreme Court, first on the trial bench in Riverhead, Suffolk County, and then a decade

on the Appellate Division, First Department. He is a graduate of St. John's Law School and Colgate University.

#### Susan M. Cofield

Prior to her retirement, Ms. Cofield was employed with the New York Department of Education for over 35 years. Over the course of her career with the department, she served in a number of positions including School Social Worker, District Director of Student Support Services, Citywide Director of Guidance, Executive Director of Manhattan Enrollment, and Deputy Chief Executive of the Office of Enrollment. Ms. Cofield graduated from New York University (BA cum laude) and Columbia University School of Social Work (MS with Distinction). She also received an Educational Administration and Supervision Certificate from The City College of New York.

#### Robert Stephan Cohen

Mr. Cohen is a Senior Partner at Cohen Clair Lans Greifer & Simpson LLP. His area of concentration is in complex family law matters. Prior to his present affiliation, he was a partner at Morrison Cohen LLP where he was also the Managing Partner and Chair of the firm's Executive Committee. He has been the lead lawyer in some of the most important equitable distribution and custody matters in New York and represents individuals in significant matters outside New York including in California, Connecticut, Florida, Georgia, Illinois, Kentucky, Missouri, New Jersey, Virginia and jurisdictions as well outside the United States. He has lectured in the United States, Europe and Asia and has been, for the past 20 years, an Adjunct Professor at the University of Pennsylvania School of Law. He is the author of *Reconcilable Differences* published by Simon & Schuster and has been recognized by *The New York Times* as one of the most important divorce lawyers in the United States. He has been profiled by *The New York Times* and the *Wall Street Journal*, *Business Insider* and *The Financial Times*. In 2016, the former Governor Andrew Cuomo named Mr. Cohen Chairperson of the Judicial Screening Committee of the First Judicial Department, which committee he has served on since 2012, and also designated him as a member of the State Judicial Screening Committee. In 2016, he was also appointed as Chairperson of the Supreme Court's Matrimonial Committee, a position he currently holds. Mr. Cohen is a member of The American College of Family Trial Lawyers and a Fellow of the American Academy of Matrimonial Lawyers. His biography appears annually in *The Best Lawyers in America*, *Who's Who in the World*, *Who's Who in America*, *Who's Who in American Law*, *Best Lawyers in New York* and *Super Lawyers*. He attended Alfred University where he is presently a trustee and Fordham University

where he was an editor of the Law Review. He was an officer in the Judge Advocate General's Corp and has completed marathons in both the United States and Europe.

#### William F. Dahill

Mr. Dahill is a founding partner at Coviello Weber & Dahill LLP, where he focuses his practice on employment litigation and counselling, and complex commercial litigation. Areas of focus include employment counseling, securities industry litigation, payment processing disputes, post-sale transaction disputes, secured lending disputes, partnership disputes and shareholder disputes. Mr. Dahill appears regularly in Federal and State Courts as well as arbitral fora. Mr. Dahill is admitted to the bar in the States of New York and Connecticut, as well as to the bars of the SDNY, EDNY, and the Courts of Appeals for the Second and Fifth Circuits. He is an active member of the Fordham Law Alumni Association, the Network of Bar Leaders, Federal Bar Association – SDNY Chapter, and sits on the Board of Directors for Notre Dame High School, West Haven Connecticut, of which he is an alum. Mr. Dahill received his JD from Fordham University School of Law, cum laude, in 1991, where he served as Managing Editor of the Moot Court Board. Mr. Dahill received his BA in Architecture from Columbia University in 1984.

#### Lisette A. Duran

Ms. Duran is Counsel at Paul, Weiss, Rifkind, Wharton & Garrison LLC in New York in the Sustainability & Environmental, Social and Governance (“ESG”) Advisory Practice. Ms. Duran has extensive experience advising clients on their ESG efforts, with a focus on diversity, equity, and inclusion (“DEI”) initiatives and disclosures, racial equity audits and assessments, and internal investigations. Prior to joining the ESG practice, she was a litigation associate specializing in complex litigation and regulatory defense, representing leading companies in finance, oil and energy, and technology. Ms. Duran is also very active outside of work. She is a Deputy Regional President for HNBA Region II, a member of the Lideres Board of Latino Justice PRLDEF, and a member of the Board of the Dominican Women's Development Center. Ms. Duran earned her B.A. from the University of Pennsylvania and her J.D. from Columbia Law School. After graduation, she clerked for Judge Edgardo Ramos at the U.S. District Court for the SDNY.

#### Virginia Goodman Futterman

Ms. Futterman, a graduate of St. John's University School of Law, is a senior equity partner at London Fischer LLP, heading a litigation team dedicated to defending complex and high-profile labor law/construction and premises liability matters. Other firm activities include acting chair of London Fischer's diversity initiative, which she founded. Ms. Futterman

continues, now in the second decade, to serve as an appointed Federal Court mediator in the SDNY and EDNY with primary focus on employment/discrimination cases. Outside the legal arena, continuing a long history of community commitment, Ms. Futterman has acted as President of her co-op board, and has 20 years as an active volunteer at the New York Junior League.

#### Julie Goldscheid

Ms. Goldscheid is a Professor of Law Emeritus at CUNY School of Law, where she also served as Senior Associate Dean for Academic Affairs, and currently teaches Gender Violence at NYU School of Law. She has held positions including senior staff attorney and acting legal director at Legal Momentum (formerly NOW Legal Defense and Education Fund) and as general counsel at Safe Horizon, a leading victim services organization. She is a graduate of New York University Law School and has taught at Yale, Columbia, Penn State and Brooklyn law schools. She serves on the Board of Directors of the Center for Survivor Agency and Justice (CSAJ) and has served on the Board of Directors of the Stonewall Community Foundation and other NGO's and has been active in bar association committees and task forces.

#### Phillip C. Hamilton

Mr. Hamilton, a managing partner at Hamilton Clarke, LLP, manages a caseload primarily consisting of serious, complex felony matters, civil rights actions, and contractual litigation in both state and federal court.

#### C. Willem Houck

Mr. Houck is a proven innovator in blue chip companies as well as a successful investor and operator in early and growth stage healthcare and technology businesses. Known for his passionate and encouraging leadership approach to building high performance teams, Mr. Houck enjoys an international reputation for finding and extracting value from new products and business models. Most recently, he was appointed CEO of an early-stage biotech that is developing a highly promising cure for HIV as well as several oncological diseases. Before that, he was the CEO of DEARhealth, a UCLA spin-out of doctors and scientists that supports decision making with the help of AI. Earlier, he identified the market opportunity in the U.S. for automated and personalized consumer healthcare fulfillment services and founded Daklapack US. He co-founded the Health Care Financial Exchange, a market-driven healthcare payment system, creating competition through transparency in the opaque Healthcare market. Founder of Girasol NY, a forward looking and pioneering early-stage technology company specializing in medical devices, healthcare

business innovation and database technology, he was involved with NICO-lab, an AI assisted acute care diagnostic company; iValue UAB, developer of a biological pacemaker based on groundbreaking research by Columbia University Medical Center; and iDx Ventures, maker of ClariFlow, an affordable DIY early stage enlarged prostate detection kit. As the Chairman and CEO of Philips' global B2B board, he refocused the company to a customer driven organization, and he was an early leader of its activities in energy management and led its global technology incubators. At iFortress, he was recruited by a high-profile board to turn the business around in 18 months by renegotiating debt and signing significant new business. A lawyer by training with a bilingual MBA focused on strategic marketing from Hautes Etudes Commerciales (HEC) in Paris and several senior executive degrees from IMD and INSEAD, he's a proud dual citizen of the USA and the Netherlands, spending his time in New York as well as The Hague. For almost 10 years he was the volunteer chairman of The Netherland Club of New York, founded in 1903.

#### Jaipat S. Jain

Mr. Jain represents domestic and international technology and other clients in transactional matters, principally private mergers and acquisitions, private securities transactions and corporate finance, and choice, organization and governance of business entities. His clients regularly also seek his counsel in matters relating to data transfer and privacy, licensing and development of technology (particularly software as a service), employment, distribution and supply, asset-based lending, commercial mortgage lending, leasing and conveyance of commercial real estate, and international trade and financing. His clients include fintech and telepathology companies, manufacturers of specialty chemicals, global conglomerates engaged in mining and manufacturing, private equity funds, among others. Mr. Jain came to the United States as an international business executive, first as a manager and then as the Country Head of the U.S. branch of one of South Asia's largest global trading company. As an international business executive, he traveled to and did business in various countries. He brings to practice of law rich first-hand experience of a successful global businessman. As a lawyer, he sees his role as helping clients create wealth and make sound business decisions. He is often the lawyer of choice for private transactions (below about \$150 m) between India and the United States. Mr. Jain's clients also lean on him for help in resolving business disputes. In that role, he works with the firm's litigation teams and makes sure that clients priorities drive the outcome in a personalized setting. Mr. Jain is a member of the New York State Attorney Grievance Committee (First Department) (2021-26). He has held and continues to hold various leadership positions in local and national bar associations. Notably, with the New York City Bar Association (Board of Directors, 2020-24), and the American Bar Association (Presidential Appointment to

Editorial Board of the ABA/ Bloomberg Law Lawyers' Manual on Professional Conduct, 2022-25; Presidential Appointment to the Standing Committee on International Trade in Legal Services (2024-27); Member to ABA Council, Section of Science and Technology (2024-27); Chair, India Committee (2019-2022); Chair, Legal Practice, Ethics & Delivery of Legal Services Division (2022); Vice Chair, EPrivacy Committee (2020-25) and Cloud Computing Committee (2022-25). Mr. Jain has also been elected as a Life Fellow of the American Bar Foundation. On a private level, Mr. Jain was instrumental in replicating Shikharji, Jainism's most important place of pilgrimage, over 120-acres of land at Siddhachalam, New Jersey, and is currently engaged in founding Siddhachal Bahubali Tirth pilgrimage there. He is an Honorary Trustee of Siddhachalam and has in the past served as its President. Mr. Jain is a frequent speaker at business and law conferences in the U.S. and abroad and has chaired several continuing legal education and other programs.

#### Barbara Kairson, PhD

Dr. Kairson is the former Administrator of District Council 37, AFSCME, AFL-CIO Education Fund Trust which provides education benefits to New York City municipal workers and she currently serves as Chair of the Board of Trustees of the Urban Home Ownership Corporation and the Cendevco Corporation. She is a graduate of the City College of New York, the New School, and Capella University and holds a Certificate in Labor Studies from the Cornell University School of Industrial and Labor Relations. She was re-elected in 2022 to a second term as President of the New York Coalition of One Hundred Black Women, Inc., where she works with many community-based charitable and civic organizations. Appointed in 2023, she is serving in her first term with the Committee.

#### J. Andrew Kent

Prof. Kent is the Joseph M. McLaughlin Professor of Law at Fordham University School of Law, where he has taught since 2007. He is a graduate of Yale Law School and Harvard College. After law school, he clerked for judges on the U.S. Court of Appeals for the Second Circuit and the U.S. District Court for the Eastern District of New York, then practiced law in the litigation departments of Sullivan & Cromwell and Wilmer Hale. While on leave from Fordham, Mr. Kent served as Senior Counsel to the Solicitor General of New York, in the Office of the Attorney General. He is admitted to practice law in New York and in a number of federal courts.

#### Devika Kewalramani

Ms. Kewalramani is a partner and global general counsel at FisherBroyles LLP. She is a graduate of CUNY School of Law and St. Xavier's College, Calcutta University, India. Ms.

Kewalramani is admitted to practice law in New York and the U.S. District Court, SDNY, and is a Registered Foreign Lawyer in England & Wales. She is a member of the New York State Bar Association's Committee on Standards of Attorney Conduct (COSAC). Ms. Kewalramani is a former vice president of the New York City Bar, former chair of its Board of Directors and its former secretary, a former co-chair of the City Bar's Council on the Profession, and a former chair of the City Bar's Committee on Professional Discipline. She is a member of the International Board of Advisors of Jindal Global Law School, India, a former member of the Foundation Board of CUNY School of Law, and a former member of the Editorial Board of The Practical Lawyer. Ms. Kewalramani is a former member of the NYSBA's 2020 Restarting the Economy Work Group, and a former member of the New York Commission on Statewide Attorney Discipline and she served as a co-chair of its Subcommittee on Transparency and Access. She is a member of the Attorney Grievance Committee for the First Judicial Department.

