

2016 ANNUAL REPORT



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

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Supreme Court, Appellate Division
First Judicial Department**

**Ernest J. Collazo
Charlotte Moses Fischman
Chairs**

**Jorge Dopico
Chief Attorney**

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CHAIRS' REPORTS

ATTORNEY GRIEVANCE COMMITTEE

**STATE OF NEW YORK
SUPREME COURT APPELLATE DIVISION
FIRST JUDICIAL DEPARTMENT**

**ERNEST J. COLLAZO, ESQ.
CHAIR**

**61 BROADWAY
NEW YORK, NEW YORK 10006**

To Members of the Bar and the Public:

As this Annual Report reflects, the attorney disciplinary process in New York has undergone a radical transformation as the result of the adoption of new Court rules governing the attorney disciplinary process as of October 1, 2016. It has been my distinct pleasure and honor to have been involved the past five years in a leadership position within the attorney disciplinary mechanism, and I thank former Presiding Justice Luis A. Gonzalez and the Justices of the First Department for such an honor.

I also owe a debt of gratitude to Acting Presiding Justice Peter Tom, to the members of the Court's Liaison Committee, consisting of the Hon. Peter Tom, the Hon. Angela M. Mazzarelli, the Hon David Friedman, the Hon. John W. Sweeney, the Hon. Rolando T. Acosta, and the Hon. Rosalyn H. Richter, as well as to Susanna Molina Rojas, the Clerk of the Court, for their support and guidance.

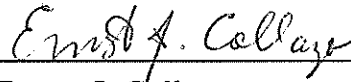
Needless to say, without the incredible support and very hard work, under challenging times, of Jorge Dopico, our former Chief Counsel for most of this year and, as of October 1, 2016, as our new Chief Attorney, much of our success in transitioning to the new Court rules would not have been possible. Mr. Dopico and his staff have done yeomen work to make sure that the transition to the new system has been seamless. His tireless work is a matter of record.

In addition to the foregoing, I must extend my thanks to members of the Hearing Panels, including the Lay Persons of such Panels, all of whom have given freely of their time during the first nine months of this year to make sure that members of the public

have been protected from the conduct of attorneys who have not fulfilled their ethical obligations.

Finally, I have been very much impressed by, and exceedingly thankful to, the new 21 members, including Lay Persons, of my Attorney Grievance Committee who have devoted substantial time in the administration of the disciplinary process despite carrying on a very heavy caseload as attorneys in private practice and substantial business responsibilities as Lay Persons.

As always, we will continue to strive to be assured that New York continues to have the best attorney disciplinary system in the United States.

A handwritten signature in cursive script that reads "Ernest J. Collazo". The signature is written in black ink and is positioned above a horizontal line.

Ernest J. Collazo
Chair

ATTORNEY GRIEVANCE COMMITTEE
STATE OF NEW YORK
SUPREME COURT APPELLATE DIVISION
FIRST JUDICIAL DEPARTMENT

CHARLOTTE MOSES FISCHMAN, ESQ.
CHAIR

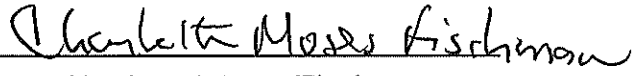
61 BROADWAY
NEW YORK, NEW YORK 10006

To Members of the Bar and the Public:

2016 will forever remain a watershed year in the history of the Disciplinary Committee, now renamed the Grievance Committee. The new Rules for Attorney Disciplinary Matters went effective October 1, 2016, following a legislative process that included the appointment of a statewide commission, public hearings and the drafting and adoption of uniform rules by the four Appellate Divisions. The Committees' job now is to help realize goals that inspired the Uniform Rules: to expedite disciplinary proceedings, to ensure procedural uniformity in the disciplinary process and to narrow differences among the Departments in the imposition of sanctions.

The transition to the Uniform Rules resulted in the creation of two Grievance Committees in the First Department in order to handle a caseload greater than that elsewhere in the State. Time will tell whether this is a practical solution. We have labored to acclimate to new forms and procedures which in many respects increase the work of the staff, Committee members and the Court and provide additional rights to respondents, consistent with national standards. The challenge lies ahead, as we try to measure the impact of the Uniform Rules. We are committed to avoiding unnecessary delay, to developing a statewide law of discipline that is uniformly applied and to doing justice for respondents, complainants and the public. Additional resources for the Committee to process cases and provide meaningful reporting are necessary to ensure that New York's Uniform Rules accomplish their purpose. The last quarter of 2016 covered

by this Annual Report is not sufficient to say more than that the participants in the disciplinary process effected a seamless conversion to the Uniform Rules and earned our heartfelt gratitude.


Charlotte Moses Fischman
Chair

CHIEF ATTORNEY'S REPORT

I am grateful to have completed six years in my role as Chief Counsel, now known as Chief Attorney as of October 1, 2016, pursuant to the adoption of new Court rules (Rules) governing the disciplinary process. The adoption of the new Rules called for unprecedented changes to the disciplinary process, of which I have not experienced during my more than two decades here. I would like to thank all those involved in helping to prepare and implement the new Rules.

I am pleased to thank Chair Ernest J. Collazo for his unconditional leadership and support as we faced many new challenges transitioning to a new system. The Committee also welcomed an additional Chair, Charlotte Moses Fischman, as of October 2016. I thank her for her many years on the Policy Committee and her dedication to the new process. Since then, there have been two separate Committees of 21 members. Each Committee operates independently and meets six times a year. My thanks also to the Committee members. Their role in ensuring the sound handling of the 4324 cases processed in 2016 exemplifies the best in public service.

I must thank Acting Presiding Justice Peter Tom for his unwavering support of my office and the Committee. Thank you as well to the Justices of our Court, in particular the Liaison Committee members: Hon. Peter Tom, Hon. Angela M. Mazzarelli, Hon. David Friedman, Hon. John W. Sweeny, Jr., Hon. Roland T. Acosta, and Hon. Rosalyn H. Richter. Also, thanks to the Clerk of the Court, Susanna Molina Rojas, as well as Deputy Clerks, Margaret Sowah and Eric Schumacher, for their continuing support of the Committee.

Despite the major changes that the new Rules required, the Committee and staff have adapted with great aplomb and continue to work diligently to protect the public from attorney misconduct. Many thanks in particular to my staff for their ability to adhere to the highest standards with limited resources and reduced staff. Their hard work in serving the Committee, the Court and the public is undeniable.

As always, we shall continue to strive to earn the confidence of the Committee, the Court and the public by striving for excellence.



Jorge Dopico
Chief Attorney

COMMITTEE MEMBERS

Committee members are volunteers appointed by the Court who fulfill both adjudicative and executive functions. Most significantly, they decide, after appropriate investigation by Staff, whether a disciplinary proceeding should be brought against an attorney, whether a private admonition or letter of advisement should be issued, or whether the 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.

From January 1, 2016 through September 30, 2016, 48 Committee members served on nine different Hearing Panels. Committee Hearing Panels reviewed the Referee's report and recommendation, heard argument by the parties on the issues, and made an independent recommendation as to liability and sanction.

Eleven other members of the Committee, including one non-lawyer, served on the Policy Committee, which reviewed proposed admonitions and recommendations to file formal charges. The Policy Committee also considered a wide variety of other matters, including possible rule changes, setting priorities and administrative issues. Members of the Policy Committee in 2016 were Ernest J. Collazo, Chair, Ralph C. Dawson, Esq., Charlotte Moses Fischman, Esq., Robert L. Haig, Esq., Brian C. McK. Henderson, Myron Kirschbaum, Esq., Alan Levine, Esq., Hon. Eugene Nardelli, Carla A. Kerr Stearns, Esq., Hon. Joseph P. Sullivan, and Stephen L. Weiner, Esq.

The lawyers of the Committee are drawn from all areas of the profession, the government, and from law firms of varying sizes. The non-lawyer members include business executives, financial advisers and educators, among others.

After the Attorney Grievance Committee was restructured in October 2016, the Policy Committee and all nine Hearing Panels were dissolved. The Court appointed two Chairs, Ernest J. Collazo and Charlotte Moses Fischman, to oversee two separate Committees, and the following new Committee members (*Appendix A*):

Donna Fishman
Elliot Moskowitz
Eve Rachel Markewich

Jeffrey Frerichs
Toby R. Winer
Sylvia F. Chin

Below are brief biographies of all of the Committee members who served, with dedication and energy, in 2016, highlighting their diverse accomplishments:

Ernest J. Collazo (Chair)

Mr. Collazo has practiced labor and employment law for nearly 40 years. He began his career with the NLRB following his graduation from Columbia Law School. Two years later, he became an associate at Simpson Thacher & Bartlett, and, within five years, became a partner. Ten years later, Mr. Collazo left to establish the predecessor firm to Collazo Florentino & Keil, LLP, a boutique firm practicing management-side labor and employment law and litigation. Mr. Collazo is a Fellow of the College of Labor and Employment Lawyers, a member of the Council on Foreign Relations and of the Advisory Committee to the Rules Committee of the Second Circuit, and a former member of the Advisory Committee to the New York State Ethics Commission. He has served on the boards of the Federal Defenders of New York; the United Hospital Fund of New York; the Latin American Program of the Woodrow Wilson International Center for Scholars; the September 11th Fund; the New York Community Trust; and the Washington Office on Latin America. As a City Bar member, he has served on the City Bar's Executive Committee, the Committee on Professional and Judicial Ethics, the Committee on Labor and Employment, and the 2011 Nominating Committee. He also served as the City Bar's representative to the NYSBA House of Delegates and its 2009 and 2010 Nominating Committees.

Abigail T. Reardon (Vice-Chair)

Ms. Reardon is a partner in the firm of Nixon Peabody, LLP, where she litigates complex commercial litigation. She is a graduate of Duke University School of Law. Ms. Reardon is admitted to practice law in the State of New York, the U.S. Court of Appeals, Second Circuit, the U.S. District Court, Southern District of New York, and the U.S. District Court, Eastern District of New York. Ms. Reardon is a member of the Arbitration Committee of The Association of the Bar of the City of New York and a member of the Duke University Law School Board of Visitors. She has served on the Town of Bedford,

New York Master Plan Committee. She is a former trustee of Windward School, White Plains, New York, and a governor of the Nantucket Yacht Club.

Charlotte Moses Fischman (Chair/Special Counsel to the Policy Committee)

Ms. Fischman is the General Counsel at Kramer Levin Naftalis & Frankel LLP. She is a *cum laude* graduate of Brandeis University and a *magna cum laude* graduate of Columbia Law School, where she was a member of the *Columbia Law Review*. She has served on the boards of the Legal Aid Society, the New York Community Trust, the September 11th Fund, the Mexican American Legal Defense Fund, and was a Commissioner of the Ethics Commission for the Unified Court System. As a member of the Association of the Bar of the City of New York, she served on the Executive Committee, Judiciary Committee and Committee on Professional and Judicial Ethics. In addition, she served as an Adjunct Professor of Law at Columbia Law School in the field of ethics. For many years she served as President of the National Alliance for the Mentally Ill- NYC Metro (NAMI-Metro).

Myron Kirschbaum (Vice-Chair/ Special Counsel to the Policy Committee)

Mr. Kirschbaum is a Special Counsel in the firm of Kaye Scholer LLP, where he is the longtime co-chair of the firm's Professional Ethics Committee, and is engaged in complex business litigation and provides professional responsibility advice and counseling. He received his law degree from Harvard University where he was Editor of the *Harvard Law Review*. After graduation, he served as a law clerk in the United States Court of Appeals for the Second Circuit.

Daniel R. Alonso

Mr. Alonso is currently Managing Director and General Counsel of Exiger LLC, which advises corporations and government agencies on financial crime and regulatory risk and compliance. He is a graduate of Cornell University (1987) and N.Y.U. School of Law (1990), and served as law clerk to Judge Joseph W. Bellacosa of the New York Court of Appeals. Mr. Alonso was previously a litigation partner at Kaye Scholer LLP and has also served in senior positions as a federal and state prosecutor, first as the Chief of the Criminal Division in the United States Attorney's Office for the Eastern District of New York, and later as the Chief Assistant District Attorney in the Manhattan District Attorney's Office. He is member of the Board of Directors of the Fund for Modern Courts; the New York State Bar Association's Committee on Standards of Attorney

Conduct; and the Board of Editors of Business Crimes Bulletin. In 2012-13 he was Co-Chair of the New York State White Collar Crime Task Force, and between 2007 and 2009, Mr. Alonso served by appointment of the Governor of New York as a member of the New York State Commission on Public Integrity.