#### Amy L. Legow

Ms. Legow graduated with honors from Tufts University in 1980 with a BA in Social Psychology. After graduating from Cardozo Law School in 1983, she spent two years as an associate at the O'Melveny & Myers Law Firm in Los Angeles. Upon returning to New York in 1985, Ms. Legow joined the Manhattan DA's Office, where she was assigned to the Special Narcotics Prosecutor's Office. There, Ms. Legow specialized in long term investigations, rising to the position of Senior Investigative Counsel. Ms. Legow left the DA's Office in 1994, after which she served as a real estate manager from 1996-1997. In 1997, she became the Principal Court Attorney to the Honorable Leslie Crocker Snyder, where she remained until 1999, at which point Ms. Legow joined the New York State Organized Crime Task Force as Investigative Counsel. As an expert in long term investigations and electronic surveillance, she spent 12 years at the Organized Crime Task Force, from 2008-2011 as its counsel. In 2011, Ms. Legow was appointed to the position of Chief of the Investigations Bureau at the Richmond County DA's Office, where she remained until retiring in 2016. Currently, Ms. Legow serves on the New York Board of the American Jewish Committee, and on the Board of the Tri-State Maxed Out Women's PAC.

#### Arthur M. Luxenberg

Mr. Luxenberg is a member of the Law Firm of Weitz & Luxenberg, PC. He is a graduate of The Cardozo School of Law and Yeshiva University. Mr. Luxenberg is admitted to practice law in New York, The US Court of Appeals, Second Circuit, and other federal courts. Mr. Luxenberg is the Former first Vice President & Executive Committee Member

and Member of the Board of Directors of the New York State Trial Lawyers Association. He is also a Member of the Board of Directors and Executive Committee of Yeshiva College, former President of the North Shore Hebrew Academy of Great Neck, New York, and Chairman of the United Soup Kitchens in Israel.

#### Scott E. Mollen

Mr. Mollen is a highly experienced commercial litigation partner at Herrick, Feinstein, LLP. He regularly advises prominent corporations, financial institutions, public officials and real estate investors and lenders in litigation, mediation, arbitration, and negotiations. Mr. Mollen has also been a court-appointed receiver for properties in and outside of NYC and has served as a Special Master in the NYS Supreme Court. He was appointed by the Chief Judge of the NY Court of Appeals to the NYS Supreme Court Commercial Division Advisory Council. He has also served on the Mayor's Advisory Committee on the Judiciary and currently serves on the NYC Bar Association Judiciary Committee. Mr. Mollen has helped lead the Anti-Defamation League's lobbying effort to get New York State's Hate Crimes Law enacted. For more than three decades, he has authored Realty Law Digest, a weekly column in the New York Law Journal that analyzes real estate case law. Over that span, Mr. Mollen has authored more than 1,500 articles on issues such as development, construction, finance, joint ventures, condominiums, cooperatives, brokerage, zoning, foreclosure, condemnation, environmental issues, and landlord/tenant law.

#### Christopher Morel

Mr. Morel is a senior associate at Hecker Fink LLP. He was previously a litigation associate at Cravath, Swaine & Moore LLP. He received his BA degree magna cum laude in 2015 from Fordham University, where he majored in Political Science and was elected to Phi Beta Kappa. At Columbia, from which he received his JD in 2018, he was a Stone Scholar, an articles editor of the Law Review, and President of the Latino/a Law Students Association. Following his graduation, from August 2018 to August 2019, he served as a law clerk to the Honorable Margo K. Brodie, US District Court for the EDNY (Brooklyn, NY). From September 2019 to September 2020, he served as a law clerk to the Honorable Julio M. Fuentes, US Court of Appeals for the Third Circuit (Newark, NJ). Mr. Morel is admitted to practice law in New York and in the SDNY, EDNY, Third Circuit Court of Appeals, and Tenth Circuit Court of Appeals.

#### Vianny M. Paulino-Pichardo

Ms. Paulino-Pichardo is an experienced commercial litigator with over 15 years' experience litigating claims in federal and state courts as well as mediation and arbitration.

She is a former New York litigation shareholder and former corporate associate of a large international law firm. She is currently a member of Beazley's Cyber and Executive Risk Group providing insurance coverage for Tech E&O, IP, media, advertising, cyber and privacy liabilities. Ms. Paulino-Pichardo has been recognized by Super Lawyers as a New York Metro Rising Star since 2015. She received the Hispanic National Bar Association's Top Lawyers under 40 award and Fordham LALSA's Andrew A. Rivera Alumni Achievement Award. Ms. Paulino-Pichardo has held various high-profile leadership roles including serving as President of The Dominican Bar Association representing the interests of Latino lawyers, judges, and law students in the US and as founder of The DBA's Women's Committee, Las Mariposas. She is also a past member of the Latino Justice PRLDEF's Líderes Board. She is currently a member of the Mayor's Advisory Committee on the Judiciary.

#### Virginia A. Reilly

A life-long New Yorker, Ms. Reilly is currently Of Counsel to the Law Offices of Neal Brickman, PC, focusing primarily on real estate transactional work and litigation support. Ms. Reilly received a BA from Fordham University (1976) and her JD from Washington and Lee University (1981). From 1981 to 1986, Ms. Reilly was an ADA for New York County under DA Robert Morgenthau. During her tenure as an ADA, Ms. Reilly was part of the Sex Crimes Unit under ADA Linda Fairstein. Since moving to private practice, Ms. Reilly has also served as an Arbitrator (Small Claims Court), a Guardian Ad Litem (Surrogate's Court), and has served on various local municipal and educational committees in northern Westchester County. Ms. Reilly is admitted to practice in New York State and the SDNY.

#### Joanna Rotgers

Ms. Rotgers is the Chief Regulatory Counsel for Marsh Mercer US, which is part of global professional services firm Marsh & McLennan Companies, Inc. She works in the Company's New York headquarters handling a variety of compliance, regulatory and legal matters. Previously, she handled complex litigation matters for the Company, with a focus on defending against professional liability/errors and omissions claims in the US, Canada, and other geographies globally. Before joining Marsh & McLennan, she worked in private practice as a commercial litigator. She holds a JD from the University of Iowa and a BA from Loyola University Chicago.

### Deborah Schein

Ms. Schein retired from the United Nations in December 2020 after serving on six peacekeeping missions; Angola, Mozambique, Timor Leste, Bosnia and Herzegovina, Liberia and the Republic of South Sudan, and on a United Nations Political Mission in Guinea Bissau. In August 2015 she worked with the United Nations Special Envoy to Sudan and South Sudan in Addis Ababa during the final phase of the peace talks on the Agreement for the Resolution of the Conflict in South Sudan. Ms. Schein has worked with the Organization for Security and Cooperation in Europe (OSCE) and the Office of the High Representative in Bosnia and Herzegovina. Most recently, she served as an Adjunct Professor for a Columbia University, School of International Affairs, Capstone Project during the fall 2021 semester. She has been a short-term electoral observer with OSCE/ODHIR in North Macedonia, Uzbekistan, and Kazakhstan. She has been working as a consultant with the UN investigating abuse of authority and sexual harassment. She holds a Masters Degree in International Affairs from Columbia University, School of International and Public Affairs.

### Beatrice Seravello

Ms. Seravello is a co-head and partner of the NewLaw practice at Baretz + Brunelle, a legal advisory firm. She has spent the greater part of her career serving AmLaw 100 firms in senior executive roles. Prior to that she was the Managing Director for International at the New York Stock Exchange. She is a graduate of Queens College.

### Joshua Silber

Mr. Silber is a founding partner of Abend & Silber, PLLC, in Manhattan specializing in civil litigation with a focus on personal injury, medical malpractice and child sexual abuse cases. He has obtained many substantial verdicts and settlements for his clients in nearly 30 years representing the injured in civil cases. Mr. Silber has been named to the NY “Super Lawyers” list as one of the top attorneys in New York in each year from 2011 through the current year and is currently ranked in their “Top 100” in Metro New York. He is a dean of the New York State Trial Lawyer’s Institute and a board member of the New York State Trial Lawyers Association where he has served as co-chair of the Judiciary Committee for many years and has thereby served as chair of the screening panel for candidates to the New York Court of Appeals for the eleven most recent vacancies at that Court. In addition, he is a member of the Bronx County Bar Association and has been elected as a Life Fellow of the American Bar Foundation, an honorary organization of attorneys, judges, law faculty, and legal scholars who have been selected by their peers for outstanding achievements and dedication to the welfare of their communities and to the highest

principles of the legal profession. Mr. Silber has frequently lectured on legal ethics, personal injury, and trial practice in New York and across the country. He received a bachelor's degree from the State University of New York College at Brockport in 1993 and served for many years as a member of the Brockport Foundation Board of Directors, including several years as National Chair of the Annual Fund. He received his law degree, with honors, from the University of Miami in 1996. He is admitted to practice law in New York, New Jersey, and Florida.

#### S. Yan Sin

Ms. Sin is an attorney at Schwartz Sladkus Reich Greenberg Atlas LLP, where she is an associate in the Matrimonial & Family Law Group. Ms. Sin was the associate law clerk for the Hon. Ellen F. Gesmer, Associate Justice, Appellate Division of the Supreme Court of New York, First Department, when Justice Gesmer was a judge in the Matrimonial Part of the Supreme Court of the State of New York, New York County. Subsequent to her clerkship, Ms. Sin practiced family law in a boutique matrimonial law firm. She has experience litigating divorce, custody, and support matters in Family Court and Supreme Court. She also has a background in immigration law with experience in family-based petitions and the naturalization process. Ms. Sin is an active member of the Asian American Bar Association of New York (AABANY) where she is co-chair of the Pro Bono and Community Service Committee and coordinator of the Manhattan Pro Bono Clinic. She is also a member of the New York State Bar Association's Family Law Section. She enjoys volunteering her time at AABANY's pro bono clinics and Immigration Law and Justice's immigration legal clinics. A graduate of the University of Virginia and New York Law School, Ms. Sin lives in Manhattan and is active in the Chinatown community. She is conversant in Cantonese and loves yoga. Ms. Sin is admitted to practice law in New York and New Jersey.

#### Jeffrey S. Stillman

Mr. Stillman is founding partner of the Law Firm of Stillman & Stillman, PC in Bronx County which was established in 1998 and for the past 35 years has exclusively represented victims of accidents and has handled related insurance matters. He is a graduate of New York Law School and SUNY Albany. He is admitted to practice in New York and in the Federal courts and was recently admitted to the Bar of the United States Supreme Court. Mr. Stillman is a Director of the New York State Trial Lawyers Association where he is former co-chair of the Automobile/Insurance committee and is current co-chair of the Privacy Protection/Runners committee and assists in the preparation of their yearly CLE

on Legal Ethics. Additionally, he is a long-time member and former Director of the Bronx County Bar Association.

Hon. Milton A. Tingling

Justice Tingling is the New York County Clerk, Commissioner of Jurors and Clerk of Supreme Court. He is a retired New York State Supreme Court Justice. He is the first former jurist to hold these three positions in the history of New York State, and he is the first and only African American to be a County Clerk and Clerk of Supreme Court. He is a graduate of North Carolina Central University School of Law and Brown University. He sits on the First Department Character and Fitness Committee and is a member of the NYCBA, New York County Lawyers' Association, and the Metropolitan Black Bar Association. He is Chairperson of the Board of West Harlem Development Corporation and Community League of The Heights. In addition, he sits on the Executive Board of the Greater Harlem Chamber of Commerce and the City College President's Advisory Board.

Elisabeth Lisa Vicens

Ms. Vicens is a partner in the firm Cleary Gottlieb Steen & Hamilton LLP. Based in the New York office, Ms. Vicens represents clients in internal and governmental investigations, and in complex litigation matters arising from cross-border disputes. Ms. Vicens received her J.D. from the New York University School of Law and a B.S. from Georgetown University. She is admitted to practice law in New York, the U.S. Court of Appeals for the Second Circuit, and the U.S. Supreme Court. Ms. Vicens is a board member of the Office of the Appellate Defender, board member of Her Justice, a member of the Vance Center Committee for Cyrus R. Vance Center for International Justice, and a member of the Committee on Civic Education for the U.S. Court of Appeals for the Second Circuit.

Terel R. Watson

Mr. Watson currently serves as an ADA and Deputy Director of the Legal Training Unit with the New York County DA's Office. He also briefly worked as an associate with a civil litigation firm on Wall Street. Mr. Watson has investigated and tried numerous serious violent and white-collar felonies in New York State Supreme Court. He is licensed to practice law in New York State, SDNY, and EDNY and serves as an Adjunct Professor at the NYC College of Technology-CUNY, where he teaches numerous legal studies courses, including Ethics and Civil Procedure. Mr. Watson has also served as an Adjunct Professor and Co-Director of the Criminal Prosecution Clinic at New York Law School. Mr. Watson is a graduate of the Benjamin N. Cardozo School of Law, where he focused his studies on areas of constitutional law, litigation, and civil rights. While in law school, Mr. Watson was

a member of the Moot Court Honor Society and interned for now-retired SDNY Judge Ronald L. Ellis. Currently, he sits on numerous boards at the New York City College of Technology-CUNY and advises their Law and Paralegal Studies Program. He is also an active member of the NYCBA, where he sits on their Education and the Law Committee, and the NYCLA, where he sits on their Law Related Education and Criminal Justice Committees.

### Judith E. White

Before becoming a partner at Lee Anav Chung White Kim Ruger & Richter, LLP, where she founded the Matrimonial Department, Ms. White was a founding Member of Garr & White, PC. Ms. White also worked as the Principal Court Attorney to one of the Justices of the New York State Supreme Court, Matrimonial Part, for nine years. As a court attorney she had the unique opportunity to learn the practice of matrimonial law from the inside. Ms. White assisted in keeping abreast of all developments in the law, drafting decisions, and negotiating settlements. Following her tenure in the courts it was a natural progression for Ms. White to include mediation in her practice. She has successfully mediated countless divorce and separation agreements. She is listed as one of the Best Lawyers of America since 2010 and has been recognized as one of the Top Lawyers in the New York, New Jersey, and Connecticut areas for 2010 to the present, one of the top ten women lawyers in the New York Metro Area since 2018, and Top 50 Women Attorneys in NY since 2014- 18 by both The New York Times and New York Magazine. She has received an AV Rating for Legal Abilities and Ethical Standards in the Martindale Hubbell Listing. She has also served as a moot court judge for New York Law School. While Ms. White enjoys her work with private clients, she has maintained a strong commitment to public service. In 2007, under the auspices of the NY CO Women's Bar Association, she co-founded "The Matrimonial Project," the only completely pro bono matrimonial legal service in New York State. She and co-chair were awarded the Hannah Cohen award for pro bono work in 2016. Before attending law school, she interned as a legislative assistant to a US Congressman and worked for the Environmental Protection Agency. While in law school Ms. White continued her dedication to public service by working pro bono with the Vietnam Veterans of America Legal Services, representing former servicemen and women in Administrative Hearings. Following law school, she worked as a staff attorney for the NYC Legal Aid Society in the Criminal Defense Division where she tried over fifty felony and misdemeanor cases.

Mark C. Zauderer

Mr. Zauderer is a prominent trial lawyer and partner in Dorf Nelson & Zauderer LLP in New York City. He served by appointment of Chief Judge Judith S. Kaye as Chair of New York's Commission on the Jury; as a member of the Chief Judge's Task Force that established New York's Commercial Division; and currently as a member of the Chief Judge's Commercial Division Advisory Council. He is currently serving as a referee with all the powers of a Supreme Court judge, to oversee litigation and the wind-up of a major law firm. Mr. Zauderer is a member of the Appellate Division, First Department Grievance Committee. He is a past President of the Federal Bar Council and is a former Chair of the Commercial and Federal Litigation Section of the New York State Bar Association. He is a member of the Governor's Judicial Screening Committee for Supreme Court judges applying for appointment to the Appellate Division, First Department and since 1992 has been a member of the Advisory Committee on Civil Practice to the Chief Administrative Judge, which drafts the CPLR. In 1995, Mr. Zauderer presented to the House of Delegates of the New York State Bar Association the civility rules that are essentially those that are now in effect in New York State. In 2016, he delivered the commencement address at Touro Law School and was awarded the degree of Doctor of Laws Honoris Causa. Zauderer is a frequent lecturer on legal issues and frequently comments on legal issues both in print and on television.

## THE DISCIPLINARY PROCESS

### **Complaints, Investigations, and Dismissals**

The disciplinary process usually commences with the filing of a complaint with the AGC against an attorney, who is referred to as a “respondent.” Complaints typically come from clients but may also come from other attorneys and members of the public at large. Investigations may also be authorized by a Committee acting *sua sponte*. All disciplinary investigations and proceedings are confidential, pursuant to Judiciary Law 90(10), until the Court publicly disciplines a respondent or issues an unsealing order, upon “good cause being shown.”

When a complaint is entered into the AGC’s database, the system generates a report of the respondent’s disciplinary history, and a staff attorney receives the matter for screening. The screening attorney makes a preliminary recommendation regarding jurisdiction to determine if the complaint should be referred to another public agency or grievance committee. If it appears that there is no misconduct, but there has been a breakdown in communication between the lawyer and the client, the AGC may refer the matter to be mediated by the New York City Bar Association. The screening attorney may also recommend rejection of a complaint for any one of several reasons, e.g., the complaint lacks merit, seeks legal advice, is an attempt to collect a debt, or involves a fee dispute. A mandatory mediation/arbitration program exists to deal with fee disputes in civil and matrimonial matters, where the amount in dispute is between \$1,000 and \$50,000. If the complaint involves the same substantial and material allegations that will be decided in pending litigation, the AGC may defer the matter pending resolution of the litigation, which may result in a judgment binding on the respondent. If the complaint alleges serious misconduct by an attorney, such as conversion of client funds, the AGC will immediately pursue an investigation.

If it appears from the complaint that a respondent may have engaged in serious professional misconduct, the screening attorney brings the matter to the attention of the Chief Attorney for direct assignment to a staff attorney. If the misconduct appears to be very serious, e.g., conversion of escrow funds, investigation of the matter is expedited.

The Chief Attorney approves all “first screening” dismissal recommendations made by the screening attorney. If a matter is not dismissed following the initial screening, a paralegal sends the complaint to the respondent for an answer to the allegations. Thereafter, the paralegal may forward the answer to the complainant for a reply. The paralegal may then

prepare a summary of the allegations and defenses and refer the file to the initial screening attorney who performs a “second screening,” or further evaluation of the complaint, answer, and reply. On second screening, the screening attorney may recommend dismissal of the complaint for a variety of reasons.

A matter that warrants additional investigation is forwarded by the screening attorney to the Chief Attorney for review and assignment to a staff attorney. The assigned staff attorney may obtain further documentation using subpoenas when necessary, may interview witnesses including the complainant, and may question the respondent on the record and under oath (examination under oath/deposition).

When the investigation is complete, the staff attorney makes a recommendation to the Committee members for dismissal, or the imposition of a Letter of Advisement (non-disciplinary), Letter of Admonition (private discipline), or formal disciplinary proceedings against the respondent which could result in public discipline. The staff attorney’s supervisor (a Deputy Chief Attorney) and the Chief Attorney review all recommendations before they are submitted to the Committee members. One of the volunteer Committees must approve all post-investigation recommendations by a majority vote of those present at a monthly meeting (a quorum of two-thirds of the members is required to conduct business). When matters are dismissed on the merits, the closing letter to the complainant includes a brief explanation of the reason for the dismissal and indicates the complainant’s right to request reconsideration of the dismissal within 30 days.

#### **Letters of Advisement [22 NYCRR 1240.2(i)]**

The AGC issues a Letter of Advisement (Advisement) when an investigation reveals that a respondent has engaged in conduct requiring comment that, under the facts of the case, does not warrant the imposition of discipline. An Advisement is confidential, and does not in itself constitute discipline, but may be considered by the Committee or the Court in determining the action to be taken or the discipline to be imposed upon a subsequent finding of misconduct.

#### **Letters of Admonition [22 NYCRR 1240.2(b)]**

The AGC issues a Letter of Admonition (Admonition) when an investigation reveals that a respondent has violated New York’s Rules of Professional Conduct<sup>1</sup> (Rules), but not

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<sup>1</sup> The Rules, which became effective April 1, 2009, were promulgated by a Joint Order of the Appellate Divisions of the State of New York, dated December 30, 2008, and signed by the Presiding Justice of each of the four departments. These Rules replaced the Lawyer’s Code of Professional Responsibility, previously referred to as the “Disciplinary Rules.”

seriously enough to warrant a formal disciplinary proceeding, pursuant to 22 NYCRR 1240.7(d)(2)(v). For example, an Admonition may be issued if a respondent neglected only one legal matter and there were mitigating factors, whereas formal disciplinary proceedings would likely be commenced if multiple incidents of neglect are alleged.

Although it is private and remains confidential, an Admonition is a finding of professional misconduct and becomes a part of the respondent's permanent disciplinary record. The Admonition may be considered in determining the action to be taken or the discipline to be imposed upon a subsequent finding of misconduct against a respondent. When the AGC proposes to issue an Admonition, the respondent is afforded an opportunity to appear before the Committee to seek reconsideration. After an Admonition is issued, the respondent may file a motion with the Court to vacate it.

### **Applications to the Appellate Division**

Public discipline requires an order of the Court. The AGC applies to the Court by motion or petition which includes the record of the disciplinary proceedings and the Court action requested. When the Court imposes a public sanction, it issues an order and a written opinion which is almost always published in the New York Law Journal and is otherwise public.<sup>2</sup> The order imposes a public sanction ranging from a public censure (no suspension) or short suspension to disbarment (seven-year bar from practicing). The Court may also impose a private sanction, dismiss a matter, or remand it back to the AGC for further proceedings.

### **Formal Disciplinary Proceedings [22 NYCRR 1240.7(d)(2)(vi)]**

The Committee members authorize a formal disciplinary proceeding when there is credible evidence that a respondent engaged in professional misconduct warranting the imposition of public discipline, and that such discipline is appropriate to protect the public, maintain the integrity and honor of the profession, or deter others from committing similar misconduct.

A staff attorney's recommendation that formal proceedings be filed against a respondent must be based on a showing of professional misconduct reviewed by a Deputy Chief Attorney and approved by the Chief Attorney and the Committee members. Upon approval, the AGC serves the respondent with a petition in which it requests that the Court sustain

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<sup>2</sup> If the Court imposes public discipline, the record of proceedings is available for public inspection at the First Department Committee on Character and Fitness located at 41 Madison Avenue, 26th Floor, New York, New York 10010.

the charges or, if there are factual or legal issues in dispute, to appoint a referee to hear the charges.<sup>3</sup> Within 20 days after service of the respondent's answer or, if applicable, a reply, the AGC must file with the Court a "Statement of Disputed and Undisputed Facts." The respondent has 20 days to respond. In the alternative, within 30 days after service of the answer or, if applicable, a reply, the parties may file a Joint Stipulation of Disputed and Undisputed Facts or a statement that the pleadings raise no issue of fact requiring a hearing, pursuant to 22 NYCRR 1240.8(a)(2). At any time after the filing of the petition, the parties may file a joint motion with the Court requesting the imposition of "Discipline by Consent," to avoid a hearing, pursuant to 22 NYCRR 1240.8(a)(5). The motion must outline the agreed upon discipline to be imposed, which may include monetary restitution authorized by Judiciary Law 90(6-a), and the respondent's affidavit conditionally admitting the acts of professional misconduct.

Under the Court's rules, respondents have the right to appear, to be represented by counsel, to cross-examine staff witnesses, and to present their own witnesses and exhibits. The proceedings before the referee are transcribed, and are conducted in two separate parts, liability hearing and sanction (mitigation and aggravation evidence) hearing. A referee cannot proceed with a sanction hearing until the referee sustains at least one charge. A referee makes a finding on the charges shortly after the end of the liability hearing. The referee usually asks the parties to submit memoranda regarding liability and sanction. When the hearing (liability and sanction) is concluded, the referee is required to file with the Court a written "Report and Recommendation" containing findings of facts, conclusions of law, charges sustained or dismissed, and a recommendation as to sanction (referee's Report). The AGC or the respondent may file a motion with the Court to confirm or disaffirm the referee's Report. See NYCRR 1240.8(b).

### **Collateral Estoppel**

Rather than pursue formal charges, in an appropriate case, the AGC may file a motion with the Court applying the doctrine of collateral estoppel, seeking an order finding a lawyer guilty of violating the Rules solely on the basis of prior civil or criminal court decisions without a further hearing. The Court may grant such a motion where the findings and issues in the prior action are identical to the disciplinary issues against the respondent and where a respondent has had a full and fair opportunity to litigate in the prior proceeding. In such

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<sup>3</sup> Hearings before referees are normally closed to the public, except in rare cases when a respondent waives confidentiality. The referees conduct hearings like trials, taking testimony and receiving exhibits in accordance with the rules of evidence. The referees have broad discretion as to what is considered relevant and admissible evidence. A transcript is made of the entire proceeding.

cases, a hearing is held before a referee on the issue of sanction only and the AGC or the respondent files a motion with the Court to confirm or disaffirm the referee's Report.

### **Interim Suspensions [22 NYCRR 1240.9]**

Under certain circumstances, the Court may suspend a respondent from practice on an interim basis upon the AGC's motion. Such a finding may be based upon the respondent's default in responding to a petition or subpoena to appear for a formal interview, the respondent's admissions under oath of professional misconduct, the respondent's failure to comply with a lawful demand of the Court or the AGC, the respondent's willful failure to pay money owed to a client (which debt is demonstrated by an admission, judgment, or other clear and convincing evidence), or other uncontroverted evidence of professional misconduct.

### **Resignations [22 NYCRR 1240.10]**

A respondent may apply to resign from the practice of law, while an investigation or proceeding is pending, by submitting to the Court an application admitting the nature of the charges or the allegations under investigation. When the matter includes allegations that the respondent has willfully misappropriated or misapplied money or property in the practice of law, the respondent must consent to the entry of an order to make monetary restitution pursuant to Judiciary Law 90(6-a). If the Court accepts the resignation, the respondent is disbarred from practicing law for seven years, pursuant to Judiciary Law 90(2).