Robert J. Anello

Mr. Anello, a principal of Morvillo Abramowitz Grand Iason & Anello, P.C., has litigated in the federal and state courts for more than 30 years. He focuses his practice on white collar criminal defense, regulatory enforcement matters, complex civil litigation, internal investigations and reviews, and appeals. Mr. Anello is widely recognized for his skills as a criminal and civil trial attorney, and his ability to negotiate effectively on behalf of his clients. He is President Emeritus of the Federal Bar Council, and a Fellow of the American College of Trial Lawyers, the American Bar Foundation, and the New York State Bar Foundation. Mr. Anello is a co-author of *White Collar Crime: Business and Regulatory Offenses*, Rev. Ed. (2014), and an author of the *White Collar Crime* column for the *New York Law Journal*. He is a regular contributor to *The Insider Blog* on *Forbes.com*. Mr. Anello also is widely known for his dedication to organizations serving the legal community. He is a member of the Nominating Committee for the Association of the Bar of the City of New York and the New York State Bar Association's House of Delegates. Mr. Anello currently serves on the Board of Trustees of The Supreme Court Historical Society. He is a Fellow of the Litigation Counsel of America. He is also a member of numerous bar associations. Mr. Anello received his J.D., *magna cum laude*, from Syracuse University College of Law, and his B.A. from SUNY Albany.

David Arroyo

Mr. Arroyo is Senior Vice President, Legal Affairs for Scripps Networks Interactive, in which capacity he manages the law department's litigation, intellectual property, real estate, and programming functions. He graduated from the University of Michigan Law School, Duke University, and Stuyvesant High School. While at the Law School, he served as an assistant and contributing editor of the *Michigan Law Review*. Following Law School but before joining Scripps, he clerked for a federal judge and was associated with a major global law firm.

Marjorie E. Berman

Ms. Berman, a partner at Krantz & Berman LLP practices in the areas of employment litigation, complex commercial litigation and white-collar criminal defense. In addition, she provides mediation services and employment counseling. She represents a diverse group of clients, ranging from individuals and partnerships to small, midsize and Fortune 500 Companies. Ms. Berman graduated *magna cum laude* and Phi Beta Kappa from Brown University in 1983. She received her J.D. from Columbia University in 1989 where she was a Harlan Fiske Stone Scholar. Following law school, she clerked for the Honorable Naomi Reice Buchwald of the Southern District of New York. Ms. Berman is a Trustee of the Federal Bar Council Foundation, an Editor of the Federal Bar Council Newsletter, a Master in the Federal Bar Council Inn of Court and serves as the Coordinator for FBC's Affinity Groups program. She also serves as Secretary of the Board of the Columbia Law School Alumni Association, and is also active in alumni affairs for Brown University. Ms. Berman was recently appointed to the Board of Day One (www.dayoneny.org), an advocacy group committed to ending dating abuse and domestic violence among teens and young adults.

Michael I. Bernstein

Mr. Bernstein is a Senior Partner at Bond, Schoeneck & King, PLLC, and represents management in every facet of labor and employment law. He is a graduate of Columbia Law School and has been recognized by his peers in *New York Super Lawyers*, including its *Top 100 New York Super Lawyers* (2007), *Best Lawyers in America* (25 years or longer), *Who's Who in American Law*, Chambers USA, *An International Who's Who* of Management Labour & Employment Lawyers, and Marquis *Who's Who*. Mr. Bernstein has chaired the Labor and Employment Law Section of the New York State Bar Association, is a member of its Executive Committee, and has chaired both the Labor Committee of the New York City Bar Association, and the Federal Labor Standards Legislation Committee of the American Bar Association. He was elected Fellow to the College of Labor and Employment Lawyers, the American Bar Foundation, and the New York Bar Foundation, has served on the State Bar Association Privacy Initiative Task Force, Advisory Committees to the American Arbitration Association, the City Commission on Human Rights, and the New York State Human Rights Division, and is a member of the State Bar Association Committee on Diversity and Inclusion and the City Bar Association Committee on Minorities in the Profession. In 2015, the New York State Bar Association, Labor and Employment Law Section, honored Mr. Bernstein with its

"Lifetime Achievement Award." Mr. Bernstein is an active lecturer and has been a contributing editor to major federal and state labor and employment law treatises.

Thomas Birnbaum

Mr. Birnbaum is President of NYC Realty Advisors, LLC, the commercial real estate brokerage firm he founded in 2006. The firm concentrates on office leasing transactions, investment sales and consulting. He began in his career in real estate in 1972 with ten years at The Edward S. Gordon Company, Inc., which today has evolved into CBRE. Mr. Birnbaum attended Tabor Academy, followed by Hobart College and New York University School of Commerce. Mr. Birnbaum served in the United States Naval Air Reserves as an avionics technician. He has been a member of The Real Estate Board of New York Inc. since 1972 and the Young Men's/Women's Real Estate Association since 1976.

Joyce M. Bove

Ms. Bove, until September 2013, was Senior Vice President for Grants and Special Projects at The New York Community Trust, the community foundation for the New York metropolitan area. With The Trust since 1978, she administered a wide range of grant programs and special projects. Before joining The Trust, she held administrative and planning positions in health, mental health, and substance abuse agencies. She has been active in several nonprofit, civic, and philanthropic organizations, including the boards of the National AIDS Fund, Philanthropy New York, the Primary Care Development Corporation, Grantmakers in Health, and Funders Concerned About AIDS. Ms. Bove currently serves on the boards of the Institute for Contemporary Psychotherapy, the Nonprofit Coordinating Committee of New York, United Neighborhood Houses, and the Women's City Club as well as the New York Academy of Medicine School Health Programs Advisory Committee. She is the former president of the Health Care Executive Forum, where she now serves on the Program Committee. In 1989, Ms. Bove received the Council on Foundations' *Robert W. Scrivner Award for Creative Grantmaking* for her leadership in shaping the local and national philanthropic response to the AIDS epidemic. She is a graduate of Wellesley College and holds a masters degree in Public Administration from Indiana University; she is member of the Indiana University School of Public and Environmental Affairs Distinguished Alumni Council. Ms. Bove is a fellow of the New York Academy of Medicine, and a visiting lecturer at New York Medical College's School of Public Health.

Jason Canales

Mr. Canales is a litigation partner with Moses & Singer LLP. His practice focuses on business, securities and white collar litigation. Mr. Canales received his undergraduate degree from Stony Brook University and his law degree from the University of Miami School of Law. While in law school, he was a Fellow with the University's Center for Ethics and Public Service. Mr. Canales frequently speaks and writes about ethical issues confronting new attorneys. He is a member of the Puerto Rican Bar Association, the LGBT Bar Association, the Federal Bar Council American Inn of Court, and the New York Gay and Lesbian Chamber of Commerce Legal Industry Council. He is also a member of the Boys Town New York Board of Directors.

John H. Carley

After Rutgers College and military service, Mr. Carley graduated from Yale Law School and began his legal career in New York City, becoming a litigation partner at Rogers & Wells. In 1981 he joined the Reagan Administration, serving first as General Counsel of the Federal Trade Commission (1981-1985) and then General Counsel of the Office of Management & Budget in the White House (1985-1987). Returning to New York City, he joined Donovan, Leisure, Newton & Irvine, and in 1994 joined the Guiliani Administration briefly. In December 1994, Mr. Carley was appointed New York State Deputy Attorney General for Public Advocacy. In January 1997, he returned to private life as Executive Vice-President and General Counsel of Avis, Inc. In December 1997 HFS, Inc, the parent of Avis, and CUC, Inc. merged to form Cendant Corporation. In April 1998, Cendant disclosed an accounting fraud at the former CUC resulting in a capital market loss of \$20 billion. Mr. Carley joined Cendant to manage all civil, regulatory and criminal investigations and civil litigations resulting from the fraud in which senior executives were implicated criminally and civilly. At the time it was the largest civil fraud in corporate history. In September 2007, Mr. Carley resigned from Cendant to accept then-New Jersey United States Attorney Chris Christie's offer to serve as one of five monitors enforcing deferred prosecution agreements with hip and knee replacement public companies, following an industry investigation into consulting practices. After completing this task in April 2009, Mr. Carley pursued an individual practice.

Hon. James M. Catterson

Judge Catterson is a Special Counsel in Kaye Scholer's Complex Commercial Litigation Department. Prior to joining the firm, Judge Catterson was an Associate Justice of the Appellate Division, First Department of the New York State Supreme Court, where he participated in more than six thousand civil and criminal appeals, and hundreds of disciplinary proceedings. Prior to his elevation to the Appellate Division, Judge Catterson sat as a trial judge in a civil part in the Tenth Judicial District of the New York State Supreme Court. Before his election to the Supreme Court, Judge Catterson served as Suffolk County's Deputy County Attorney and throughout his career has litigated on behalf of a broad spectrum of federal and local entities at the administrative, trial and appellate levels in both federal and state courts. He has prepared and argued appeals before the United States Court of Appeals for the Second Circuit and the Supreme Court of the State of New York, Appellate Division, Second Judicial Department. He also served as an Assistant United States Attorney in the Eastern District of New York. Judge Catterson spent the majority of his tenure in the EDNY as Chief of the Asset Forfeiture Unit. He is a former adjunct professor for Cardozo Law School and Touro Law School and received his JD from St. John's University School of Law and his BA from Colgate University.

Vincent T. Chang

Mr. Chang is a Partner at Wollmuth Maher & Deutsch, specializing in complex litigation in such areas as real estate, insurance, bankruptcy, subprime mortgage securitizations, hedge funds, reinsurance, bondholder litigation, investment banking, antitrust, and securities. Mr. Chang is a graduate of Harvard College, *magna cum laude*, and Harvard Law School, *cum laude*. Mr. Chang clerked for the Hon. Robert B. Krupansky, United States Court of Appeals for the Sixth Circuit, and was an associate and then counsel at Davis Polk & Wardwell. Mr. Chang is a past President of the Asian American Bar Association of New York and serves on the Executive Committee and Board of Directors and as Treasurer of the New York County Lawyers Association and has served as co-Chair of its Federal Courts Committee and as Chair of the NYCLA Foundation. He also serves on the Nominating Committee and the House of Delegates of the New York State Bar Association. He serves on the Task Force on Gun Violence of the New York State Bar Association and on its Standing Committee on Court Structure and Operations. Mr. Chang serves on the American Bar Association's Standing Committee on the American Judicial System. Mr. Chang has served as Vice Chair of two committees of the

Antitrust Section of the American Bar Association. Mr. Chang is a recipient of the New York City Bar Association's Diversity & Inclusion Champion Award. Mr. Chang has been listed as a "Super Lawyer" in business litigation in New York, a designation limited to 5% of the lawyers in a given state.

Sylvia Chin

Ms. Chin is partner/of counsel in the firm of White & Case LLP. She has considerable experience in corporate and commercial financing with an emphasis on asset-based financing transactions. She graduated from New York University and Fordham University School of Law. After graduation she clerked for Hon. Lawrence W. Pierce in the United States District Court of the Southern District of New York. She is an adjunct professor at Fordham University School of Law. She also serves on the governing Council of the ABA Business Law Section and as Chair of the First Judicial District of the NY Bar Foundation, President of the Asian American Law Fund of New York, President of the American College of Commercial Finance Lawyers, a director of the NAPABA Law Foundation and a trustee of the Fordham Law Alumni Association. She is a member of the American Law Institute, the ABA Legal Opinions Committee, the Tribar Opinions Committee, and the Association Advisory Board of the Working Group on Legal Opinions. She also served as President of the American College of Investment Counsel, President of the Asian American Bar Association of New York, President of the NAPABA Law Foundation, Board Secretary of Women's World Banking, Chair of the ABA Business Law Section Diversity and Inclusion Committee, Treasurer of the National Asian Pacific American Americas Bar Association, a Director of the New York County Lawyers Association and was a representative to the NYSBA House of Delegates. Her awards include the Jean Allard Glass Cutter Award of the ABA Business Law Section, the CLEO Legacy Diversity Award, AABANY's Norman Lau Kee Trailblazer Award, Leonard F. Manning Achievement Award from Fordham Law Review, the NAPABA Northeast Region Trailblazers Award, the Fordham Law Women Distinguished Alumna Award and the Pace Law School AALSA Achievement Award. She is listed in the *Guide to the World's Leading Structured Finance and Securitization Lawyers*, *Euromoney's Women in Business Law*, and *New York Metro Super Lawyers*.

Catherine A. Christian

Ms. Christian, an Assistant District Attorney in the New York County District Attorney's Office, is a member of the Executive Staff of the Office of the Special Narcotics

Prosecutor for the City of New York where she serves as Counsel to the Trial Division and Chief of the Alternative Sentencing Division. Prior to joining the Special Narcotics Prosecutor's Office she was Supervising Court Attorney for Bronx Criminal Court and Principal Court Attorney to the Honorable Rosalyn Richter; Assistant Counsel at the New York State Commission of Investigation; and, Of Counsel in a Manhattan law firm. Prior to entering private practice she started her legal career as an Assistant District Attorney in the New York County District Attorney's Office under Robert M. Morgenthau. She serves on the Appellate Division First Department's Committee on Character and Fitness. She is a member of the House of Delegates of the American Bar Association and House of Delegates of the New York State Bar Association. Ms. Christian was President of the New York County Lawyers' Association 2007-2008.