### **Diversion [22 NYCRR 1240.11]**

When in defense or as a mitigating factor in an investigation or formal disciplinary charges, the respondent raises a claim of impairment based on alcohol or substance abuse, or other mental or physical health issues, the Court, upon application of any person or on its own motion, may stay the investigation or proceeding and direct the respondent to complete an appropriate treatment and monitoring program approved by the Court. When the Court considers diversion to a monitoring program, it takes into account the nature of the alleged misconduct; whether the alleged misconduct occurred during a time period when the respondent suffered from the claimed impairment; and, whether diverting the respondent to a program is in the public interest.

### **Convictions [22 NYCRR 1240.12]**

If an attorney is found guilty of any crime, the attorney must notify the grievance committee having jurisdiction within 30 days, pursuant to 22 NYCRR 1240.7(a)(2). The AGC must

file a motion directly with the Court when an attorney has been convicted of a felony or “serious crime.” An attorney who is convicted of a felony in New York, or an analogous felony in another state or federal jurisdiction, ceases to be an attorney by operation of law, pursuant to Judiciary Law 90(4-a), and the AGC must apply to the Court to have the attorney’s name stricken from the roll of attorneys in New York. In cases where the Court, on the AGC’s motion, has determined that a lawyer has been convicted of a crime which is not analogous to a New York felony, but is a serious crime under New York’s Judiciary Law 90(4)(d), the Court assigns the case to a referee to hear the matter. Thereafter, the AGC or the respondent files a motion with the Court to confirm or disaffirm the referee’s Report. Serious crime cases result in the same range of sanctions imposed in other formal disciplinary proceedings.

### **Reciprocal Discipline [22 NYCRR 1240.13]**

The AGC is required to file an application with the Court if an attorney has been found guilty of an ethical violation in another jurisdiction and “reciprocal discipline” is warranted. An attorney that is subject to the jurisdiction of the First Department, pursuant to 22 NYCRR 1240.7(a)(2), is required to notify the Court and the AGC if discipline is imposed on the attorney by a foreign jurisdiction. The Court may discipline the attorney for the misconduct committed in the other jurisdiction unless it finds that the procedure in the foreign jurisdiction deprived the respondent of due process, that there was insufficient proof that the respondent committed the misconduct, or that the imposition of discipline would be unjust.

### **Incapacity [22 NYCRR 1240.14]**

If an attorney suffers from a mental disability or condition, alcohol or substance abuse, or any other condition that renders him/her incapacitated from practicing law, the AGC or the attorney may apply to the Court for a determination that the attorney is incapacitated from practicing law. Applications by the attorney must include medical proof demonstrating the incapacity. In such cases, the Court may appoint a medical expert to examine the attorney and render a report. When the Court finds that an attorney is incapacitated, it enters an order immediately suspending the attorney from practicing and may stay the pending disciplinary proceeding or investigation.

Upon application by the AGC that includes a judicial determination that an attorney needs involuntary care or treatment in a facility for the mentally disabled, or is the subject of an order of incapacity, retention, commitment, or treatment pursuant to the Mental Hygiene

Law, the Court may enter an order immediately suspending the attorney from the practice of law.

**Reinstatements [22 NYCRR 1240.16, 1240.17]**

Upon motion of a respondent who has been disbarred or suspended, the Court may issue an order reinstating such respondent upon the respondent's showing, by clear and convincing evidence, that the respondent has complied with the disbarment order, the suspension order, or the order which removed the respondent from the roll of attorneys; the respondent has complied with the rules of the Court, and has the requisite character and fitness to practice law; and that it would be in the public interest to reinstate the respondent to the practice of law. A suspended respondent may apply for reinstatement after the expiration of the period of suspension or as otherwise directed by the Court, except that respondents suspended for a fixed term of six months or less may apply for reinstatement 30 days prior to the expiration of the term of suspension. A disbarred respondent may apply for reinstatement to practice after the expiration of seven years from the entry of the order of disbarment.

## **REPRESENTATIVE CASES**

Although the AGC, in conjunction with the Committee, engages in multiple functions in a confidential manner that do not result in public discipline, many matters become public when the Court acts on motions made by the AGC. In 2024, the Court publicly disciplined 60 lawyers as follows: 12 interim suspensions, 16 disbarments, 9 disciplinary resignations by an attorney facing charges (equivalent to disbarment), 18 suspensions as discipline, and 5 public censures.

### **Interim Suspensions**

The Court's rules provide that an attorney may be suspended from the practice of law pending consideration of charges against the attorney for: (1) a default in responding to pending charges of professional misconduct or failure to comply with lawful demands made in connection with an investigation; (2) a substantial admission under oath that the attorney has committed an act or acts of professional misconduct; (3) other uncontested evidence of professional misconduct; or (4) willful failure to pay money owed to a client evidenced by a judgment, or other clear and convincing evidence.

The most serious misconduct involves the theft or misappropriation of money belonging to clients. The Court has repeatedly stated that the intentional conversion of money that an attorney holds as a fiduciary or for a client requires disbarment, except in rare cases where there are exceptional mitigating circumstances. In such cases, the AGC will seek an immediate suspension of an attorney if there is sufficient evidence to justify the motion because such misconduct immediately threatens the public interest. In addition, the AGC will seek the suspension of an attorney who fails to cooperate in answering a complaint or does not comply with lawful demands for information or records. In 2024, the Court suspended 12 attorneys on an interim basis pending resolution of the charges against them in the following cases: *Matter of Ghenya B. Grant*, 224 AD3d 1; *Matter of Allison G. Kort*, 224 AD3d 15; *Matter of Michael J. Little*, 225 AD3d 19; *Matter of Chadwick L. Hooker*, 229 AD3d 22; *Matter of Michael O. King, Jr.*, 229 AD3d 185; *Matter of Daphna Zekaria*, 230 AD3d 19; *Matter of Sally M. Gard*, 230 AD3d 96; *Matter of Matthew C. Browndorf*, 231 AD3d 28; *Matter of Stefan M. Miller*, 231 AD3d 100; *Matter of John S. Jenkins*, 232 AD3d 7; *Matter of Jose X. Orochena*, 232 AD3d 228; *Matter of Allen Yusufov*, 234 AD3d 71.

### **Disbarments**

In 2024, the Court disbarred 16 attorneys. Three attorneys were disbarred after formal charges: *Matter of Rudolph William Giuliani*, 230 AD3d 101; *Matter of Derek R. Etheridge*,

231 AD3d 125; and *Matter of Rahul D. Manchanda*, 233 AD3d 169. Three attorneys were disbarred after petitions for reciprocal discipline: *Matter of Lisa A. Wellman*, 227 AD3d 96; *Matter of Alexander R. Cane*, 228 AD3d 104; and *Matter of Stephen M. Bander*, 232 AD3d 1. Three attorneys were disbarred pursuant to 22 NYCRR 1240.9(b), when they failed to write to the AGC or Court to request a hearing or reinstatement within six months of their interim suspension: *Matter of David A. Tessler*, 223 AD3d 102; *Matter of Kofi O. Amankwaa*, 232 AD3d 82; and *Matter of John Naccarato*, 233 AD3d 35. Finally, the Court struck the names of seven attorneys after felony convictions: *Matter of Arthur G. Cohen*, 227 AD3d 18; *Matter of Telesforo Del Valle, Jr.*, 227 AD3d 22; *Matter of Fausto Simoes*, 229 AD3d 147; *Matter of Lawrence A. Cline*, 230 AD3d 79; *Matter of Allen A. Gessen*, 232 AD3d 164; *Matter of Brian J. Smith*, 233 AD3d 1; and *Matter of George Royle*, 234 AD3d 97.

### **Disciplinary Resignations**

An attorney is permitted to resign from the bar during an investigation by the AGC, or after the filing of charges, if the attorney submits an affidavit, pursuant to 22 NYCRR 1240.10, acknowledging that the attorney knows the nature of the potential charges and cannot defend against them. A resignation is the equivalent of disbarment. In 2024, the Court accepted nine resignations under 22 NYCRR 1240.10, and ordered their names stricken from the roll of attorneys: *Matter of Pamela D. Hayes*, 225 AD3d 1; *Matter of Bryan A. McKenna*, 226 AD3d 149; *Matter of Luke D. Lynch, Jr.*, 229 AD3d 37; *Matter of Marvin Srulowitz*, 229 AD3d 40; *Matter of Michael Markovitch*, 229 AD3d 191; *Matter of Jack H. Nguyen*, 231 AD3d 219; *Matter of John N. Iannuzzi*, 233 AD3d 159; *Matter of Roderic D. Boyd*, 233 AD3d 190; and *Matter of Afia Sengupta*, 233 AD3d 199.

### **Suspensions as Discipline**

A suspension can be ordered by the Court as discipline and to protect the public. The Court imposes suspension for conviction of “serious crimes,” as defined in Judiciary Law 90(4)(d), for reciprocal discipline, and for misconduct. In 2024, the Court suspended 18 attorneys for periods ranging from one month to two years: *Matter of Markis M. Abraham*, 215 NYS3d 95; *Matter of Matthew A. Melville*, 223 AD3d 48; *Matter of Joseph H. Lilly, III*, 223 AD3d 105; *Matter of Howard L. Margulis*, 225 AD3d 23; *Matter of Steven J. Kwestel*, 228 AD3d 36; *Matter of Mustafa D. Sayid*, 228 AD3d 41; *Matter of Andrew J. Dancy*, 229 AD3d 8; *Matter of Timothy J. McIlwain*, 229 AD3d 15; *Matter of Daniel C. Feldman*, 230 AD3d 13; *Matter of Mark E. Heimendinger*, 230 AD3d 35; *Matter of Karamvir Dahiya*, 230 AD3d 72; *Matter of Douglas B. Levy*, 231 AD3d 62; *Matter of Richard Adam*, 232 AD3d 105; *Matter of Ethan Ruby*, 232 AD3d 179; *Matter of Colin C.*

*McNary*, 232 AD3d 221; *Matter of Jeffrey L. Liddle*, 233 AD3d 127; *Matter of John T. Wynn*, 233 AD3d 162; and *Matter of William J. Miller*, 233 AD3d 195.

### **Suspensions for Medical Disability**

The Court's rules provide that an attorney may be suspended if judicially declared incompetent or if the Court concludes that the attorney is incapacitated from continuing to practice law. Pursuant to 22 NYCRR 1240.14(b), any pending disciplinary proceedings against the attorney shall be held in abeyance after the Court decides that the attorney is incapacitated to practice of law. In 2024, the Court suspended zero attorneys on these grounds.

### **Public Censures**

The least severe form of public discipline that the Court may impose is a censure (see 22 NYCRR 1240.2[c]). In 2024, the Court issued public censures in five cases: *Matter of Jeffrey M. Rosin*, 229 AD3d 195; *Matter of Christopher D. Parker*, 231 AD3d 55; *Matter of Jeffrey C. Neiman*, 232 AD3d 86; *Matter of Davion S.E. Chism*, 232 AD3d 141; and *Matter of John R. Melogy*, 233 AD3d 135.

### **Reinstatements**

Judiciary Law 90 and rule 22 NYCRR 1240.16 permit attorneys to apply for reinstatement to the practice of law after a period of suspension, or seven years after disbarment. Attorneys who are suspended for six months or less may file an application for reinstatement pursuant to 22 NYCRR 1240.16(d). An attorney who has been suspended for a period of more than six months may apply to the Court for reinstatement upon the expiration of the period of suspension. An attorney who has been disbarred, or stricken from the roll of attorneys, may not apply for reinstatement until the expiration of seven years from the effective date of disbarment. In 2024, the Court granted five petitions for reinstatement after discipline.

### **Dishonored Check Investigations**

Deputy Chief Attorney Kevin P. Culley screens all complaints which the AGC receives, pursuant to the dishonored check reporting rule 22 NYCRR 1300; he also investigates and prosecutes other matters involving allegations of professional misconduct. Mr. Culley coordinates all necessary contacts with banking institutions and the Lawyers' Fund for Client Protection, supervises staff investigators in obtaining required banking and bookkeeping records, and recommends the disposition of the dishonored check matters. He has also delivered several presentations about proper escrow management at Continuing

Legal Education courses and has testified as an expert witness for the District Attorney of New York County and has testified as an expert witness for the District Attorney of New York County.

### **Immigration Complaints**

Staff attorney Jun Hwa Lee screens all immigration matters; she also investigates and prosecutes other matters involving allegations of professional misconduct. She coordinates the AGC's efforts with other agencies that target immigration fraud, and she supervises the AGC's use of immigration "Special Counsels" appointed by the Court to assist in our investigations. Ms. Lee participates in a task force called Protecting Immigrants New York (PINY) and speaks at various Continuing Learning Education courses regarding immigration matters.