Daniel D. Chu

Mr. Chu is the principal and founding member of The Law Offices of Daniel D. Chu. He represents clients in state and federal matters with a focus on criminal defense. Mr. Chu began his legal career as an Assistant District Attorney in the Queens County District Attorney's Office and later became a senior associate at Stern & Montana, LLP. Mayor Michael Bloomberg appointed him a Commissioner and subsequently Chair of the NYC Civilian Complaint Review Board. A graduate of the St. John's University School of Law, he is currently an adjunct professor at his alma mater and a 2014 recipient of the Adjunct Teaching Award.

Richard J. Condon

Mr. Condon was appointed as the Special Commissioner of Investigation for the New York City School District by former Mayor Michael R. Bloomberg on July 1, 2002, and continues under Mayor Bill de Blasio. The office of the Special Commissioner of Investigation for the New York City School District investigates criminal activity, sexual misconduct, unethical conduct, conflicts of interest and other wrongdoing occurring within the City's schools. Mr. Condon's staff includes 5 attorneys who oversee investigations and 49 investigators with backgrounds in the New York City Police Department and other law enforcement agencies; he has a budget of \$5 million and reports to the New York City Commissioner of Investigation. Mr. Condon's career in public service includes having served as Police Commissioner and First Deputy Commissioner with the New York City Police Department and Deputy Coordinator of Criminal Justice for New York City, all under Mayor Koch. He has also served as the

Commissioner of the Division of Criminal Justice Services for New York State under Governor Mario Cuomo. Prior to his appointment as Special Commissioner of Investigation, Mr. Condon was Director of Administrative Services & Worldwide Security for Paine Webber. During that time he also served as a Commissioner on the New York City Civilian Complaint Review Board. A native of New York City, Mr. Condon holds a Bachelors of Arts degree from Pace University and a Masters of Arts degree in Criminal Justice from John Jay College of Criminal Justice, and is a graduate of the Senior Command Course at the British National Police College in Bramshill, England.

Ralph C. Dawson

Mr. Dawson, of counsel at Norton Rose Fulbright, US LLP, is engaged in the practice of labor and employment law and civil litigation in the New York office. His practice involves the representation of employers in proceedings before the courts and administrative agencies. He also represents employers in collective bargaining negotiations and in grievance and arbitration proceedings under labor contracts. In the broader employment law area, Mr. Dawson represents employers in courts and in administrative proceedings involving claims of wrongful discharge and claims of employment discrimination brought under Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, the Americans with Disabilities Act and related federal and state statutes. He has also represented clients in a variety of commercial disputes involving non-competition, other restrictive covenants, breach of contract and tort claims. He also provides counseling and training to various companies in the securities industry and other industries. Mr. Dawson's interest in public policy matters has led him to collaborate with our Public Finance Department of which he is now a part. In this capacity he has been part of the our teams acting as underwriter's counsel for various financial institutions: (a) graduate of Yale University and the Columbia University School of Law, Mr. Dawson was licensed to practice law in New York in 1977, is also a member of the Washington, D.C. Bar,. and is admitted to practice before the United States Supreme Court, various federal district courts and the Courts of Appeal for the Second and Fifth Circuits. He is also a member of American Bar Association, New York City Bar Association, Past Service on: Civil Rights Committee, Metropolitan Black Bar Association of New York, and serves on the Court Appointed Merit Selection Panel for Magistrate Judges in the United States District Court for the Southern District of New York. He has been recognized as a *New York Metro Super Lawyers* in the area of employment & labor from 2012 - 2016.

Leonard F. DeLuca

Mr. DeLuca formed a media strategy firm in October, 2010, Len DeLuca & Associates, LLC, based in New York City. Clients of the firm include the New York Racing Association, IMG College, LLC, and the Tennis Channel. He spent 14 years at ESPN, most recently as Senior Vice President, Programming & Acquisitions. Immediately prior to ESPN, Mr. DeLuca was a Vice President, Programming at CBS Sports, where he had spent 16 years and was responsible for the NCAA Basketball Championships on CBS. Mr. DeLuca earned a B.A. from Boston College, a J.D. from Boston College Law School and is a member of the Massachusetts Bar. He practiced law at White, Inker, Aronson, P.C., in Boston before joining CBS. He is a member of the Boston College Law School Board of Overseers.

John M. Desiderio

Mr. Desiderio, Chair of Adam Leitman Bailey, P.C.'s Real Estate Litigation Practice Group, has been a practicing attorney in New York City for over forty years. His practice is concentrated in cooperative/condominium representation, real estate litigation, title litigation, mortgage foreclosures, and antitrust and trade regulation. Mr. Desiderio received his A.B. degree from Fordham College in 1963, an LL.B. degree from the University of Pennsylvania Law School in 1966, and an LL.M. degree from New York University School of Law in 1969. He served as a Captain in U.S. Army Intelligence from 1966 to 1968. Mr. Desiderio has extensive litigation experience in representing both landlords and tenants in commercial and residential real estate litigation. His cases in this area have involved issues relating to ownership of title to property, the right to enforce contracts of sale, landlord obligations to furnish habitable dwellings, tenant obligations to meet conditions of their tenancy, and the applicability of common law and statutory warranties to newly constructed or converted condominium and cooperative apartments. From 1969 to 1980, Mr. Desiderio was an Assistant New York State Attorney General under Attorneys General Louis Lefkowitz and Robert Abrams, and from 1972 to 1980 he served as Chief of the Attorney General's Anti-Monopolies (now Antitrust) Bureau. He entered private practice in 1981 and has represented clients in antitrust, Civil RICO, real estate, food and drug law, and general civil litigation. Mr. Desiderio has published articles on real estate law, antitrust law, and food and drug law topics.

Rita DiMartino

Ms. DiMartino was appointed by Mayor Bloomberg in July 2003 to the CUNY Board of Trustees. She was reappointed for a seven-year term in 2010. As a former Vice President of Congressional Relations for AT&T, Ms. DiMartino assisted in AT&T's relations with the administration, congress, and with state governments. She started her career at AT&T in College Relations, where she interacted with various higher education institutions, and represented AT&T at many national higher education conferences in the United States. Previously, Ms. DiMartino worked for the New York State Department of Commerce (OMBE) and visited colleges throughout the state for the purpose of starting Small Business Development Centers. President Ronald Reagan appointed Ms. DiMartino in 1982 as U.S. Representative to the UNICEF Executive Board. Her work as U.S. Representative included increasing UNICEF's financial support and accelerating the program's assistance in the areas of child health, nutrition, water supply, sanitation, and education. President George Bush appointed Ms. DiMartino in 1992 to a three-year term on the World Board of Governors of the United Service Organization (USO). Ms. DiMartino was appointed in February 2002 as the Principal U.S. Delegate to the Inter-American Commission of Women, and also the Principal Representative to the Inter-American Children's Institute. She was also appointed to the J. William Fulbright Foreign Scholarship Board by President George W. Bush. In 2005, Ms. DiMartino was appointed by Secretary Elaine Chao to the U.S. Department of Labor National Advisory Committee on Apprenticeships, and served as a Commissioner on the Commission on Federal Election Reform. She has also served on twelve International Electoral Observation Missions. She currently serves as a Commissioner of the New York State Commission on National and Community Services. Active at all levels of Republican politics, Ms. DiMartino was elected Delegate/Delegate-at-Large/Alternate Delegate to nine Republican National Conventions, served on the 1992 Platform Committee, and was elected Vice Chair of the New York Republican State Committee in 1987, where she served for eighteen consecutive years. Ms. DiMartino is Chairman of the Board of Bronx-Lebanon Hospital, and is a member of the Council on Foreign Relations. Born and raised in Brooklyn, Ms. DiMartino received her B.A. from the College of Staten Island, and her MPA from Long Island University (C. W. Post Center). She holds an Honorary Doctor of Civil Law from Dowling College, and completed Business Leadership Training Programs at Harvard Business School and Executive Management Programs at the University of California at Berkeley. Ms. DiMartino is Vice Chair of the Board's Standing Committee on Faculty, Staff, and Administration, and holds membership on the

Standing Committee on Academic Policy, Program, and Research, the Standing Committee on Facilities, Planning, and Management, the Standing Committee on Faculty, Staff and Administration, and the Standing Committee on Student Affairs and Special Programs.

Paul F. Doyle

Mr. Doyle is a litigation partner at Kelly Drye & Warren LLP. He graduated from the College of the Holy Cross in 1968 and New York University School of Law in 1973. Between 1968 and 1970, he served in the United States Army, including with the Fourth Infantry Division in Vietnam. He joined Kelley Drye as a summer associate in 1972, clerked for a year in the Massachusetts Superior Court, returned to the firm in 1974 and has been a partner there since 1983. His practice has largely involved litigation and arbitration with an international component, that is, representing European, Asian and South American companies as plaintiffs or defendants. Kelley Drye was responsible for Union Carbide's defense of the Bhopal gas disaster litigation. Mr. Doyle directed the factual defensive work in the case and headed the team which investigated and established the actual cause of the disaster in the course of approximately forty trips to India. He has substantial trial and arbitration experience, including the defense of a large international trademark action brought against Bacardi by a Cuban government joint venture. In recent years, he has served as lead counsel in two separate ICSID treaty arbitrations brought against Argentina by German multinationals as well as lead counsel in eighty separate state and federal pricing lawsuits brought against a California subsidiary of a large European pharmaceutical company. He is an instructor for the National Institute of Trial Advocacy, a member of the New York County Lawyers' Association American Inn of Court and a member of the President's Council of the College of the Holy Cross.

Peter G. Eikenberry

Mr. Eikenberry is sole proprietor of a two person law firm in New York City specializing in complex commercial litigation in the State and Federal courts, including employment, art law, contract, fraud, international, securities, and bankruptcy adversary disputes. Previously, *inter alia*, he had been an associate at White & Case and a partner at Seyfarth Shaw. He was educated at The Ohio State University (B.A. and LL.B.), where he was Note Editor of the Law Journal and where he is a member of its National Council. He is a member of the NYCBA Committee on International Human Rights (2015-) and has been

a member of its committees to Encourage Judicial Service (Founding Chair 1989-1992) Orison Marden Lecture Committee (Chair 2005-2009) Federal Courts, Judiciary, State Courts of Superior Jurisdiction, Litigation and the Council on Judicial Administration. In 1998 he led an NYCBA Human Rights Mission to Northern Ireland. He has been a member of NYSBA Committees on Courts of Appellate Jurisdiction and Federal Courts, a Vice President of the Federal Bar Council, and has served on FBC Committees on Courts of the Second Circuit (Chair 2000-2003) and Public Service (Founding Chair 1991-1994.) He was Editor in Chief of the FBC Quarterly (2007-2010) and was a co-author of the FBC's Proposed Deposition Rules for the Second Circuit, 131 F.R.D. 613 (1990.) Mr. Eikenberry was the Convenor and is a member of the Steering Committee of the New York Conference on Immigration Representation led by Chief Judge Robert Katzmann of the Second Circuit Court of Appeals. He is a Fellow of the New York Bar Foundation. He is author of Chapter 9, *Specific Performance and Rescission* in Haig, Commercial Litigation in New York State Courts (West 2010.)

Donna Fishman

Ms. Fishman is currently the Deputy Director of the Fund for Public Health in NYC. Ms. Fishman has made a career of serving others. For more than two decades, she has worked in the nonprofit sector as a champion for the poor and underprivileged. She is also an accomplished fundraiser, both professionally and as a volunteer. Before joining the Fund, she served for five years as the Chief Executive Officer of Gilda's Club Westchester, whose mission is to provide social and emotional support to all those affected by cancer. Her previous positions include Deputy Director of the Jewish Fund for Justice and Vice President for External Affairs, Community Service Society of New York.

Ms. Fishman has played an essential role in managing organizations or advising top-level managers. She is skilled at financial, strategic, and performance management and at all aspects of external relations, including fundraising, board relations, and public communications. She has been an active fundraiser for Bank Street College of Education and served as a co-chair of the Development Committee for the School for Children at the Bank Street College of Education. Ms. Fishman has served on a number of nonprofit boards, including the Pratt Center for Community Development and Anshe Chesed synagogue. She holds an MPA from Columbia University and a BA from the School of General Studies, Columbia University and The Jewish Theological Seminary.

William P. Frank

Mr. Frank has practiced for more than 40 years in the litigation department of the law firm of Skadden, Arps, Slate, Meagher & Flom LLP. He is a member of the Policy Committee of Skadden, Arps. He is a graduate of Georgetown University and Fordham Law School and sits on the boards of those Universities. He is a member of the American Bar Association, the New York State Bar Association, the Association of the Bar of the City of New York and the Federal Bar Council. He is currently the Chair of the Executive Committee of the Practicing Law Institute and Chair of the Audit Committee of the Board of Directors of Catholic Charities of the Archdiocese of New York.