## PUBLIC DISCIPLINE CASES

Several of the cases prosecuted by staff attorneys which became a matter of public discipline in 2024 are reviewed below:

*Matter of Markis M. Abraham*, 215 NYS3d 95 (1<sup>st</sup> Dept 2024)

(Three-month suspension.) Abraham was admitted to practice in New Jersey. Over the course of the representation of a client, Abraham and his client discussed investing in real estate together. To that end, Abraham received a \$140,000 loan from a client that was intended to be used to invest in real estate. There was neither a loan agreement in place, nor did Abraham explain the inherent conflict to his client. Abraham deposited the money into his attorney trust account and then transferred it into his personal account. Subsequently, his client became incapacitated and was found ineligible for Medicaid due to the \$140,000 recently depleted from his account. Separately, Abraham neglected two of the same client's matters resulting in default judgments. Abraham filed a disciplinary stipulation in New Jersey where he admitted to the foregoing. The New Jersey Supreme Court imposed a three-month suspension. Upon the AGC's motion for reciprocal discipline, the Court ordered a three-month suspension. (Staff Attorney Louis J. Bara)

*Matter of Andrew J. Dancy*, 229 AD3d 8 (1<sup>st</sup> Dept 2024)

(Three-month suspension.) Dancy was admitted to practice in Tennessee. Dancy was investigated upon a complaint that he failed to perform work that he was retained to do. The investigation revealed that Dancy failed to supervise his employee and as a result, his client's house was foreclosed. Dancy then offered to attempt to remedy the situation for an additional fee from his client. Based on the foregoing, the AGC moved for a reciprocal public censure. The Court, after considering the gravity of the Dancy's misconduct and the affect that it had on his client, departed from the discipline issued in Tennessee and ordered a three-month suspension. (Staff Attorney Louis J. Bara)

*Matter of Allison G. Kort*, 224 AD3d 15 (1<sup>st</sup> Dept 2024)

(Interim suspension.) Kort was admitted to practice in Missouri. The Missouri disciplinary authorities received three separate complaints that Kort missed various court deadlines and otherwise neglected client matters. After Kort failed to respond to their investigatory inquiries, Missouri moved for her immediate suspension. In June 2023, the Supreme Court of Missouri interimly suspended Kort. Only then did Kort file papers to vacate the suspension, arguing that she did not have proper notice. That motion was denied. Kort self-reported the above to the AGC, as required. As such, the AGC moved to interimly suspend Kort. Kort opposed the motion, again arguing that she did not have proper notice and also

cited her own mental health struggles. The Court rejected her arguments and ordered that Kort be interimly suspended. (Staff Attorney Louis J. Bara)

*Matter of John R. Melogy*, 233 AD3d 135 (1<sup>st</sup> Dept 2024)

(Public censure.) Melogy was a former merchant marine who later became an attorney focusing on claims of maritime sexual harassment. On multiple occasions, Melogy sent abusive, vulgar and threatening emails to various people in the maritime community who he perceived as having engaged in wrongdoing. In aggravation, Melogy's actions represented an extrajudicial attempt to seek a desired result when he was not otherwise satisfied with the outcome of a situation. Ultimately, the Court accepted a discipline by consent and imposed a public censure. (Staff Attorney Louis J. Bara)

*Matter of John Naccarato*, 233 AD3d 35 (1<sup>st</sup> Dept 2024)

(Disbarment.) In November 2023, Naccarato was interimly suspended after failing to answer a complaint of case neglect. Before moving for suspension, the AGC attempted to solicit an answer from Naccarato no less than five times. Finally, after he failed to appear for a deposition for which he was served with a subpoena in-hand, the AGC moved for his interim suspension. By July 2024, more than six months had elapsed and Naccarato had still failed to cooperate. As such, the AGC moved for him to be disbarred. The Court granted the motion without opposition being filed by Naccarato. (Staff Attorney Louis J. Bara)

*Matter of Marvin Srulowitz*, 229 AD3d 40 (1<sup>st</sup> Dept 2024)

(Disciplinary Resignation.) In 2013, as part of a mass suspension, Srulowitz was administratively suspended for failure to pay his biennial registration fees and for failure to file attorney registration statements. In December 2022, the AGC received a "dishonored check" notification from the Lawyers' Fund for Client Protection. As part of its investigation, the AGC conducted an Examination Under Oath (EUO) of Srulowitz. During the EUO, Srulowitz explained the dishonored check as a bookkeeping error. At the same time, he admitted that he was engaged in the unauthorized practice of law while aware of his suspension. Subsequently, Srulowitz moved the Court to accept his resignation, admitting that he could not defend the allegations of unauthorized practice of law. The AGC did not oppose. Accordingly, the Court accepted Srulowitz's resignation. (Staff Attorney Louis J. Bara)

*Matter of David Alan Tessler*, 223 AD3d 102 (1<sup>st</sup> Dept 2024)

(Disbarment.) In April 2023, Tessler was interimly suspended after failing to answer two complaints of attorney misconduct. Before moving for suspension, the AGC attempted to solicit an answer from Tessler no less than nine times. Finally, after Tessler failed to appear for a deposition for which he was served with a subpoena in-hand, the AGC moved for his interim suspension. By October 2023, six months had elapsed and Tessler had still failed to cooperate. As such, the AGC moved for him to be disbarred. The Court granted the motion without opposition being filed by Tessler. (Staff Attorney Louis J. Bara)

*Matter of John Thomas Wynn*, 233 AD3d 162 (1<sup>st</sup> Dept 2024)

(Three-month suspension.) Wynn was admitted to practice in New Jersey. While working as in-house counsel at a New Jersey corporation, Wynn maintained a private practice. In one instance, Wynn comingled his personal funds with client funds and negligently overdrew from the account. In two other instances, Wynn negligently failed to probate estates of which he was executor and overpaid himself attorneys' fees. Based on these facts, the New Jersey Supreme Court ordered a three-month suspension. Upon the AGC's motion for reciprocal discipline, the Court ordered a three-month suspension. (Staff Attorney Louis J. Bara)

*Matter of Jeffrey Charles Neiman*, 232 AD3d 86 (1<sup>st</sup> Dept 2024)

(Public censure.) On August 29, 2024, the Court granted the parties' joint motion for discipline by consent and censured Neiman based on his conditional admissions that he engaged in misconduct by filing frivolous lawsuits, failing to add an arbitration clause to a retainer agreement, and failing to make sure that withdrawals from his escrow account were made to a named payee and not to cash. (Staff Attorney Sean A. Brandveen)

*Matter of Daphna Zekaria*, 230 AD3d 19 (1<sup>st</sup> Dept 2024)

(Interim Suspension.) The Court immediately suspended Zekaria until further order of the Court due to her failure to cooperate and provide answers to multiple complaints which alleged that she refused to disburse funds from her escrow account. The Court also found that, although she was personally served with a subpoena requiring her to appear, Zekaria failed to comply. (Staff Attorney Andrea Carter)

*Matter of Richard Adam*, 232 AD3d 105 (1<sup>st</sup> Dept 2024)

(Three-month suspension.) Adam neglected two client matters which led to their dismissal with prejudice and a loss of the clients' rights. He also initially failed to cooperate with the AGC's investigation. The first matter, which had been previously marked final for trial after several adjournments at Adam's request, was marked-off calendar after Adam sought

yet another adjournment due to his admitted lack of preparedness. The Court directed him to move to restore the case within one year but he failed to do so, resulting in its dismissal for failure to prosecute. Adam gave false assurances to his client that the matter was active, and that a trial was scheduled when he knew it had been dismissed. He also falsely stated to the AGC that he had requested the last adjournment because the client was undergoing surgery. In the second matter, the defendant in an action commenced by Adam defaulted in answering his client's complaint. Respondent, however, took no steps to obtain a default judgment or any further action. Adam not only failed to inform the client of the default but also misled the client to believe that the matter was pending, and a deposition had been scheduled. In addition to the misrepresentations, he failed to respond to the clients' reasonable requests for information in both matters. In mitigation, during the relevant time frame, Adam's endured personal hardships: his marriage had collapsed, he lost seven close family members due to sudden illnesses and he himself suffered from a medical condition that was potentially life threatening. While the Court credited these mitigating factors, it nevertheless disaffirmed the referee's recommendation of a censure, and suspended Adams for three months based on respondent's efforts to conceal his misconduct through misrepresentations to his clients and the AGC and the prejudice he caused to his clients through his neglect and lack of competence. (Deputy Chief Attorney Kevin P. Culley)

*Matter of Derek R. Etheridge*, 231 AD3d 125 (1<sup>st</sup> Dept 2024)

(Disbarment.) Etheridge, who had been interimly suspended for uncontroverted evidence that he misappropriated, converted and commingled more than \$48,000 in client and third-party funds held incident to a real estate transaction in his attorney escrow account, was disbarred. In addition to the theft of escrow funds, Etheridge provided the AGC and complainant with false excuses for the delay in promptly returning complainant's funds, including that he was required to wait for certain tax documents to be received and/or filed in connection with a real estate matter. In disbaring Etheridge, the Court rejected his claim that his mother's tragic illness and death, his failed marriage and resulting financial hardships which he incurred after leaving the marital home, was sufficiently extreme and unusual to warrant a sanction less than disbarment. (Deputy Chief Attorney Kevin P. Culley)

*Matter of Pamela D. Hayes*, 225 AD3d 1 (1<sup>st</sup> Dept 2024)

(Disciplinary Resignation.) Hayes, who had been interimly suspended for uncontroverted evidence of professional misconduct, was charged with ten counts of professional misconduct for her conversion and misappropriation of client/third party escrow funds and failure to maintain required bookkeeping records. As she could not successfully defend against allegations, she submitted an affidavit of resignation, which the Court accepted. (Deputy Chief Attorney Kevin P. Culley)

*Matter of Jeffrey L. Liddle*, 233 AD3d 127 (1<sup>st</sup> Dept 2024)

(Two-year suspension.) Liddle deliberately misused an attorney escrow account to shield his and his law firm's funds after a judgment creditor levied upon his firm's business accounts in an attempt to enforce a \$646,000 judgment. He also made improper ATM cash withdrawals from the escrow account, issued a check to "cash", and failed to maintain required bank records and a ledger. The AGC requested a two-year suspension. Respondent urged no greater than a public censure. The referee sustained all charges, except Charge Three, which alleged that by making multiple ATM withdrawals and issuing a check to "cash", respondent violated rule 1.15(e), and recommended a one-year suspension. The referee rejected Liddle's claims that no evidence was presented that he intended to defraud or deceive a creditor, and that he only used the escrow account to prevent his law practice from shutting down and his clients' matters from being jeopardized. Liddle showed no remorse or acknowledgement of his wrongdoing. The Court denied Liddle's cross-motion to disaffirm and impose a censure and granted the AGC's motion to disaffirm, sustaining Charge Three and suspending him for two years. (Deputy Chief Attorney Kevin P. Culley)

*Matter of Howard L. Margulis*, 225 AD3d 23 (1<sup>st</sup> Dept 2024)

(Six-month suspension.) In 2015, Margulis' ex-wife submitted a complaint to the AGC which alleged that he failed to make any family support payments since 2011 and calculated \$232,000 in total arrears pursuant to a New Jersey support order, which also adjudged Margulis in contempt. The New Jersey support order was registered as enforceable in New York except for the contempt ruling, which the Family Court directed a hearing on whether Margulis's failure to pay was willful. Margulis maintained that he lacked an ability to pay due to financial hardship but failed to submit proof of his income and assets despite being repeatedly directed to do so by the Court. As a result, the New York Family Court found Margulis to be in contempt and committed him to a six-month jail term of weekend confinement. The AGC charged Margulis with three counts of misconduct. The Court appointed a referee to conduct a hearing, which was postponed several times due to the serious medical issues of Margulis, then later, his counsel. Meanwhile, Margulis satisfied his child support obligations and commenced new litigation in New Jersey seeking to set aside the spousal support award and negotiate a resolution. The parties thereafter filed a joint motion for discipline by consent based upon conditional admissions by Margulis that he prejudiced the administration of justice for violating the New Jersey order as it pertained to the child support and his multiple missed court appearances and engaged in conduct that adversely reflected on his fitness as a lawyer for failing to file tax returns for multiple periods. The Court granted the parties' joint-motion and suspended Margulis for six months. (Deputy Chief Attorney Kevin P. Culley)

*Matter of Bryan A. McKenna*, 226 AD3d 149 (1<sup>st</sup> Dept 2024)

(Disciplinary Resignation.) The AGC investigated McKenna regarding allegations that he misappropriated and converted to his own benefit \$184,600 in client funds held in his IOLA Account in connection with a real estate matter on behalf of a client. McKenna submitted an affidavit of resignation attesting that he cannot successfully defend against allegations of misconduct which the Court accepted. (Deputy Chief Attorney Kevin P. Culley)

*Matter of Afia Sengupta*, 233 AD3d 199 (1<sup>st</sup> Dept 2024)

(Disciplinary Resignation.) Sengupta, an Indian attorney registered in New York as In-House Counsel in 2021, was employed by a not-for-profit corporation she owned and controlled. The organization – which employed one New York admitted attorney - purported to engage in investigative journalism on social justice issues while providing *pro bono* legal representation to the indigent. Rule 522 prohibits In-House Counsel from offering legal services or advice to anyone other than their employer and bars the employer from operating as a law firm. Sengupta engaged in multiple acts of professional misconduct, including mishandling client funds and providing misleading testimony about it, neglecting a personal injury case she was not authorized to handle, misrepresenting her limited In-House Counsel status in a custody/visitation case and neglecting that matter, failing to provide adequate notice of her limited status to the Court in a criminal case, and charging and collecting unauthorized legal fees from a client without disclosing her limited representation status. As she could not successfully defend against the allegations of professional misconduct, she tendered her resignation which the court accepted. (Deputy Chief Attorney Kevin P. Culley)

*Matter of Rudolph W. Giuliani*, 230 AD3d 101 (1<sup>st</sup> Dept 2024)

(Disbarment.) Respondent Rudolph Giuliani was disbarred primarily for engaging in widespread deceit regarding the 2020 Presidential Election while acting as Donald Trump’s personal attorney, but also for dissembling in the course of the AGC’s investigation into the former mayor’s conduct. Following a lengthy and, at times, heatedly contentious, hearing, a referee appointed by the Court found that: Giuliani knowingly promulgated false claims related to supposed election fraud in Pennsylvania, Georgia, Arizona, and Michigan. Giuliani advanced his falsehoods before legislators in various states, to a federal court, and to the general public. Both when appearing before one legislative body and during Committee investigation, he imparted untruths while under oath. These findings occurred after he overwhelmingly conceded the inaccuracy of the challenged statements but insisted that he had made them in good faith. The Court, which imposed an interim suspension on Giuliani in June 2021, concurred with the referee in rejecting his protestations of good faith. Despite his lack of disciplinary history and distinguished record of public service, the Court deemed disbarment appropriate for the “entirely unrepentant” respondent. For

the “seriousness of respondent’s misconduct [could not] be overstated” and “respondent’s disruptive and disrespectful behavior during the hearing only add[ed] to the case for [respondent’s] disbarment.” (Staff Attorney Kevin M. Doyle)

*Matter of Lawrence Albert Cline*, 230 AD3d 79 (1<sup>st</sup> Dept 2024)

(Stricken.) Cline was convicted in the United States District Court for the Eastern District of New York, upon guilty plea, of conspiracy to commit wire fraud. He admitted that he and two business partners, unhappy with their revenues from their company’s investments, transferred approximately \$30 million out of a business account and into accounts that they personally controlled. Respondent concealed the transfer of these funds by sending false and misleading financial reports across state lines. The Court found that Cline’s conviction was analogous to the New York felony of scheme to defraud in the first degree, warranting automatic disbarment. (Staff Attorney Gillian C. Gamberdell)

*Matter of Lisa A. Wellman*, 227 AD3d 96 (1<sup>st</sup> Dept 2024)

(Disbarment.) Wellman was disbarred in New Hampshire and Vermont pursuant to a Stipulation to Disbarment wherein she admitted to knowingly misappropriating client funds and comingling client funds and personal funds. Based on the foregoing, the AGC moved for reciprocal discipline in the form of a disbarment. Wellman did not oppose, and the Court granted the AGC’s motion. (Staff Attorney Gillian C. Gamberdell)

*Matter of Karamvir Dahiya*, 230 AD3d 72 (1<sup>st</sup> Dept 2024)

(Three-month suspension.) Dahiya’s disregard for the rulings of a tribunal, engagement in conduct prejudicial to the administration of justice, and failure to provide competent representation adversely reflected on his fitness to practice law. His disrespectful conduct was part of a 13-year pattern of persistent misbehavior which included repeated failures to comply with court orders and frivolous litigation for which the court imposed sanctions. In view of the repeated nature of his misconduct and his lack of remorse and evasiveness in his hearing testimony, the Court imposed a 3-month suspension on Dahiya. (Deputy Chief Attorney Naomi F. Goldstein)

*Matter of Sally M. Gard*, 230 AD3d 96 (1<sup>st</sup> Dept 2024)

(Interim suspension.) Gard failed to comply with the AGC’s lawful investigative demands that she submit written answers to three client complaints, as well as a Supreme Court transcript which sanctioned her for repeatedly disregarding court rules. She also failed to appear for an examination under oath and did not respond to the AGC’s motion to seek her immediate suspension. The Court determined that Gard’s misconduct constituted an

immediate threat to public interest, and imposed an interim suspension upon her, effective July 2, 2024. (Deputy Chief Attorney Naomi F. Goldstein)

*Chadwick L. Hooker*, 229 AD3d 22 (1<sup>st</sup> Dept 2024)

(Interim suspension.) In December 2022, the AGC received a complaint wherein Hooker's client alleged that he neglected her landlord-tenant matter and did not return her \$2,000 retainer. Hooker failed to respond to the AGC's repeated requests that he submit an answer to the complaint and produce a copy of his client file and any records related to his representation of his client. The Court found that Hooker's noncompliance posed an immediate threat to public interest and imposed an interim suspension upon him, effective May 23, 2024. (Deputy Chief Attorney Naomi F. Goldstein)

*Douglas B. Levy*, 231 AD3d 62 (1<sup>st</sup> Dept 2024)

(Seven-month suspension.) In 2007, the Supreme Court of Arizona suspended Levy for 30 days based on his behavior during a case wherein two former employees sued him for unpaid wages and vacation time. In 2022, the Supreme Court of Arizona suspended Levy for six months and one day followed by two years' probation for, *inter alia*, altering the language used by opposing counsel in a request for admissions, and lambasting the judge and opposing counsel in emails with the State Bar of Arizona. He also received a reprimand for failure to notify his clients of his suspension and briefly practicing law while suspended. Levy never reported the discipline to the AGC, who received notification of his discipline from the State Bar of Arizona in 2023. The AGC moved to impose reciprocal discipline, and on July 18, 2024, the Court imposed a seven-month suspension upon Levy. (Deputy Chief Attorney Naomi F. Goldstein)

*Christopher D. Parker*, 231 AD3d 55 (1<sup>st</sup> Dept 2024)

(Reciprocal public censure.) Parker, the attorney of record for his daughter, a DV victim, did not appear at any of the proceedings related to her case, which took place in Connecticut. The judge agreed with the prosecution's recommendation that it would enter a *nolle prosequi* if the defendant successfully completed diversion. Parker's daughter requested to be heard so she could ask for an increase in the protective order against the defendant, which the judge denied. Parker then filed a complaint against the judge with the State of Connecticut Judicial Review Council (JRC) which claimed that the defendant had been sentenced, and the judge had violated his daughter's constitutional rights by refusing to allow her to be heard before the defendant's sentencing. The judge replied that Parker, a criminal defense attorney, knew or should have known that this was not a sentencing proceeding and that his daughter therefore did not have the right to make a statement, and

that no one had the power to object to a prosecutor's decision to *nolle* charges, so Parker's claim was materially false. Connecticut's Office of Chief Disciplinary Counsel sought to suspend Parker for the misstatements in his JRC complaint, but the Reviewing Committee sought fit only to impose a reprimand. The AGC thereafter sought reciprocal discipline in the form of a public censure, which the Court granted on July 18, 2024. (Deputy Chief Attorney Naomi F. Goldstein)

*Mustafa D. Sayid*, 228 AD3d 41 (1<sup>st</sup> Dept 2024)

(One-year suspension.) In 2017, the Securities and Exchange Commission (SEC) filed a complaint against Sayid in the SDNY alleging that he engaged in a fraudulent scheme to effect illegal, unregistered sales of corporation shares. In 2020, the SDNY permanently barred Sayid from appearing before the SEC and ordered him to pay a \$160,000 civil penalty plus disgorgement and interest. The United States Court of Appeals for the Second Circuit affirmed the judgment of the SDNY. In 2023, Sayid joined the AGC in requesting the imposition of a six-month suspension, which the Court denied. Sayid and the AGC thereafter requested discipline by consent in the form of a one-year suspension, which the Court granted, effective April 30, 2024. (Deputy Chief Attorney Naomi F. Goldstein)

*Brian J. Smith*, 233 AD3d 1 (1<sup>st</sup> Dept 2024)

(Stricken.) In 2021, Nevada authorities arrested Smith for operating a motor vehicle while under the influence, colliding with another vehicle, and causing significant injury to the person in the vehicle with which he collided. On February 15, 2023, in Nevada District Court, Smith pleaded guilty to the felony of reckless driving causing substantial bodily harm. The AGC's motion to the Court stated that Smith's felony conviction is a proper predicate for automatic disbarment pursuant to Judiciary Law 90(4)(a). On September 26, 2024, the Court Granted the AGC's motion and struck Smith's name from the roll of attorneys effective *nunc pro tunc* to February 15, 2023. (Deputy Chief Attorney Naomi F. Goldstein)

*Matter of Kofi O. Amankwaa*, 232 AD3d 82 (1<sup>st</sup> Dept 2024)

(Disbarment.) In 2023, the Court immediately suspended Amankwaa for his repeated failure to answer complaints and produce client files pursuant to the AGC's requests. Amankwaa did not respond or appear for further investigatory or disciplinary proceedings within six months from the date of his suspension order. The Court therefore disbarred him pursuant to 22 NYCRR 1240.9(b). (Staff Attorney Jun H. Lee)

*Matter of Alexander R. Cane*, 228 AD3d 104 (1<sup>st</sup> Dept 2024)

(Disbarment.) In 2022, the U.S. Department of Justice Executive Office of Immigration Review (EOIR) disbarred Cane from the practice of law before the Immigration Courts, the Board of Immigration Appeals (BIA), and the Department of Homeland Security (DHS) for obnoxious and contumelious conduct directed at two judges and the staff of the Elizabeth, New Jersey, Immigration Court. He behaved belligerently during the proceedings, and he disparaged the Immigration Court staff in his emails. Therefore, in May 2024, this Court imposed reciprocal discipline upon Cane and disbarred him pursuant to 22 NYCRR 1240.13. (Staff Attorney Jun H. Lee)

*Michael O. King, Jr.*, 229 AD3d 185 (1<sup>st</sup> Dept 2024)

(Interim suspension.) Despite the AGC's repeated requests, King failed to answer 8 of the 10 complaints against him. He answered two of the complaints but failed to provide the AGC with the additional information it requested. Additionally, King did not oppose the AGC's motion to interimsly suspend him pursuant to 22 NYCRR 1240.9(a)(3). Thus, the Court granted the motion and immediately suspended King, effective June 11, 2024. (Staff Attorney Jun H. Lee)

*Matter of Jose X. Orochena*, 232 AD3d 228 (1<sup>st</sup> Dept 2024)

(Interim suspension.) Orochena refused to comply with the AGC's requests that he produce two client files, as ordered by judicial subpoena. He argued that the files were privileged and that he could not produce the files without client authorization. In reply, the AGC maintained that the Rules of Professional Conduct (22 NYCRR 1200.0) 1.6(b)(5)(i) and 1.6(b)(6) allow disclosure of confidential information in compliance with Court order. The AGC also argued that Orochena's noncompliance with repeated official requests and a judicial subpoena supported its contention that his conduct threatened the public interest. The Court agreed and immediately suspended Orochena, effective September 26, 2024. (Staff Attorney Jun H. Lee)

*Matter of Ethan Ruby*, 232 AD3d 179 (1<sup>st</sup> Dept 2024)

(Nine-month suspension.) Ruby, who was convicted of third-degree assault, joined the AGC in requesting the imposition of discipline by consent. In aggravation, Ruby had previous incidents of domestic violence toward his former girlfriend. In mitigation, he completed a six-month Abusive Partner Intervention Program and has consistently seen a therapist. The Court granted the motion and suspended Ruby for nine months, with supervision by the New York Lawyer Assistance Program for one year. (Staff Attorney Jun H. Lee)

*Matter of Joseph Henry Lilly, III*, 223 AD3d 105 (1<sup>st</sup> Dept 2024)

(Two-month suspension.) Lilly twice falsely certified that he had met the CLE credits required of an experienced attorney for two consecutive renewal cycles and made the second false certification while he was under investigation for the same issue in the 2019-2020 cycle. In mitigation, Lilly expressed considerable remorse, acknowledged his misconduct, and cooperated fully with Internal Audit Services of the Office of Court Administration and the AGC. He also completed the required CLEs. He then joined the AGC in requesting a two-month suspension, which the Court granted. (Deputy Chief Attorney Vitaly Lipkansky)