Jeffrey Frerichs

Biography not available.

Gary D. Friedman

Mr. Friedman is a litigation partner at Weil, Gotshal & Manges LLP where he specializes in employment litigation on behalf of management. Mr. Friedman focuses on all aspects of labor and employment law, with particular expertise in defending employers in employment discrimination and wage and hour class actions, prosecuting and defending restrictive covenant and trade secrets cases, conducting and advising with respect to internal investigations and regularly counseling clients on a variety of issues in the field of labor and employment law. Prior to joining Weil in 2007, Mr. Friedman was the U.S. Chair and Global Co-Chair of the Labor and Employment Practice at Mayer, Brown LLP. Mr. Friedman writes and lectures extensively in the field and is frequently quoted on employment law topics by national publications. Mr. Friedman is a graduate of Duke University, *magna cum laude*, and Georgetown University Law Center, where he served on the law review, *The Tax Lawyer*. Immediately following law school, Mr. Friedman served as a Judicial Law Clerk to The Honorable Stanley S. Brotman, United States District Court for the District of New Jersey.

Matthew Gaier

Mr. Gaier is a partner at Kramer, Dillof, Livingston and Moore and is responsible for the firm's appellate practice. He co-authors a regular column on medical malpractice in the *New York Law Journal*. Mr. Gaier was graduated from George Washington University and from New York University School of Law. He is a Fellow of the American Bar Foundation, and on the Board of Directors of the New York State Trial Lawyers

Association, where he is co-chair of the medical malpractice committee. He is also a member of: the American Bar Association, the American Justice Association, the New York State Bar Association, the Association of the Bar of the City of New York, and the New York County Lawyers Association.

Darrell S. Gay

Mr. Gay has practiced law for more than 30 years. After graduating from Columbia Law School, Mr. Gay served as a trial attorney with the NLRB. He then headed an employment and labor law boutique for several years in New York City, and after that served as partner at two other significant international firms, DLA Piper, US LLP and Coudert Brothers, serving as the head of the U.S. practice group for Coudert. Mr. Gay also served as Commissioner with the New York State Civil Service Commission. Mr. Gay joined Arent Fox in 2008, where he continues to practice labor and employment law. Mr. Gay is a Fellow of the College of Labor and Employment Lawyers and a Fellow of the American Bar Foundation. He is one of the original founding former board members of the Minority Corporate Counsel Association, an organization that advocates the expanded hiring, retention and promotion of minority attorneys in corporate law departments and law firms. He is the former chair, and a founding board member of the National Employment Law Council, the leading association of minority management-side employment lawyers. Mr. Gay chaired the task force merging the historical Harlem Lawyers Association and the Bedford Stuyvesant Lawyers Association, to form the Metropolitan Black Bar Association, the largest minority bar in New York State. Mr. Gay previously chaired the Labor Law and Commercial Law sections of the National Bar Association and is a member of the American Bar Association and the Association of the Bar of the City of New York.

Nicholas A. Gravante, Jr.

Mr. Gravante is a partner at Boies, Schiller & Flexner, LLP, with extensive trial experience in the areas of complex commercial litigation, business crimes and antitrust litigation. He also serves as the firm's general counsel and sits on its executive committee. Mr. Gravante has consistently been honored as one of the country's top lawyers, having been named among Lawdragon's *500 Leading Lawyers in America* and *New York's Best Lawyers*, and also by *Super Lawyers*. Most recently, he secured a victory in the battle for control of the Arizona Iced Tea empire, successfully defending the company's founder against claims seeking hundreds of millions of dollars. He is also

known as counsel to former shareholders of American International Group in litigation arising from the financial crisis, as well as to several hedge funds, the Andy Warhol Foundation and to bondholders litigating over Argentine government debt. Previously, Mr. Gravante was a managing partner at Barrett Gravante Carpinello & Stern LLP. Mr. Gravante sits on the Second Department's Judicial Screening Committee and is a member of the Citizens Crime Commission of New York City. He chairs the Brooklyn Public Library's board of trustees and is a member of the board of trustees for the Community Service Society and ESS Sheltering Arms. He was a member of Mayor Bill de Blasio's Inauguration Committee.

Robert L. Haig (Special Counsel to the Policy Committee)

Mr. Haig is a litigation partner at the law firm of Kelley Dye & Warren LLP. He is a former President of the New York County Lawyers' Association. Mr. Haig has served as the Chair of the Committee on the Judiciary of the Association of the Bar of the City of New York and also chaired that Association's Council on Judicial Administration. He has served as a member of the New York State Bar Association's Executive Committee and was the founder and first Chair of that Association's Commercial and Federal Litigation Section. He is a former President of the New York Bar Foundation and a member of the American Law Institute. Mr. Haig was the Co-Chair of the Commercial Courts Task Force established by Chief Judge Judith S. Kaye in 1995 to create and refine the Commercial Division of the New York State Supreme Court. He is now the Chair of the Commercial Division Advisory Council established by Chief Judge Jonathan Lippman in 2013 to advise him on an ongoing basis about all matters involving and surrounding the Commercial Division as well as to keep him apprised of developments in the business world that may affect the court system. On November 16, 2008, he was inducted as an Honorary Charter Member of the American College of Business Court Judges in recognition of his efforts to develop business courts in New York and many other states and countries. Mr. Haig is the Editor-in-Chief of a six-volume treatise, entitled, *Commercial Litigation in New York State Courts*, and of two other multi-volume treatises.

Peter C. Harvey

Mr. Harvey is a member of the firm of Patterson Belknap Webb & Tyler, LLP. He graduated from Morgan State University, with honors, and Columbia Law School. He is a past Attorney General of the State of New Jersey and a former federal prosecutor. Before becoming Attorney General in February 2003, he served as First Assistant

Attorney General and the Director of the Division of Criminal Justice. Prior to joining the Attorney General's office he was an Assistant United States Attorney for the District of New Jersey and was in private practice. His professional activities include: Member of the National Association of Attorneys General (NAAG); Representative to the Executive Working Group on Prosecutorial Relations; Chairman, NAAG Subcommittee on Gang Violence; and a member of the National Bar Association and the American Bar Association. He received the *New Jersey Law Journal's* "Lawyer of the Year" award (2003); he was recognized in *Super Lawyers* in the area of Business Litigation, and named to "Top Black Lawyers in America," *Black Enterprise Magazine*.

Brian C. McK. Henderson (Member of the Policy Committee)

Mr. Henderson is the founding partner of Henderson International Advisors, LLC. He has dedicated over forty years to the financial services industry in both investment and commercial banking. His unique expertise includes international client relationships, both corporate and institutional, as well as management and corporate governance experience. Mr. Henderson devoted over 36 years to two major American financial institutions, including 22 years at Merrill Lynch & Co. and 14 years at the Chase Manhattan Bank, N.A. Most of Mr. Henderson's responsibilities at both Merrill Lynch and Chase were in international investment and commercial banking, with his last position at Merrill Lynch & Co. as Senior Vice President and Chairman of Global Public Sector. Mr. Henderson serves on the following not-for-profit boards: Vice Chairman and Treasurer of The Atlantic Council of the United States; Harvard Project on American Indian Economic Development, John F. Kennedy School of Government, Harvard University; The Institute for the Study of Diplomacy, School of Foreign Service, Georgetown University; member of Manhattan School of Music International Advisory Council, and Trustee of the Fort Apache Heritage Foundation. Past board service include the Board of Trustees for the National Museum of the American Indian, Smithsonian Institution, and trustee of the American Indian College Fund. Finally, Mr. Henderson currently serves as non-executive Chairman of Augustea Bunge Maritime Ltd., a joint venture between Augustea Holding S.P.A. and the Bunge Group.

Deesha M. Hill

Deesha Hill is Assistant General Counsel for Verizon Enterprise Solutions (VES). In this role, Ms. Hill is responsible for providing legal support to Global Operations and Marketing for VES. Prior to VES, she supported the B2B channel for Verizon Wireless.

In October 2014, Ms. Hill received the National Individual Pro Bono Award from the Association of Corporate Counsel. In February 2009, she received a Proclamation from the New York City Council for her community involvement in the City of New York. She currently serves as a member of the Verizon Pro Bono Committee. During her career, Ms. Hill has represented victims of domestic violence and developed programming for legal diversity pipeline initiatives. Ms. Hill has also been a frequent speaker on corporate pro bono best practices and has addressed the Pro Bono Institute and Association of the Bar of the City of New York.

Before joining Verizon, Ms. Hill worked in private practice at White & Case LLP in New York as a corporate associate. She focused on leveraged finance transactions in the corporate department. She is a member of the Association of the Bar of the City of New York, American Corporate Counsel Association - Greater New York Chapter, Delta Sigma Theta Sorority Incorporated and the New York Junior League. She received a Bachelor of Science in Economics from the University of Pennsylvania and holds a *Juris Doctor* degree from Fordham University School of Law. Ms. Hill is admitted to practice in the State of New York and the Southern District of New York.

John J. Jerome

Mr. Jerome is a former counsel to the firm of Sullivan and Cromwell, LLP and a former partner of Milbank, Tweed, Hadley & McCloy, having served as Chair of that Firm's Restructuring and Bankruptcy Group and on its Executive Committee. He has practiced law for over 45 years and has wide experience in various legal matters. He is a graduate of St. John's University Law School. Mr. Jerome is admitted to State and Federal courts in New York, and is admitted to practice in Pennsylvania and Colorado, as well as to the United States Supreme Court. He serves as an official mediator for the United States Bankruptcy Court, Southern District of New York. He is a member of the American Bankruptcy Institute, the American Bar Association, the International Insolvency Institute and the New York City Bar Association, where he chaired the Bankruptcy and Reorganization Committee. Mr. Jerome has served as president of the Judd Foundation and as a trustee of the New York State Archives Partnership Trust.

Richard M. Kenny

Mr. Kenny is the founding member of The Law Office of Richard M. Kenny, a firm dedicated to the prosecution of plaintiff's personal injury cases. Mr. Kenny graduated

from St. John's University School of Law in 1990. His professional affiliations include the American Bar Association, the New York State Bar Association and the New York State Trial Lawyers Association. Mr. Kenny has regularly been listed in *New York Super Lawyers*, the *Top Attorneys in New York*, and the *National Association of Distinguished Counsel* in the field of plaintiff's personal injury litigation.

Danielle C. Lesser

Ms. Lesser serves as the Co-Chair of the Business Litigation Department of Morrison Cohen, LLP. Ms. Lesser is an experienced trial attorney whose diverse practice involves all phases of litigation, from pleading through verdict and appeal. Ms. Lesser's practice includes both litigating and advising transactional clients with respect to litigation risk and litigation avoidance strategies. Ms. Lesser has successfully handled a broad range of litigations in state and federal court as well as in arbitrations and is often retained on the eve of trial. Her representations include public companies, multi-million dollar private companies, hedge funds, private equity funds, investment bankers, start-ups, developers, real estate companies, information and technology companies, high net worth individuals, and partnerships in all types of business disputes, ranging from restructuring, hotel and hospitality, real estate, and contract disputes to enforcement of restrictive covenants. She received her law degree from Fordham University School of Law.

Alan Levine (Member of the Policy Committee)

Mr. Levine is a litigation partner in Cooley LLP, formerly Kronish Lieb Weiner & Hellman LLP, and a member of its Management Committee. He was graduated from the Wharton School of the University of Pennsylvania and the New York University School of Law where he was an Editor of the *Law Review*. Following graduation he clerked for the Hon Lee P. Gagliardi in the United States District Court, Southern District of New York and then served for five years as an Assistant United States Attorney in the Southern District of New York. He joined Kronish Lieb in 1980 and was its Managing Partner from 1996 until its merger with Cooley Godward in 2006. Mr. Levine has served in the House of Delegates of the NYSBA and the ABA and as chair of committees of each. He was Chair of the Board of the Legal Aid Society from 2006-2010. He is a Fellow of the American College of Trial Lawyers and has served as Chair of its New York Downstate Committee.

Eve Rachel Markewich

Ms. Markewich is a member of Markewich and Rosenstock LLP, a Manhattan law firm. Ms. Markewich's practice is devoted solely to litigation, including business litigation and trusts and estates litigation. Markewich and Rosenstock has been recognized in *Best Law Firms*, and Ms. Markewich has been designated by *Super Lawyers* and *Best Lawyers*; she is AV rated by Martindale-Hubbell. Ms. Markewich was educated at the Dalton School, Harvard College and Columbia Law School.