*Matter of Luke D. Lynch, Jr.*, 229 AD3d 37 (1<sup>st</sup> Dept 2024)

(Disciplinary resignation.) By order entered May 31, 2022, in accordance with Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.9(a)(2) and (5), the Court immediately suspended Lynch from the practice of law for his failure to supervise his law firm's operating and escrow accounts. His lack of oversight resulted in the commingling of approximately \$2.8 million in client funds and the misappropriation of \$1 million in settlement funds. Lynch, who noted that the investigation does not include allegations that he willfully misappropriated or misapplied money or property, nevertheless acknowledged that his oversight of his law firm's finances was inadequate. As he could not successfully defend against the charges, he submitted an affidavit of resignation, which the court accepted. (Deputy Chief Attorney Vitaly Lipkansky)

*Matter of Allen Yusufov*, 234 AD3d 71 (1<sup>st</sup> Dept 2024)

(Interim suspension.) Yusufov served as Buyer's Counsel in the purchase of an apartment. The buyer gave Seller's Counsel a \$75,000 downpayment, but the application was rejected, and a refund check was issued to Yusufov. The buyer complained to the AGC that Yusufov never returned her money. Seller's Counsel provided the AGC with a copy of the check and a bank statement which indicated the withdrawal of the \$75,000. Yusufov did not cooperate with the AGC's attempts to investigate the complaint, and did not respond to a judicial subpoena directing him to appear for an examination under oath. The AGC then submitted a motion for his immediate suspension, which the Court granted, effective December 17, 2024. (Staff Attorney Norma I. Lopez)

*Matter of Fausto Simoes*, 229 AD3d 147 (1<sup>st</sup> Dept 2024)

(Stricken.) The Supreme Court of New Jersey disbarred Simoes by consent for his federal conviction of conspiracy to commit bank fraud in connection with a fraudulent mortgage scheme. Simoes had been suspended in New York since 2010 for his failure to file attorney

registration statements and pay biennial registration fees in violation of Judiciary Law 468a. The AGC moved to disbar Simoes, which he did not oppose. The Court accepted the AGC's arguments and, finding that his federal felony conviction was essentially similar to specified New York felony offenses and was a proper predicate for automatic disbarment pursuant to Judiciary Law 90(4)(b), struck Simoes' name from the roll of attorneys in New York. (Staff Attorney Gina M. Patterson)

*Matter of John N. Iannuzzi*, 233 AD3d 159 (1<sup>st</sup> Dept 2024)

(Disciplinary resignation.) In this matter involving Iannuzzi, whom the Court had immediately suspended until further order, the Court granted Iannuzzi's motion to resign based on his admissions that he could not successfully defend himself against allegations that he, *inter alia*, intentionally converted and/or intentionally misappropriated client and/or third-party funds. (Staff Attorney Orlando Reyes)

*Matter of Steven J. Kwestel*, 228 AD3d 36 (1<sup>st</sup> Dept 2024)

(Two-year suspension.) In this matter involving Kwestel, whom the Court previously deemed had committed a "serious crime" and immediately suspended until further order, the Court granted the parties' joint motion for discipline by consent and suspended Kwestel for two years based on his conditional admissions that his criminal failure to collect/pay over federal taxes constituted misconduct including: illegal conduct that adversely reflects on his honesty, trustworthiness or fitness; conduct involving dishonesty, fraud, deceit or misrepresentation; and conduct that adversely reflects on his fitness as a lawyer. (Staff Attorney Orlando Reyes)

*Matter of Timothy J. McIlwain*, 229 AD3d 15 (1<sup>st</sup> Dept 2024)

(One-month suspension.) McIlwain was suspended, after a hearing, for one month in New Jersey for misconduct in connection with child custody litigation involving his daughter, in which he filed an amended complaint and subpoenas under a dismissed New Jersey custody proceeding and entered into a mediation agreement requiring his adversary to withdraw her disciplinary complaints against him. The New Jersey Supreme Court found that these acts constituted frivolous conduct; conduct involving dishonesty, fraud, deceit or misrepresentation; and conduct prejudicial to the administration of justice in violation of New Jersey Rules of Professional Conduct rules 3.1 and 8.4 (c) and (d), and it suspended McIlwain for one month. Upon learning of the suspension, the AGC moved for reciprocal discipline in the form of a suspension consistent with the New Jersey suspension. The Court granted the motion over McIlwain's opposition and suspended him for one month. (Staff Attorney Christopher S. Ronk).

*Matter of Jeffrey M. Rosin*, 229 AD3d 195 (1<sup>st</sup> Dept 2024)

(Public censure.) Rosin entered into a stipulation in which he admitted to deposition-related misconduct in the US District Court for the District of Massachusetts and accepted a public reprimand. Upon learning of the reprimand, the AGC moved for reciprocal discipline in the form of a public censure. Rosin did not oppose the AGC's motion. Based on the foregoing, the Court granted the motion for reciprocal discipline and publicly censured Rosin. (Staff Attorney Christopher S. Ronk)

*Matter of Roderic D. Boyd*, 233 AD3d 190 (1<sup>st</sup> Dept 2024)

(Disciplinary Resignation.) Boyd misappropriated client funds from his attorney escrow account for personal use due to a methamphetamine addiction during the COVID-19 pandemic. Boyd repaid the client in full and the Court accepted his resignation, effective September 7, 2024. (Staff Attorney Yvette A. Rosario)

*Matter of John S. Jenkins*, 232 AD3d 7 (1<sup>st</sup> Dept 2024)

(Interim suspension.) By motion dated May 15, 2024, the AGC sought an order, pursuant to rules 22 NYCRR 1240.9(a)(3) and (5), to immediately suspend Jenkins from the practice of law until further order of the Court. The motion was partially based on his failure to submit an answer to the AGC regarding a client's allegations that he neglected their estate matter, his failure to communicate with them, and a failure to refund their \$4,500 retainer. The motion was also based on Jenkins' 2013 Florida suspension, for, *inter alia*, conversion or misappropriation of client funds. The AGC met its burden, and Jenkins received an immediate suspension until further order of the Court. (Staff Attorney Yvette A. Rosario)

*Matter of Colin C. McNary*, 232 AD3d 221 (1<sup>st</sup> Dept 2024)

(18-month suspension.) In January 2017, the Court suspended McNary as part of a mass suspension proceeding for failure to file attorney registration statements and to pay biennial registration fees in violation of Judiciary Law 468-a. McNary's reinstatement motion, filed in June 2023, averred that he became aware of his suspension on May 30, 2023. The AGC opposed his reinstatement and argued that McNary engaged in the unauthorized practice of law for six years and four months. In July 2024, the AGC and McNary jointly moved for discipline by consent and requested the imposition of an 18-month suspension, *nunc pro tunc*, to the date on which he learned of his suspension and ceased practicing. By order dated September 26, 2024, the Court granted the joint motion, suspending McNary for 18 months and also directed him to participate in the New York Lawyer Assistance Program for one year. (Staff Attorney Yvette A. Rosario)

*Matter of Daniel C. Feldman*, 230 AD3d 13 (1<sup>st</sup> Dept 2024)

(One-year suspension.) Feldman was guilty of professional misconduct based on adverse findings against him in a federal civil action in the United States District Court, wherein the jury determined that during his employment as the corporate secretary of an oil company, he breached his fiduciary duty to his employer with respect to two separate matters. The Court found that his breach of duty was not motivated by an intent to harm his employer or to enrich himself, and he did not convert any funds, act with evil motive or intent or with reckless disregard or callous indifference to the company's rights and was not a disloyal faithless servant. In mitigation, Feldman presented evidence that he had no prior disciplinary history, a favorable reputation in the community for honesty, integrity, and willingness to help others, and that he was under financial hardship. In aggravation, Feldman was relatively uncooperative in turning over his tax returns. The Court imposed a one-year suspension. (Staff Attorney Remi E. Shea)

*Matter of Ghenya B. Grant*, 224 AD3d 1 (1<sup>st</sup> Dept 2024)

(Interim suspension.) The Court immediately suspended Grant because she failed to provide her escrow account information and bank statements when requested to do so, ignored the judicial subpoena to appear before the AGC for an examination under oath, and failed to maintain and safeguard client funds. (Staff Attorney Remi E. Shea)

*Matter of Rahul Dev Manchanda*, 233 AD3d 169 (1<sup>st</sup> Dept 2024)

(Disbarment.) On November 21, 2024, Manchanda was disbarred for engaging in a pervasive pattern of misconduct, including the use of offensive language in legal documents, unauthorized disclosure of confidential client information, and filing of frivolous legal motions. Despite Manchanda's multiple attempts to challenge the proceedings and delay the disciplinary action, the court found the evidence sufficient to warrant disbarment. The Referee, a retired judge, provided a meticulous assessment of the evidence, finding Manchanda's explanations for his misconduct to be evasive and unconvincing. The pattern of behavior, coupled with Manchanda's prior admonitions and legal sanctions, led to his disbarment as the only appropriate remedy to protect the public and uphold the profession's integrity. This decision sets a stringent precedent for attorney conduct in New York, particularly concerning the use of discriminatory language and the handling of confidential information. (Staff Attorney Remi E. Shea)

*Matter of Michael Markovitch*, 229 AD3d 191 (1<sup>st</sup> Dept 2024)

(Disciplinary resignation.) Markovitch, who was previously suspended based on a felony conviction for conspiracy to commit immigration fraud, owned two companies during his

suspension: a divorce filing service and an immigration filing service. Both companies employed nonlawyers who performed document preparation services for individuals who did not desire legal representation. The websites for both companies noted that neither company provided legal advice or counsel. Markovitch employed a nonlawyer as the case coordinator manager whose primary responsibility was document preparation and client communication. He failed to adequately supervise the manager and, unbeknownst to him, the manager informed clients that Markovitch was an attorney associated with the companies. When clients asked to speak with him, the manager informed them that he was in court. As Markovitch could not defend against the allegations, he submitted his resignation, which the Court accepted. (Staff Attorney Remi E. Shea)

*Matter of Matthew A. Melville*, 223 AD3d 48 (1<sup>st</sup> Dept 2024)

(Six-month suspension.) Melville, who was a partner at his law firm, utilized a parallel invoice system and directed clients to make payments to his personal account, which violated the partnership agreement. He also used the firm's letterhead for personal invoices and engaged in conduct that adversely reflected on his fitness as a lawyer by failing to report the earnings he received for professional activities on behalf of his clients while employed as a partner by the firm. He also inadvertently underreported the taxable income he earned from his side practice. Melville, who conceded that he engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation, joined the AGC in moving for a six-month discipline by consent, which the Court granted. The Court further ordered Melville to comply with the business and mental health monitoring and reporting conditions as set forth in the parties' joint affirmation. (Staff Attorney Remi E. Shea)

*Matter of Stephen M. Bander*, 232 AD3d 1 (1<sup>st</sup> Dept 2024)

(Disbarment.) Pursuant to the doctrine of reciprocal discipline as set forth in 22 NYCRR 1240.13, the Court disbarred Bander based upon discipline imposed by the Supreme Court of Florida. The Supreme Court of Florida disbarred Bander for failing to place client funds in his trust account, failing to timely provide refunds to his clients for double payment of attorney's fees, and for using the fees to pay firm operating expenses. (Staff Attorney Eric Sun)

*Matter of Matthew C. Browndorf*, 231 AD3d 28 (1<sup>st</sup> Dept 2024)

(Interim suspension.) Browndorf pleaded guilty to the federal felony of failure to collect or pay over tax where he admitted that, as CEO and majority owner of a nationwide foreclosure and real estate law firm, he was responsible for collecting, accounting for, and paying over to the IRS the federal income taxes, Social Security taxes, and Medicare taxes

withheld from the wages paid to the employees of the firm. Browndorf also admitted that he failed to direct remittances into employee pension benefit plans. The Court deemed the offense a “serious crime,” immediately suspended Browndorf from the practice of law and remanded the matter for a hearing on sanctions. (Deputy Chief Attorney Raymond Vallejo)

*Matter of Davion S. E. Chism*, 232 AD3d 141 (1<sup>st</sup> Dept 2024)

(Public censure.) The Court granted a joint motion for discipline by consent and issued a public censure. Chism was court-martialed following her guilty plea to military crimes such as wrongful interference with an administrative proceeding, false swearing and false official statement. The Court considered, in mitigation, her unblemished disciplinary history, cooperation, remorse and impressive reputation and character evidence and her severe mental health issues which were a direct cause of her misconduct. (Deputy Chief Attorney Raymond Vallejo)

*Matter of Arthur G. Cohen*, 227 AD3d 18 (1<sup>st</sup> Dept 2024)

(Stricken.) Cohen pleaded guilty, in Supreme Court, New York County, to the New York State felonies of grand larceny in the first degree and criminal tax fraud in the third and fourth degrees. His conviction stemmed from his admission to stealing more than \$1 million over six years from his former employer and failing to declare the funds on his New York State income tax returns. Cohen was automatically disbarred based upon his felony convictions. (Deputy Chief Attorney Raymond Vallejo)

*Matter of Telesforo Del Valle, Jr.*, 227 AD3d 22 (1<sup>st</sup> Dept 2024)

(Stricken.) Del Valle pleaded guilty to the federal felonies of conspiracy to bribe and unlawfully compensate a federal employee, illegal compensation and false statements. His guilty plea stemmed from a scheme in which he was involved with an employee in the Magistrate Clerk’s Office, whereby the employee would encourage criminal defendants to retain Del Valle to represent them in pending criminal cases, in exchange for which he paid the employee a portion of the fees the clients paid him. The Court determined that automatic disbarment was warranted because the statute under which Del Valle was convicted (federal employee bribery) was essentially similar to the New York felony of bribery in the third degree. (Deputy Chief Attorney Raymond Vallejo)

*Matter of Allen A. Gessen*, 232 AD3d 164 (1<sup>st</sup> Dept 2024)

(Stricken.) Gessen was convicted, following a jury trial, of murder for hire, a federal felony, based on his attempt to hire a hitman to murder the mother of his young children in exchange for the payment of \$50,000. Gessen was sentenced to 120 months of

imprisonment. The Court determined that automatic disbarment was warranted because the statute to which Gessen was convicted was essentially similar to the New York felony of conspiracy to commit murder, in violation of Penal Law 105.15. (Deputy Chief Attorney Raymond Vallejo)

*Matter of Mark E. Heimendinger*, 230 AD3d 35 (1<sup>st</sup> Dept 2024)

(Two-year suspension.) Pursuant to the doctrine of reciprocal discipline, under 22 NYCRR 1240.13, based upon an order issued by the Supreme Court of Florida, the Court suspended Heimendinger for two years. Heimendinger pleaded no contest to the charge of aggravated assault, carrying a concealed firearm, improper exhibition of a dangerous weapon and battery, for which he was sentenced to two days in jail and 60 months of probation. (Deputy Chief Attorney Raymond Vallejo)

*Matter of Michael J. Little*, 225 AD3d 19 (1<sup>st</sup> Dept 2024)

(Interim suspension.) Little was found guilty, following a jury trial, of four federal felonies: obstructing and impeding the administration of federal tax laws; willful failure to file reports of foreign accounts; conspiracy to defraud the IRS; aiding and assisting the preparations of false IRS forms; and, willful failure to file individual income tax returns, for which he was sentenced to 20 months of incarceration and ordered to pay over \$4 million in restitution. The Court deemed Little's convictions to be "serious crimes," immediately suspended him from the practice of law and remanded the matter for a hearing on sanctions. (Deputy Chief Attorney Raymond Vallejo)

*Matter of Stefan M. Miller*, 231 AD3d 100 (1<sup>st</sup> Dept 2024)

(Interim suspension.) Miller pleaded guilty to criminal contempt in the second degree, a class "A" misdemeanor, by having violated an order of protection. He was sentenced to a one-year conditional discharge, as a condition of which he was required to complete an abusive partner intervention program. The Court deemed the offense to which Miller pleaded guilty to be a "serious crime" and interimly suspended him from the practice of law pending further proceedings. Miller had opposed an interim suspension on the grounds that he had accepted responsibility for his criminal conduct and was neither incarcerated nor on probation. (Deputy Chief Attorney Raymond Vallejo)

*Matter of William J. Miller*, 233 AD3d 195 (1<sup>st</sup> Dept 2024)

(One-year suspension.) The Court granted a joint motion for discipline by consent suspending Miller for one year as a result of his failures to file his state and federal income tax returns for eight years and to pay his state and federal tax liabilities and his omissions

and false statements in personal financial statements that he completed in connection with a line of credit he had at a bank. The Court considered that, as a longtime partner at his law firm, Miller earned a substantial income during the period in which he failed to file or pay income taxes. (Deputy Chief Attorney Raymond Vallejo)

*Matter of Jack H. Nguyen*, 231 AD3d 219 (1<sup>st</sup> Dept 2024)

(Resignation.) The Court granted Nguyen’s application for a disciplinary resignation following his conviction, by guilty plea, to conspiracy to launder monetary instruments, a federal felony. Nguyen’s conviction stemmed from his conspiring with others to create a foundation to launder and conceal proceeds from the sale of illegal narcotics and illegal weapons. The Court had previously deemed Nguyen’s conviction to be a “serious crime” and interimly suspended him until further order of the Court. (Deputy Chief Attorney Raymond Vallejo)

*Matter of George Royle*, 234 AD3d 97 (1<sup>st</sup> Dept 2024)

(Stricken.) Royle was convicted, following a jury trial, of the federal felony of possession of/access with intent to view child pornography for which he was sentenced to 32 months imprisonment. The Court determined that automatic disbarment was warranted because Royle’s conviction for distribution of child pornography, if rendered in New York, would constitute the New York felony of possessing a sexual performance by a child under New York Penal Law 263.16. (Deputy Chief Attorney Raymond Vallejo)

2024

**Appendix A: Committee Composition**

Committee Members from January 1, 2024 through September 30, 2024

**Committee 1**

Abigail T. Reardon  
Milton L. Williams, Jr.  
Marijo C. Adimey  
Erica Barrow  
Martin S. Bell  
Peter A. Bellacosa  
Eleazar F. Bueno\*  
John P. Buza  
Miguelina M. Camilo  
Russell Capone  
William F. Dahill  
Lissette A. Duran  
C. Willem Houck\*  
Arthur M. Luxenberg  
Scott E. Mollen  
Virginia A. Reilly  
Beatrice Seravello\*  
Joshua Silber  
S. Yan Sin  
Hon. Milton A. Tingling  
Judith E. White

**Committee 2**

Robert J. Anello  
Tina M. Wells  
Steven Benathen  
Rev. Reyn Cabinte\*  
Hon. James M. Catterson  
Susan M. Cofield\*  
Robert Stephan Cohen  
Julie Goldscheid  
Virginia Goodman Futterman  
Phillip C. Hamilton  
Jaipat S. Jain  
Barbara Kairson, PhD  
Devika Kewalramani  
Amy L. Legow  
Christopher Morel  
Vianny M. Paulino-Pichardo  
Joanna Rotgers  
Jeffrey S. Stillman  
Lisa Vicens  
Terel R. Watson  
Mark C. Zauderer

\*Lay member

2024

**Appendix A: Committee Composition**

Committee Members from October 1, 2024 through December 31, 2024

**Committee 1**

Abigail T. Reardon  
Milton L. Williams, Jr.  
Marijo C. Adimey  
Erica Barrow  
Martin S. Bell  
Peter A. Bellacosa  
Eleazar F. Bueno\*  
John P. Buza  
Miguelina M. Camilo  
Russell Capone  
William F. Dahill  
Lissette A. Duran  
C. Willem Houck\*  
Arthur M. Luxenberg  
Scott E. Mollen  
Virginia A. Reilly  
Beatrice Seravello\*  
Joshua Silber  
S. Yan Sin  
Hon. Milton A. Tingling  
Judith E. White

**Committee 2**

Robert J. Anello  
Tina M. Wells  
Steven Benathen  
Hon. James M. Catterson  
Susan M. Cofield\*  
Robert Stephan Cohen  
Julie Goldscheid  
Virginia Goodman Futterman  
Phillip C. Hamilton  
Jaipat S. Jain  
Barbara Kairson, PhD  
J. Andrew Kent  
Devika Kewalramani  
Christopher Morel  
Vianny M. Paulino-Pichardo  
Joanna Rotgers  
Deborah Schein\*  
Jeffrey S. Stillman  
Elisabeth Lisa Vicens  
Terel R. Watson  
Mark C. Zauderer

2024

**Appendix B: Office of the Chief Attorney: Attorneys**

Chief Attorney

Jorge Dopico

Deputy Chief Attorneys

Angela Christmas

Kevin P. Culley

Naomi F. Goldstein

Vitaly Lipkansky

Raymond Vallejo

Staff Attorneys

Louis J. Bara

Sean A. Brandveen

Andrea B. Carter

Kevin M. Doyle

Gillian C. Gamberdell

Kelly A. Latham

Jun H. Lee

Norma I. Lopez

Diana Neyman

Gina M. Patterson

Orlando Reyes

Christopher Ronk

Yvette A. Rosario

Remi E. Shea

Eric Sun

**Appendix C: Office of the Chief Attorney: Administrative Staff**

Investigators

Nancy DeLeon, Chief  
Robert Murphy  
Anthony Rodriguez

Paralegals

Joel A. Peterson, Chief  
Grace Pajuelo  
Reginald E. Thomas

Office Manager

Marcy Sterling

Data Personnel

Mark Hernandez, Data Entry  
Shayna LaPlante  
Tennille Millhouse

Accountant

Martin Schwinger

Support Staff

Devin B. Anglada  
Monique R. Hudson  
Tina M. Nardelli  
Celina M. Nelson  
Clarissa Perez  
Michael J. Ramirez  
Sharon Ramirez  
Stephanie W. Ross  
Natasha S. Solomon  
Nathalie P. Suarez  
Shaniyia Z. Thomas  
Lorraine Wright

**Appendix D**

**ATTORNEY GRIEVANCE COMMITTEE  
FIRST JUDICIAL DEPARTMENT  
MATTERS PROCESSED IN 2024**

Matters Pending as of December 31, 2024	934
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**Details**

1. Matters pending on January 1, 2024	1029
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2. New matters received between January 1, 2024 and December 31, 2024	5408
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3. Closed matters reactivated between January 1, 2024 and December 31, 2024	<u>26</u>
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Total matters processed between January 1, 2024 and December 31, 2024 (1+2+3)	6463
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Total matters disposed between January 1, 2024 and December 31, 2024	<u>(5529)</u>
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Matters pending as of December 31, 2024	934
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**Appendix E: Budget for Fiscal Year 2024-2025**

Attorney Grievance Committee Budget  
Fiscal Year April 2024 – March 2025

	<u>Allocation:</u>
Personal Service Total:	\$4,503,412
<u>Non-Personal Service:</u>	
Office Supplies	23,146
EDP Supplies	3,600
Postage Only	0
Legal Reference & Subscriptions	18,000
Misc. Supplies and Materials	4,200
Travel General	203
Rentals of Equipment	3,050
Repairs of Equipment	6,000
Shipping, Postage & Mailing Services	20,000
Printing - General	3,495
Telephones	1,000
Office/Clerical Services	0
Records Management Services	19,708
Professional Services Expert Witnesses	750
Other Court-Appointed Services	14,000
Other General Services	5,000
Professional Services Per Diem Interpreters	500
Transcript Costs General	52,000
Non-Personal Service Total:	174,652
<b>TOTAL BUDGET FISCAL YEAR 2023-2024</b>	<b>4,678,064</b>

**Appendix F: Complaint Form**

(Rev. 7.30.2020)

**ATTORNEY GRIEVANCE COMMITTEE**

Supreme Court, Appellate Division  
First Judicial Department  
180 Maiden Lane, 17<sup>th</sup> Floor  
New York, New York 10038  
(212) 401-0800

**JORGE DOPICO**  
**Chief Attorney**

Email Complaint and Attachments to: [AD1-AGC-newcomplaints@nycourts.gov](mailto:AD1-AGC-newcomplaints@nycourts.gov). In addition, please send **one copy** of your complaint and attachments **by regular mail** to the above address. (If you do not have a personal email account, please send two (2) complete sets of your complaint and all attachments. There may be a delay in processing your matter if it is not emailed. Please **do not** include any original documents because we are unable to return them.)

**Background Information**

Today's Date: \_\_\_\_\_

Your Full Name: (Mr. Ms. Mrs.) \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Cell Phone: \_\_\_\_\_ Business/Home Phone: \_\_\_\_\_

Email Address: \_\_\_\_\_

Are you represented by a lawyer regarding this complaint? Yes  No  If Yes:

Lawyer's Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Business Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

**Attorney Information**

Full Name of Attorney Complained of: (Mr. Ms. Mrs.) \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Business Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

Email Address: \_\_\_\_\_

Date(s) of Representation/Incident: \_\_\_\_\_

Have you filed a civil or criminal complaint against this attorney? Yes  No  If Yes:

If yes, name of case (if applicable): \_\_\_\_\_

Name of Court: \_\_\_\_\_

Index Number of Case (if known): \_\_\_\_\_

Have you filed a complaint concerning this matter with another Grievance Committee, Bar Association, District Attorney's Office, or any other agency? Yes  No

If yes, name of agency: \_\_\_\_\_

Action taken by agency, if any: \_\_\_\_\_

### **Details of Complaint**

Please describe the alleged misconduct in as much detail as possible including what happened, where and when, the names of any witnesses, what was said, and in what tone of voice, etc. Use additional sheets if necessary.

Complainant's Signature (Required): \_\_\_\_\_