Maria D. Melendez

Ms. Melendez is a litigation partner at Sidley Austin LLP. Her practice focuses primarily on complex commercial litigation, products liability, and securities litigation representing global public companies, financial institutions, pharmaceutical companies, and individuals in federal and state courts, and in arbitrations. She is the New York chair of Sidley's Diversity Committee and a member of Sidley's Hiring Committee. Ms. Melendez is active in *pro bono* and community activities. She is a member of the Board of Directors of Latino Justice PRLDEF, which has won landmark civil rights cases. She handled cases for, and served on the Board of Directors of, inMotion, Inc., a public service organization that provides free legal assistance in matrimonial, family, and immigration law to low-income women in New York City. She is a member of the Federal Bar Council, the American Bar Association, the Hispanic National Bar Association, and the Puerto Rican Bar Association. She is a graduate of Syracuse University and was graduated *cum laude* from Albany Law School of Union University where she was an Associate Editor of the *Albany Law Review*.

Charles G. Moerdler

Mr. Moerdler is the Co-Chair of Stroock's Litigation Practice Group. His practice is broad-based, including concentrations in real estate and land use, health care, international law, labor and administrative law, as well as state and federal appellate practice. Mr Moerdler's public service career includes current service as a Board Member of the Metropolitan Transportation Authority, the New York City Housing Development Corp., and as a Member of the New York City Board of Collective Bargaining, as well as Commissioner of Housing and Buildings under Mayor John V. Lindsay. Mr. Moerdler has represented many of New York's leading real estate developers and owners, as well as real estate trade organizations, in a variety of contexts ranging from antitrust, to land use and zoning, to brokerage and contract disputes. Among the many organizations that have

retained Mr. Moerdler as outside general counsel are one of the largest hospitals in the country, one of the nation's largest health maintenance organizations and a major New York City daily newspaper, for which he also has served as a director. He regularly counsels Austria's largest bank in international litigation and served as board chairman of its U.S. subsidiary. He also acts for Austria's largest electricity and power enterprise, one of its largest realtors and has represented other major European companies. Mr. Moerdler represents the American Federation of Teachers and has served as lead negotiator for numerous municipal labor unions, including the United Federation of Teachers and the Patrolmen's Benevolent Association. Mr Moerdler was admitted to the New York Bar 1956. He holds an LLB from Fordham Law School and a BA from Long Island University.

Elliot Moskowitz

Mr. Moskowitz is a Partner in Davis Polk's Litigation Department, representing major financial institutions and creditors in connection with complex bankruptcies and reorganizations. He has played a key role in some of the most contentious proceedings in recent years with significant victories at both the trial and appellate level in courts around the country. He also has extensive experience representing corporate clients and professional firms in connection with a wide range of state and federal regulatory inquiries and civil litigation, including securities litigation and professional malpractice claims. Mr. Moskowitz has been recognized as a leading lawyer by numerous industry publications, including *Law360* (Rising Star), *Benchmark Litigation* (Future Star / New York) and *Turnarounds & Workouts* (Outstanding Young Restructuring Lawyer).

Daniel F. Murphy, Jr.

Since 1998 Mr. Murphy has been the Managing Partner of Putney, Twombly, Hall & Hirson LLP, a New York City law firm founded in 1866. Prior to that, Mr. Murphy served as the Labor and Employment Law Practice Group Leader from 1997 to 2003. Mr. Murphy represents management exclusively in all aspects of labor relations, employment law, and related litigation. He counsels employers on a daily basis in a variety of industries on topical employment issues. He litigates cases in federal and state courts throughout the country. He represents management before arbitration tribunals and administrative agencies on the state and federal level. He also serves as chief spokesperson for management during labor negotiations. Mr. Murphy represents employers in health care, higher education, manufacturing, financial services, retail and

services industries. He provides counsel to employers on a full range of human resource issues, including hiring and termination, discrimination complaints, sexual harassment (including the development of policies and the training of supervisors), collective bargaining and strategic analysis involving organized labor, the development and administration of human resource policies, wage and hour compliance, and occupational safety and health issues. Mr. Murphy has advised employers during acquisitions, mergers and corporate divestitures and corporate restructuring. Mr. Murphy has lectured on various employment law topics, including sexual harassment, the Americans With Disabilities Act, Workers Compensation, the Family Medical Leave Act, negligent hiring, discrimination, diversity in the workplace, violence in the workplace and a variety of other concerns, to clients, trade associations and at seminars conducted by professional associations.

Mr. Murphy received his law degree from Boston College Law School in 1975, a Masters Degree in Labor and Employment Law from New York University Law School in 1982 and his undergraduate degree, cum laude, from LeMoyne College in 1972. He is a 1968 graduate of Regis High School. Between 1975 and 1979, Mr. Murphy was a prosecutor in Kings County prosecuting homicide cases. He is admitted to practice before the United States Supreme Court, the Second, Third, Sixth and District of Columbia, Courts of Appeals and various Federal District Courts, including the Southern, Eastern, Western and Northern Districts of New York and District of New Jersey. Mr. Murphy is admitted to practice in the States of New York and New Jersey. He is a member of the American Bar Association, New York State Bar Association, New Jersey State Bar Association, the Association of the Bar of the City of New York, (Sections on Labor and Employment Law), a former member of the Labor and Employment Law Committee of the Association of the Bar of the City of New York and is a Fellow of the College of Labor and Employment Lawyers. He has been recognized by *The Best Lawyers in America* and *Super Lawyers* publications.

Hon. Eugene Nardelli (Member of the Policy Committee)

Judge Nardelli is a graduate of Fordham University LLB. He served as Associate Justice of the Appellate Division, First Department, from 1993 to 2011. He previously served as Justice of the Supreme Court of the State of New York, First Department, and Judge of the Civil Court. Governor Andrew Cuomo appointed him Director of the IOLA Fund. He is a Director of the Italian Language Foundation, a Director of the American Society

of the Italian Legion of Merit, and a Director of the Columbus Citizens Foundation, and was appointed Special Master of the Appellate Division's Pre-Argument Conference Program.

Fredric S. Newman

Mr. Newman is a founding partner of Hoguet Newman Regal & Kenney, LLP, a commercial litigation firm in Manhattan. He is a legal generalist with decades of experience in commercial litigation, business advice, corporate transactions, employment counseling and alternative dispute resolution. Mr. Newman is an Adjunct Professor of Law at Fordham University School of Law where he co-teaches a seminar on Professional Responsibility, Legal Ethics in Civil Litigation. Mr. Newman is a member of the National Advisory Board of the Berman Institute of Bioethics of Johns Hopkins University. His numerous other civic, public service and non-profit positions have included: Court-appointed Mediator in the U.S. District Court, Southern District of New York; Director, Columbia Law School Association; Trustee, The Calhoun School, New York City; Founding Director and Vice President, American Corporate Counsel Association, New York Chapter; Director and Secretary, New York Fire Safety Foundation; and Sustaining Life Fellow, American Bar Foundation. Mr. Newman graduated from Harvard College (A.B. *cum laude* 1967) and Columbia Law School (J.D. 1970). He also received an Executive M.B.A. from the University of Virginia Darden School of Business (TEP 1984).

Ricardo E. Oquendo

Mr. Oquendo is the founder and co-managing partner at Oquendo Deraco, PLLC and Affiliates, and was previously associated with Davidoff Malito & Hutcher, LLP, Oquendo Ramirez Zayas Torres & Martinez, LLP, LeBoeuf, Lamb, Greene & MacRae, LLP (Dewey LeBoeuf) and with Kalkines, Arky, Zall & Bernstein, LLP (Manett Phelps & Phillips). Mr. Oquendo has over 27 years experience as a business transactional and commercial litigation attorney with a special focus on business, commercial and real estate litigation, commercial and real estate transactions, commercial landlord/tenant matters (leases and litigation), special needs/affordable housing development/tax credit financing, business finance and lending, business contracts, employment law, entertainment, fashion and media transactions, intellectual property licensing and litigation, hospitality and restaurants, nonprofit/tax exempt organizations, professional licensing and discipline and government relations/public affairs. Mr. Oquendo is a

graduate of Rutgers University School of Law. Mr. Oquendo is admitted to practice law in the State of New York, the U.S. Supreme Court, the U.S. District Court, Southern, Eastern and Northern Districts of New York. Mr. Oquendo is a member of the Board of Directors of Latino Justice/Puerto Rican Legal Defense and Education Fund and is a Regent Emeritus having served as a member of the New York State Board of Regents from 1998-2003.

Pablo Quinones

Mr. Quinones has served as general counsel to an investment adviser and litigation partner at Reed Smith, LLP. Prior to that, from 2004 to 2012, he served as an Assistant United States Attorney in the Criminal Division of the United States Attorney's Office for the Southern District of New York. Before serving in government, Mr. Quinones primarily practiced as a civil litigator at Anderson Kill & Olick, P.C. He is a graduate of Cornell University and Michigan Law School, where he served as a Note Editor of the *Michigan Journal of International Law*.

Lee S. Richards, III

Mr. Richards a partner at Richards Kibbe & Orbe, is experienced in trial work and securities, regulatory, banking, white-collar criminal and commercial litigation, and internal investigations. He received his B.A., *summa cum laude*, from Amherst College in 1972, where he was a member of Phi Beta Kappa, and his J.D. from Columbia University School of Law in 1975, where he was a Harlan Fiske Stone Scholar and a Parkhurst Fellow. Mr. Richards was a law clerk to the Honorable Milton Pollack, United States District Judge for the Southern District of New York, from 1975 to 1976. From 1977 to 1983 Mr. Richards was an Assistant United States Attorney for the Southern District of New York.

Roland G. Riopelle

Mr. Riopelle is a partner in the firm of Sercarz & Riopelle, LLP, where he litigates primarily criminal cases and the occasional complex civil case. He is a graduate of the Boalt Hall School of Law. After law school, Mr. Riopelle clerked for a Federal District Judge and later served as an Assistant United States Attorney in the Southern District of New York from 1992 to 1998. He is a member of the American College of Trial Lawyers. He is a member of the executive board of the New York Council of Defense Lawyers, and serves as the Vice-President of that organization. He is also a member of

the National Association of Criminal Defense Lawyers. He is an active member of the New York State Bar Association and the Association of the Bar of the City of New York, where he has chaired the Criminal Advocacy Committee, served on the Criminal Courts and Judiciary Committees, and chaired or participated in various Continuing Legal Education programs.

Barbara K. Rothschild

Ms. Rothschild earned a B.A. in English Literature from Boston University. She recently retired from a second career in medical office management. Prior to that experience, Ms. Rothschild was Assistant Director of Public Relations for the Johns Hopkins Medical Institutions, Director of Public Relations for The Maryland Institute College of Art and president of her own public relations firm in Baltimore, Maryland. She has been a volunteer in a variety of schools and community organizations throughout her professional life.

David M. Rubin

Mr. Rubin is a partner at Golenbock Eiseman Assor Bell & Peskoe, LLP, a general practice law firm in Manhattan, and practices primarily in real estate and real estate litigation. Mr. Rubin is a long standing, active neutral arbitrator with the American Arbitration Association and was a member of the Committee on Standards of Attorney Conduct of the New York State Bar Association that drafted the New York Rules of Professional Conduct enacted in 2009. Mr. Rubin is also a recipient of the City Bar Justice Center's 2010 Jeremy G. Epstein Award for *pro bono* service. Mr. Rubin is a member of the Board of Safe Space NYC, LLC and Episcopal Social Services NYC and a graduate of the University of Michigan Law School, *cum laude*.

William T. Russell, Jr.

Mr. Russell is a partner at Simpson Thacher & Bartlett LLP in the firm's Litigation Department. He is a member of the American Law Institute, former Chair of the New York City Bar Association's Committee on Pro Bono and Legal Services and member of its delegation to the New York State Bar Association House of Delegates, former Chairman of the Board of Manhattan Legal Services, a member of the Advisory Board of Legal Outreach, Inc., the Board of Legal Services New York City and the Board of the National Center for Access to Justice, a member of the New York State Bar Association's President's Committee on Access to Justice and a member of Court of Appeals Chief

Judge Jonathan Lippman's Attorney Emeritus Council. He is a graduate of Princeton University and New York University School of Law and is admitted to practice before the Southern, Eastern and Northern District Courts of New York, the United States District of Arizona, the United States Court of Appeals for the Second and Fourth Circuits, and the United States Supreme Court.

Barbara A. Ryan

Ms. Ryan is a partner at the law firm of Aaronson, Rappaport, Feinstein & Deutsch, LLP, where her area of practice focuses on health care law and medical malpractice defense. She is a member of the Board of Directors of the Association of Healthcare Risk Management of New York, which is the local chapter of the American Society for Healthcare Risk Management (ASHRM). Ms. Ryan is a Past-President of the New York Women's Bar Association and the Judges And Lawyers Breast Cancer Alert. Before practicing law, Ms. Ryan was a Nurse Manager at the New York Hospital-Cornell University Medical Center (now New York Presbyterian Hospital). She is a 1989 graduate of Seton Hall University School of Law. Ms. Ryan frequently lectures on professional licensure, risk management and medical malpractice issues. She has also taught courses in Healthcare Risk Management and Elder Law, as an Adjunct Assistant Professor at the New York University School of Continuing and Professional Studies and as an adjunct lecturer at New York Medical College, Valhalla, New York.

Kathleen M. Scanlon

Ms. Scanlon is an experienced litigator and advocate representing clients in a broad-range of business disputes, insurance coverage matters and professional responsibility issues. Ms. Scanlon possesses unique experience and expertise in arbitration, mediation and court-related proceedings. Prior to founding her own law firm, Ms. Scanlon was Special Counsel at Heller Ehrman where she co-founded the International Arbitration and ADR practice area. Ms. Scanlon received her early training in the Litigation Group at Simpson Thacher & Bartlett where she represented clients in all phases of complex commercial litigation. Ms. Scanlon clerked for the Honorable Louis L. Stanton in the United States District Court for the Southern District of New York.

Eugene P. Souther

Mr. Souther is senior counsel to the firm of Seward & Kissel. He received an LL.B. from Fordham University School of Law. Mr. Souther is a Fellow of the American College of

Trial Lawyers and served on the New York Downstate Committee of the College; was president of the New York County Lawyers' Association; served in the House of Delegates of the New York State Bar Association; was a delegate to the House of Delegates of the American Bar Association; and served as Vice Chairman of the International Bar Association.

Lawrence S. Spiegel

Mr. Spiegel is a partner at Skadden, Arps, Slate, Meagher & Flom LLP. He has more than two decades of experience advising individuals and corporations in complex criminal and civil matters. He has represented corporations, their directors, officers and employees in cases involving allegations of mail and wire fraud, securities fraud, tax fraud, government program and procurement fraud, bank fraud, consumer fraud and money laundering. He represents clients in connection with federal and state grand jury investigations, in inquiries by regulatory agencies, including the Securities and Exchange Commission, and at trial. He has successfully defended many clients in high-profile criminal investigations and indictments and on appeal. Mr. Spiegel has particular experience advising clients in the context of concurrent criminal proceedings and civil litigation. In addition, he has led many corporate internal investigations, and has advised boards of directors and management of public and private companies on compliance issues and programs, including those related to the Foreign Corrupt Practices Act. Mr. Spiegel serves as the Skadden's general counsel and co-chairs the firm's Ethics Committee. He is also a member of the firm's Client Engagement and Risk Committees and participates on the firm's Policy Committee (*ex officio*). Mr. Spiegel repeatedly has been listed in the *Best Lawyers in America*. He frequently lectures and writes about developments in criminal law and in legal ethics. Mr. Spiegel is an adjunct professor and guest lecturer in law schools. In 2009, he received the Burton Award for Legal Achievement, which recognizes excellence in legal scholarship.

Edward M. Spiro

Mr. Spiro is a principal of Morvillo Abramowitz Grand Iason & Anello, P.C. His practice focuses primarily on complex commercial litigation. He is co-author of *Civil Practice in the Southern District of New York*, 2d Ed. (Thomson Reuters 2014), a two-volume treatise updated annually, and co-author of a regular *New York Law Journal* column on civil practice in the Southern District of New York. Mr. Spiro is a member of the House of Delegates of the New York State Bar Association. He is also on the Board of Directors of

the New York County Lawyers' Association and former Chair of its Committee on Professional Discipline. He is a former Chair of the Committee on Professional Discipline of the New York City Bar Association. Mr. Spiro is a Fellow of the American Bar Foundation and a member of the American Bar Association (Litigation and Criminal Justice Sections), the New York State Bar Association (Commercial and Federal Litigation Section), and the Federal Bar Council. Mr. Spiro received his J.D., *cum laude*, from Boston University School of Law and his B.A., *cum laude*, from Colgate University.

William St. Louis

Mr. St. Louis is a Regional Chief Counsel in the Enforcement Department of the Financial Industry Regulatory Authority (FINRA) where he manages a team of attorneys in FINRA's New Jersey, Boston, and Philadelphia district offices. Previously he was a Deputy Regional Chief Counsel in FINRA's New York office and a law clerk to a Justice of the New York State Supreme Court, New York County, Commercial Division. A graduate of New York University Law School, he has served on the New York State CLE Board, on committees at the New York City Bar Association, and on the board of a New York University Law School alumni association. He is a member of the Metropolitan Black Bar Association.

Carla A. Kerr Stearns (Member of the Policy Committee)

Ms. Stearns is the principal in the Kerr Law Firm, specializing in commercial and employment litigation. She is a graduate of Stanford University and Stanford Law School. As a litigator at Hughes Hubbard & Reed, LLP, for 25 years, including 16 years as a partner, she litigated major cases through the federal system, including two constitutional cases resolved by the United States Supreme Court, and served frequently as a media commentator on First Amendment and liberty interest issues.

Hon. Joseph P. Sullivan (Member of the Policy Committee)

Judge Sullivan is of counsel at the firm of Holland & Knight, LLP. He graduated from St. John's University, LL.B, and the University of Virginia, School of Law, LL.M. Prior to joining Holland & Knight, LLP, Judge Sullivan served as Associate Justice of the Appellate Division, First Judicial Department – January 1, 1978 to February 15, 2000; January 1, 2002 to December 31, 2007, and served as Presiding Justice of the Appellate Division, First Judicial Department – February 16, 2000 to December 31, 2001. He also served as Justice of the Supreme Court of the State of New York, First Judicial

Department, and Judge of the Civil Court of the City of New York. He was nominated ten times by the Commission on Judicial Nomination for appointment to the Court of Appeals, including twice for the office of Chief Judge.

Sheea T .Sybblis

Ms. Sybblis is currently a career law clerk to District Judge Susan D. Wigenton, in the U.S. District Court for the District of New Jersey. Ms. Sybblis graduated with honors with a B.S. in Biochemistry from the Honors College at the State University of New York at Stony Brook, then obtained her M.B.A. from the Zicklin School of Business at Baruch College. She obtained her J.D. in 2005 from Fordham University School of Law, where she was symposium editor of the Fordham Intellectual Property, Media, and Entertainment Journal. Ms. Sybblis worked as a corporate associate at Stroock & Stroock & Lavan, LLP, then clerked for District Judge Susan D. Wigenton in the District of New Jersey. Following her term clerkship, Ms. Sybblis was a litigation associate at Patton Boggs, LLP, where her practice was focused on health law, mass toxic torts, product liability, and environmental law. Ms. Sybblis has volunteered as an arbitrator and mediator, and is an adjunct professor of graduate business and law. She is also the President of the Association of Black Women Attorneys NY and an active member of the Network of Bar Leaders and the American Health Lawyers Association.

Anne C. Vladeck

Ms. Vladeck is a partner at Vladeck Waldman Elias & Engelhard, P.C., a firm which concentrates on representation of individuals in employment matters, including discrimination, harassment, defamation, and litigation. She graduated from the University of Pennsylvania (B.A., *magna cum laude*, 1975) and Columbia Law School (J.D., 1978). She is an Adjunct Faculty member at Columbia Law School and previously taught at Fordham and Cardozo Law Schools. She is a trustee of the Federal Bar Council, and is on the Executive Committee of the Federal Bar Council Inn of Court (President-Emeritus). Anne is a Fellow of the American College of Trial Lawyers, and is on the Board of the Arthur Ashe Institute for Urban Health.

John L. Warden

Mr. Warden is Of Counsel to the firm of Sullivan & Cromwell LLP where he was a Partner until 2009 and for many years a member of the firm's Executive Committee and

head of its Litigation Group. He also serves as an arbitrator and mediator. He is a graduate of Harvard College and University of Virginia Law School. He is a Life Member of the American Law Institute and a Fellow of the American College of Trial Lawyers.

Stephen L. Weiner (Special Counsel to the Policy Committee)

Mr. Weiner is in private practice in his own firm specializing in complex commercial litigation and white collar investigations. He is a graduate of Columbia College and also received his *cum laude* law degree from Columbia University School of Law. He was Chair of the New York State Commission of Investigation for over eight years. He is a member of the Association of the Bar of the City of New York and has been Chair of its Criminal Justice Council and its Committee on Criminal Justice operations and Budget; the American Bar Association; and a former member of the Board of Directors of the Legal Aid Society.

Toby R. Winer

Ms. Winer is a leading Strategic Financial and Strategic Consultant, helping institutions return to financial health and enabling future growth based upon sound strategic planning and fiscal governance. Recent engagements include serving as Financial Consultant to the Department of Neurosurgery at Weill Cornell Medicine, Senior Vice President throughout the wind-down period and closure of AL Jazeera America, and Interim CFO at Yeshiva University. Prior to consulting, Ms. Winer was the Executive Vice President and CFO of Pace University. Ms. Winer is a Certified Public Accountant.

Frank H. Wohl

Mr. Wohl is a partner of Lankler Siffert & Wohl, LLP. His practice focuses on civil and white collar criminal litigation, as well as financial regulatory matters. He is a graduate of Dartmouth College and the University of Chicago Law School. He served in the United States Attorney's Office for the Southern District of New York where he was Chief of the Civil Division and Deputy Chief of the Criminal Division. He is a Fellow of the American College of Trial Lawyers. He is the President of the Federal Bar Council.

Richard R. Zayas

Mr. Zayas is a partner in the Law Offices of Richard R. Zayas & Associates and a principal in the business development firm Triascent Group. His practice concentrations

are business, healthcare, not-for-profit law and litigation. He is a graduate of Yale Law School and Fordham University. He is also an Interfaith Minister and the founder of the not-for-profit organization, Wind Beneath My Wings.

Gonzalo S. Zeballos

Mr. Zeballos is a partner at the law firm of Baker & Hostetler, LLP, where he is a member of the litigation department. His practice focuses on complex commercial litigation with a specialization in international dispute resolution and arbitration. He is a graduate of Columbia Law School, where he was a senior editor of the *Columbia Law Review*. Mr. Zeballos also holds advanced degrees in History and Latin American Studies from the University of Chicago.

A BRIEF OVERVIEW OF THE DISCIPLINARY PROCESS

Complaints, Investigations and Dismissals

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 AGC members), the Chief Attorney's Office processed 4,324 complaints in 2016.

The disciplinary process usually commences with the filing of a complaint 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. The AGC can also open *sua sponte* investigations based on information obtained from judicial opinions, professional journals, referrals from the judiciary, newspaper accounts and other sources. All disciplinary investigations and proceedings are confidential pursuant to Judiciary Law 90(10) until the Court publically disciplines a respondent or issues an unsealing order, upon "good cause being shown."

Complaints are date-stamped, numbered and entered into the AGC's database system, which generates a printout of the respondent's disciplinary history. They are then screened by a staff attorney (screening attorney), who makes a preliminary recommendation as to whether the AGC has jurisdiction, or whether a complaint should be referred to another public agency or grievance committee. If it appears that there is no substantial misconduct, but there has been a breakdown of communication between the lawyer and the client, staff may refer the matter for mediation to a mediation panel of the New York County Lawyers' Association, the Association of the Bar of the City of New York, or the Bronx County 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. In 2002, a mandatory mediation/arbitration program was instituted to deal with fee disputes in civil and matrimonial matters, where the amount in dispute is more than \$1,000 and less than \$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 not defer 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. During the initial screening, a matter may also be directly assigned to a staff attorney investigating other complaints involving the same respondent.

The Chief Attorney approves all “first screening” closing recommendations made by the screening attorney. If a matter is not closed following the initial screening, a paralegal monitors the case and forwards the complaint to the respondent, who is required to file an answer to the complaint. Thereafter, the paralegal may forward the answer to the complainant for a reply. The paralegal then prepares a summary of the allegations and defenses and refers 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, or may recommend referral of the matter to a fee dispute arbitrator or to mediation.

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 one of two Committees of the AGC members for dismissal, or the imposition of a Letter of Advisement, an Admonition (which is 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 a Committee. The two Committees meet six times a year on alternate months to vote on the staff's recommendations. One of the Committees must approve all post-investigation recommendations by a majority vote of those present at the 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 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 AGC or the Court in determining the action to be taken or the discipline to be imposed upon a subsequent finding of misconduct.

Admonitions [22 NYCRR 1240.2(b)]

The AGC issues an Admonition when an investigation reveals that a respondent has violated the New York Rules of Professional Conduct (Rules¹), but not seriously enough to warrant a public sanction, pursuant to 22 NYCRR 1240.7(d)(2)(v). For example, an Admonition might be issued if a respondent neglected only one legal matter and there were mitigating factors.

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 determines to issue an Admonition, the respondent is afforded an opportunity to make a brief personal appearance before the AGC to seek reconsideration. After an Admonition is issued, the respondent may file a motion with the Court to vacate it.

¹ 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."

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 decides to impose 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.² 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 AGC authorizes a formal disciplinary proceeding when there is probable cause 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 a formal petition be filed against a respondent must be based on a demonstration of professional misconduct reviewed by the staff attorney's supervisor, and approved by the Chief Attorney and the AGC members. Upon approval, the AGC serves the respondent with a petition in which it requests that the Court sustain the charges or, if there are factual or legal issues in dispute, to appoint a Referee to hear the charges.³ Within 20 days after service of the respondent's answer or, if applicable, a reply, the Committee must file with the Court a statement of disputed and undisputed facts. 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 statement 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

²If the Court imposes public discipline, the entire record 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.

³Hearings 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.

the petition, the parties may file a joint motion with the Court requesting the imposition of “Discipline by Consent,” in order 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 he or she indicates that at least one charge will be sustained. A Referee makes a finding on the charges shortly after the end of the liability hearing. The Referee almost always asks the parties to submit memoranda regarding liability and sanction. When the hearing, liability and sanction, is concluded, the Referee must file with the Court a written Report and Recommendation containing findings of facts, conclusions of law and, charges sustained or dismissed, and recommendation as to sanction (Report). The Chief Attorney 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, the AGC may file a motion with the Court in an appropriate case 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 a respondent and where a respondent has had a full and fair opportunity to litigate in the prior proceeding. In such 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 Committee, 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 Committee having jurisdiction pursuant to 22 NYCRR 1240.7(a)(2), within 30 days. 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 may result in the same range of sanctions imposed in formal charges cases.

Reciprocals [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 of law, 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 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 is in need of 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 a showing, by clear and convincing evidence, that: the respondent has complied with the order of disbarment, suspension or the order removing the respondent from the roll of attorneys; the respondent has complied with the rules of the Court; the respondent has the requisite character and fitness to practice law; and 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 PUBLIC DISCIPLINE CASES

In 2016, the Appellate Division, First Judicial Department, publicly disciplined 68 lawyers as follows: 30 disbarments, 7 resignations by attorneys facing charges (equivalent to disbarment), 25 suspensions and 6 public censures. Several cases prosecuted by Committee staff attorneys that became a matter of public record in 2016 are reviewed below:

Matter of Steven Altman, 137 AD3d 87 (1st Dept 2016)

Altman represented a family friend *pro bono*, and attempted to negotiate a severance agreement with her former employer. The friend's former employer, a broker dealer, was, at the time, being prosecuted by the U.S. Securities and Exchange Commission (SEC) for certain securities violations. Altman offered, without the friend's knowledge, to have her either avoid testifying or falsely testify in the SEC proceeding if her former employer agreed to the proposed severance agreement. The employer's counsel taped his telephone conversations with Altman and disclosed them during the course of impeaching the employee while she was testifying in the SEC proceeding. In a separate SEC proceeding against Altman on account of the taped conversations, an SEC Administrative Law Judge (ALJ) found that Altman engaged in professional misconduct and barred him from appearing before the SEC for nine months. On appeal, the SEC affirmed the findings and permanently barred Altman from practicing before the SEC. Altman maintained his innocence from any wrongdoing throughout the proceedings before the SEC and in an unsuccessful appeal to the Court of Appeals for the District of Columbia.

Pursuant to the doctrine of collateral estoppel, the First Department found that, based on the SEC's determination, Altman violated DR 1-102(A)(4) (dishonesty, fraud, deceit or misrepresentation), DR 1-102(A)(5) (conduct prejudicial to the administration of justice) and DR 1-102(A)(7) (adversely reflecting on fitness). At a sanction hearing, Altman claimed that, due to a recent epiphany, he acknowledged for the first time that he engaged in wrongdoing. He requested a private reprimand in light of his treatment for alcoholism and recovery and expressed remorse. Staff urged a two-year suspension, while the Hearing Panel recommended that Altman be suspended for one year. Noting the gravity of Altman's misconduct and the previous misrepresentations regarding his disciplinary history and taking into account Altman's mitigation, i.e., his condition and recovery

efforts, and community service, the Court suspended Altman for 18 months. (Staff Attorney Kevin P. Culley)

Matter of Olukayode L. Babalola, 139 AD3d 61 (1st Dept 2016)

Babalola was retained by family members to settle their late mother's estate. His services included processing claims under two life insurance policies and obtaining death benefits. The family members agreed that the life insurance and death benefit proceeds would be held in Babalola's IOLA account until they decided what to do with the remaining funds. After a portion of the funds were initially distributed to the family members for living expenses and to Babalola for his legal fee, the balance of \$207,176 was deposited into Babalola's IOLA account.

After discussing several investment possibilities for the funds remaining in escrow, the family members agreed, at Babalola's suggestion, that the funds would be loaned to real estate contractors personally known to Babalola for the purchase and renovation of properties. In December 2006, the parties entered into an agreement which authorized Babalola to transfer \$130,000 from the escrow account to a corporate bank account solely owned and controlled by him. While Babalola was supposed to be holding \$130,000 in escrow at the time the agreement was executed, only \$73,798.99 remained in his escrow account.

Disciplinary proceedings were commenced upon the clients' disciplinary complaint that Babalola was unable to return their funds promptly or provide an adequate explanation for his inability to do so. The Referee found that Babalola never transferred any of the funds from his escrow account to the corporate account and did not make bonafide loans with the missing funds, but wrote multiple unauthorized escrow checks to himself in excess of \$92,000, and disbursed more than \$5,000 to pay his personal phone bill and utilities. Babalola also failed to maintain required bookkeeping records and misled the Committee with false denials under oath that he converted and misappropriated client funds, and alternative innocent explanations for his failure to abide by an installment payment agreement with his clients. Babalola paid the family members approximately \$56,000, in full settlement of their claims against him after disciplinary charges were brought against him. In mitigation, Babalola has diabetes, resulting in the amputation of his leg below the knee, and end-stage kidney disease. The Court ordered him disbarred retroactive to the date of his interim suspension. (Staff Attorney Kevin P. Culley)

Matter of Martha Brosius, 138 AD3d 216 (1st Dept 2016)

While under Committee investigation, Brosius was felony-convicted by the Queens County District Attorney for stealing more than three-quarters of a million dollars through misconduct in estate and guardianship matters. Brosius was then struck from the roll of attorneys and counselors-at-law. (Staff Attorney Kevin M. Doyle)

Matter of Robert Anthony Evans, 142 AD3d 122 (1st Dept 2016)

Evans was suspended for his failure to cooperate with the Committee's investigation into his apparent mishandling of escrow funds. (Staff Attorney Kevin M. Doyle)

Matter of Brian Raum, 141 AD3d 198 (1st Dept 2016)

Raum was suspended after he persisted in his non-cooperation with the Committee as it investigated multiple complaints of neglect. (Staff Attorney Kevin M. Doyle)

Matter of Edwin Peralta-Millan, 141 AD3d 87 (1st Dept 2016)

Peralta-Millan was suspended for three months following disciplinary hearings after the filing of Formal Charges where it was established that he, in essence, neglected a legal malpractice matter, and deceived the client about its status in order to conceal the neglect. Peralta-Millan was also found liable for failing to register as an attorney with the Office of Court Administration and pay his biennial registration fee for two biennial periods. (Staff Attorney Paul L. Friman)

Matter of Jeffrey S. Kozlow, 142 AD3d 277 (1st Dept 2016)

Kozlow had communicated in a sexual manner by instant messaging and e-mail with a police officer posing as a 14 year old boy and was convicted in 2005 in Westchester County of the New York State felony of attempted dissemination of indecent material to minors, which material “depicted sexual conduct.” The First Department struck him from the roll of attorneys in 2006, based on this criminal conviction. 29 AD3d 44 (1st Dept 2006). Kozlow appealed his conviction to the Second Department, however, which reversed his conviction, finding that his communications with the police officer did not “depict sexual conduct” because they contained no visual, sexual images. *People v. Kozlow*, 31 AD3d 788 (2nd Dept 2006) The First Department then recalled and vacated the disbarment order and reinstated him to the practice of law. 2006 NY Slip Op 76693 (1st Dept 2006). The Westchester District Attorney appealed the reversal to the Court of Appeals which found that words, as well as images, could depict sexual conduct and

remitted the case to the Second Department for further proceedings. *People v. Kozlow*, 8 NY3d 554 (2007) In light of the Court of Appeals' decision, the Second Department affirmed the trial court's 2005 conviction of Kozlow. *People v. Kozlow*, 46 AD3d 913 (2nd Dept 2007) *lv denied*, 10 NY3d 865 (2008). (Staff became aware of the reinstatement of Kozlow's conviction only in 2016 when Shepardizing the initial disbarment.) In 2016, the First Department, once again, struck Kozlow from the roll of attorneys, *nunc pro tunc* to his May 2005 conviction. (Special Trial Attorney Jeremy S. Garber)

Matter of Harvey K. Newkirk, 141 AD3d 178 (1st Dept 2016)

On December 14, 2015, Newkirk was convicted, after a jury trial in Federal court, of the Federal felony of wire fraud, arising from his participation in his client's scheme to purchase Maxim Magazine by inducing lenders to finance the purchase with \$8 million by misrepresenting that the client's wealthy father was pledging significant assets as collateral. In fact, the father never agreed to provide financial backing for his son's transaction, nor had he authorized Newkirk to represent him. The Court found that this Federal felony constituted a "serious crime" under Judiciary Law 90(4)(d) and suspended him pending his "serious crime" hearing. (Special Trial Attorney Jeremy S. Garber)

Matter of Charles U. Odikpo, 147 AD3d 48 (1st Dept 2016)

The First Department had suspended Odikpo earlier in 2016 based on his failure to cooperate with an investigation of the Committee. 139 AD3d 17 (1st Dept 2016). Odikpo failed to appear or apply in writing for a hearing or reinstatement for six months so was disbarred pursuant to the former 22 NYCRR 603.4(g) [now 22 NYCRR 1240.9(b)]. (Special Trial Attorney Jeremy S. Garber)

Matter of David Schnall, 146 AD3d 81 (1st Dept 2016)

For over ten years, Schnall failed to file or pay New York State or Federal income taxes, claiming that he was not obliged to do so until the Internal Revenue Service corrected certain supposed errors on his Individual Master File, its internal record of taxes paid and owed. Schnall was arrested in 2011 and in 2012 pleaded guilty to the misdemeanor of failing to pay taxes, in violation of New York Tax Law 1810, for the years 2007-2010. The Committee filed formal charges against Schnall because an attorney's failure to pay taxes is not deemed to be a "serious crime" under Judiciary Law 90(4)(d). The Court, adopting the recommendations of the Referee and the Hearing Panel, found that Schnall

had willfully failed to file or pay taxes for ten years and suspended him for six months with reinstatement conditional on his entering into written repayment agreements for back taxes owed with the State and Federal tax authorities. (Special Trial Attorney Jeremy S. Garber)

Matter of Sheldon Silver, 138 AD3d 123 (1st Dept 2016)

Silver, long time Speaker of the New York Assembly and a lawyer, was convicted in Federal court of honest services mail and wire fraud and of extortion under color of official right. Silver had directed \$500,000 in state funds to a doctor in exchange for referrals of several of the doctor's mesothelioma patients to his law firm, for which Silver received about \$3 million in compensation. Silver also received \$700,000 for referring major real estate developers to a colleague's law firm to handle their tax certiorari legal claims, while these developers were pursuing "significant business before the New York State Legislature." The Court found that his conviction of the Federal felony of extortion under color of official right was essentially similar to the New York felony of larceny by extortion, and struck Silver from the roll of attorneys. (Special Trial Attorney Jeremy S. Garber)

Matter of John B. Todorovich, 144 AD3d 1 (1st Dept 2016)

Todorovich was immediately suspended from the practice of law in 2013 based on uncontested evidence that he had misappropriated hundreds of thousands of dollars from an estate, failed to satisfy the \$246,000 confession of judgment he had executed in favor of the estate and failed to fully co-operate with the Committee's investigation. (111 AD3d 71) In April of 2016, Todorovich pleaded guilty to three counts of the New York State felony of grand larceny in the second degree, for stealing more than \$50,000 from two estates and one real estate down payment. Based on his guilty pleas, the Court struck Todorovich from the roll of attorneys. (Special Trial Attorney Jeremy S. Garber)

Matter of Robert F. Coyne, 136 AD3d 176 (1st Dept 2016)

On January 7, 2016, our Court reciprocally suspended Coyne for one year, predicated upon discipline previously ordered by the U.S. District Court for the Southern District of New York. The misconduct for which the Southern District sanctioned Coyne arose out his actions as plaintiff's counsel in a matter entitled *New World Solutions, Inc. v. NameMedia, Inc.* When Coyne signed the complaint and commenced the action as New World's counsel in April 2011, he was the owner of Coyne Legal Group as well as a 50%

owner of New World Solutions. In December 2012, Coyne moved to withdraw as counsel. Meanwhile, in February, and again in March 2012, Aaron Reichel, who was of counsel to Coyne Legal Group, had entered notices of appearance as counsel for New World. The Court conducted a conference on May 2, 2013, to sort out who was actually representing New World. Ultimately, the Court found that Coyne could not credibly explain whether he was counsel of record, or why he falsely alleged that defense made a misrepresentation about him to the Court, or how he could base his motion to withdraw on lack of communication by his “client”, a corporation which was owned 50% by him. Based on Coyne’s admission, the Court further found that he did not have a written retainer with New World when he commenced the action and later generated one which he backdated. On June 16, 2015, the Southern District suspended Coyne for one year. (Deputy Chief Attorney Naomi F. Goldstein)

Matter of Dawn M. Hazelhurst, 144 AD3d 31 (1st Dept 2016)

In April 1999, Dawn Hazelhurst became the court appointed guardian of Joseph Shanowsky, an elderly incapacitated person residing in a nursing home facility. Hazelhurst opened a guardianship account for her ward and filed annual reports. Shanowsky died in March 2003, but Hazelhurst did not file a final account until March 2006. After the final account was approved, she procrastinated settling the order. Meanwhile, the guardianship account remained open. Eventually, in 2011, the matter came before a Special Referee to review an accounting for the guardianship account for the years 2006-2011. Hazelhurst had minimal bank records, but the Referee was able to calculate that the account had \$38,000 less than it should have. Hazelhurst could not account for the deficit. She was surcharged for the missing funds and her surety paid. The Inspector General’s office forwarded the matter to the Committee. The Committee subpoenaed Hazelhurst’s bank records and the records for the guardianship account and discovered that between April and October 2007, 17 checks, totaling over \$36,000, were issued by Hazelhurst to herself. Hazelhurst deposited most of the money into her bank account. The Committee charged Hazelhurst with conversion in 2014, but the hearing could not proceed until mid 2015, due to Hazelhurst’s health issues, and was not completed until January 2016. Hazelhurst did not dispute the intentional conversion of guardianship funds, but maintained she could not explain it other than to say she was overwhelmed and stressed by the illness and death of family members and by family conflict. By order dated September 29, 2016, the Court adopted the recommendation of

the Referee and the Panel and suspended Hazelhurst for five years. (Deputy Chief Attorney Naomi F. Goldstein)

Matter of Guy M. Jean-Pierre, 136 AD3d 31 (2016)

Guy Jean-Pierre was admitted to practice law in New York by the First Department in 1989 and was admitted to the Florida Bar in 2004. Between 2004 and 2010 Jean-Pierre issued attorney letters on the legality of removing restrictive legends from stock certificates to help transfer restricted micro-cap shares on OTC Markets, a financial marketplace trading platform. But in April 2010, OTC Markets (then known as Pink Sheets) banned him from issuing any more letters because it found that his letters repeatedly contained inconsistencies or were missing information. Within two weeks, Jean-Pierre convinced his niece, an attorney licensed to practice in Florida, to join him in forming Complete Legal Solutions (CLS), and to provide him with copies of her signature. In May 2010, Jean-Pierre incorporated CLS in Florida and listed his niece as an officer of the corporation. Over the next year, under cover of CLS, Jean-Pierre issued at least 124 attorney opinion letters containing false statements, using his niece's identity and a facsimile of her signature, without her authority or knowledge. He collected between \$500 and \$750 for each letter. The Florida Bar commenced disciplinary proceedings against Jean-Pierre in 2012 on the basis of the fraudulent letters, he defaulted and on January 13, 2014, the Supreme Court of Florida disbarred Jean-Pierre. The Committee did not learn of the disbarment until March 2015. The Committee filed a reciprocal discipline petition, and on February 2, 2016, our Court reciprocally disbarred Jean-Pierre. (Deputy Chief Attorney Naomi F. Goldstein)

Matter of Brian King, 145 AD3d 75 (1st Dept 2016)

The Committee began its investigation into Brian King when it received notice of three separate acts of contempt and or contumacious courtroom behavior by King, all involving defiance and blatant disrespect for the court. On April 7, 2016, King appeared in response to a subpoena for an examination under oath. The deposition was adjourned after two hours with the understanding that it would continue. Later on April 7, 2016, the Committee emailed King that the deposition would resume on April 16, 2016, at 10:00 AM. King did not appear on April 16, 2016. When asked to explain his default, he said his bank had terminated his firm's escrow account because King had continued to make ATM withdrawals despite being advised not to, and he was dealing with the bank. When the deposition resumed on May 3, 2016, the Committee requested that King produce all

bank statements from the escrow account dating back to 2011, as well as his bookkeeping records. King stated he would not produce the records without a judicial subpoena. Although not required to do so, the Committee served him with a subpoena on May 12, 2016, returnable on May 19, 2016. Service was effectuated by delivering the subpoena to his office where his secretary accepted the hand delivery in his absence. King denied receiving the subpoena, he demanded to see a copy of the affidavit of service, and he questioned the staff attorney's fitness to practice law. King never produced the bank records, despite an adjournment to June 3, 2016. By order dated August 1, 2016, the Court granted the Committee's motion to interimly suspend King for failure to cooperate with a lawful demand by the Committee. (Deputy Chief Attorney Naomi F. Goldstein)

Matter of Andres M. Aranda, 138 AD3d 142 (1st Dept 2016)

This is a reciprocal matter. Our Court suspended Aranda for 18 months based on the United States Court of Appeals for the Second Circuit's order and decision. The Second Circuit found that Aranda engaged in misconduct in connection with seven criminal appeals, misconduct before the Southern District of New York, and for failing to properly respond to the Second Circuit's order directing him to show cause why disciplinary or corrective measures should not be imposed on him. One of Aranda's arguments was that federal courts do not meet the definition of a "foreign jurisdiction." Our Court concluded that such an argument was without merit. (Staff Attorney Jun H. Lee)

Matter of Marlene Garcia, 138 AD3d 96 (1st Dept 2016)

This is a reciprocal matter. Our Court suspended Garcia for three years *nun pro tunc* to December 5, 2013 based on the Supreme Court of Florida's order and decision. The Supreme Court of Florida's decision to suspend Garcia stemmed from her felony conviction for possession of cocaine. (Staff Attorney Jun H. Lee)

Matter of Paul H. Jones, 139 AD3d 107 (1st Dept 2016)

Our Court interimly suspended Jones for failing to cooperate with the Committee's investigation of a complaint, alleging that he failed to provide competent representation in a child custody matter. Jones failed to reply to the Committee's communications and to schedule an examination under oath. (Staff Attorney Jun H. Lee)

Matter of Aaron Ari Afilalo, 142 AD3d 207 (1st Dept 2016)

Afilalo was suspended on an interim basis pursuant to former 22 NYCRR 603.4(e)(1)(iii) based on uncontested evidence that he repeatedly misappropriated and/or converted client funds on deposit in his attorney escrow account, repeatedly commingled client funds with his own funds, and failed to keep required escrow account records. Afilalo's cross motion seeking a stay of the Committee's disciplinary proceedings based on his asserted mental health issue was denied. [139 AD3d 175 (1st Dept 2016)] Afilalo submitted an affidavit of resignation from the practice of law pursuant to former 22 NYCRR 603.11, wherein he admitted, *inter alia*, that he would be unable to successfully defend himself if charges were brought against him alleging that he misappropriated approximately \$255,000 in escrow funds in order to pay his business and personal expenses. Afilalo replenished the funds from an operating account. (Deputy Chief Attorney Vitaly Lipkansky)

Matter of Danial A. Nelson, 145 AD3d 38 (1st Dept 2016)

Nelson was disbarred and his name stricken from the roll of attorneys based on his felony conviction, after trial, of Sexual Abuse in the First Degree, a Class D felony, in violation of Penal Law § 130.65(1). Nelson was also convicted of Criminal Obstruction of Breathing or Blood Circulation, a Class A misdemeanor, in violation of Penal Law § 121.11(a). (Deputy Chief Attorney Vitaly Lipkansky)

Matter of Trevor A. Reid, 137 AD3d 25 (1st Dept 2016)

Reid was suspended on an interim basis pursuant to former 22 NYCRR 603.4(e)(1)(i) for failing to cooperate with the Committee's investigation. That part of the Committee's motion seeking Reid's suspension based on substantial admissions under oath that he had committed professional misconduct (former 22 NYCRR 603.4[e][1][ii]) was denied on the finding that the admitted misconduct did not constitute an immediate threat to the public. (Deputy Chief Attorney Vitaly Lipkansky)

Matter of James A. Robbins 146 AD3d 79 (1st Dept 2016)

Robbins was disbarred and his name stricken from the roll of attorneys based upon his conviction, in satisfaction of two separate indictments, of Criminal Possession of a Forged Instrument in the Second Degree, a Class D felony, in violation of Penal Law § 170.25, and Offering a False Instrument for Filing in the First Degree, a Class E felony, in violation of Penal Law § 175.35. The criminal charges arose out of Robbins' efforts to

conceal his failure to perform work in two Surrogate's Court matters that he was handling. (Deputy Chief Attorney Vitaly Lipkansky)

Matter of Craig F. Wilson 141 AD3d 11 (1st Dept 2016)

Wilson was disbarred and his name stricken from the roll of attorneys based on his conviction of Grand Larceny in the Fourth Degree, a Class E felony, in violation of Penal Law § 155.30(1), for theft of client escrow funds. Wilson had been previously suspended on an interim basis, *Matter of Wilson*, [122 AD3d 1 (1st Dept 2014)], based on his failure to fully cooperate with the Committee's investigation and upon uncontested evidence of intentional conversion and/or misappropriation of client funds. (Deputy Chief Attorney Vitaly Lipkansky)

Matter of Patricia R. Ballner, 140 AD3d 115 (1st Dept 2016)

Ballner was disbarred on May 5, 2016 by the First Department Appellate Division, after the Committee submitted a petition and memorandum of law to the Court, for an order pursuant to Judiciary Law §§90(2), 22 NYCRR 603.4(d) and 605.15(e)(1), confirming the findings of fact and determinations of law of the Hearing Panel that Ballner had engaged in professional misconduct in violation of the Lawyers' Code of Professional Responsibility in that she had neglected a legal matter entrusted to her (DR 6-101[A] [3]) (9 counts); had failed to promptly refund unearned legal and filing fees (DR 2-110 [A] [3] (4 counts); had engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation (DR 1-102[A] [4]) (2 counts); and had engaged in conduct that adversely reflects on her fitness as a lawyer (DR 1-102 [A] [7] (1 count). (Staff Attorney Norma I. Lopez)

Matter of Anthony C. Jones, 139 AD3d 86 (1st Dept 2016)

On April 12, 2016, the Appellate Division granted the Committee's motion pursuant to 22 NYCRR 603.11 accepting Jones's affidavit of resignation and striking his name from the roll of attorneys. In sum, Jones acknowledged that he could not defend himself against the complaint being investigated by the Committee of professional misconduct against him. He acknowledged that he knowingly and willingly engaged in the unauthorized practice of law in violation of this Court's previous order of suspension. (Staff Attorney Norma I. Lopez)

Matter of Jeffrey L. Lessoff, 142 AD3d 107 (1st Dept 2016)

By order of the First Department, in 1997 Lessoff was suspended from the practice of law for three years for falsifying insurance records. [231 AD2d 229 (1st Dept 1997)] Lessoff was reinstated in 2001. [284 AD2d 241 (1st Dept 2001)] A few years after Lessoff's reinstatement, he converted client property in several matters. In one matter, after many unsuccessful demands for her portion of the jury award (\$270,000), the client contacted the Comptroller's Office and learned that the award had been paid to Lessoff years earlier. Lessoff deposited the jury award, and proceeded to misappropriate his client's property. In another matter, Lessoff settled his former college roommate's lawsuit for \$175,000. Lessoff, proceeded to deposit the funds and to convert the funds. The Committee received additional complaints of conversion of client property by Lessoff. On July 14, 2016, Lessoff was interimly suspended pursuant to 22 NYCRR 603.4 (e) (1) (i),(iii) and (iv), based on his failure to cooperate with the Committee's investigation of three complaints, uncontested evidence that he misappropriated client funds, and clear and convincing evidence that he has willfully failed or refused to pay monies owed to his clients. (Staff Attorney Norma I. Melendez)

Matter of Jennifer L. McCann, 143 AD3d 98 (1st Dept 2016)

The Committee commenced an investigation in July 2013 after receiving a complaint from a client. The client alleged that he retained McCann to prepare a CPL Article 440 motion for \$5,000 and that McCann had neglected his case and failed to return his file despite repeated requests. McCann was served with a subpoena ordering her to appear for a deposition concerning the client complaint. McCann adjourned the deposition and thereafter submitted an answer stating that she had to close her law practice due to various personal and health issues. McCann further averred that she had worked substantively on her former client's case, drafted a CPL article 440 motion that had never been filed, and that a contractual dispute with the client regarding the \$5,000 retainer fee had been resolved in Small Claims Court. McCann advised the Committee she would immediately return the client's files. McCann failed to return the files or to notify the Committee that the client had obtained a \$1,500 judgment in Small Claims Court on December 11, 2014, which remains unsatisfied. Thereafter, McCann ceased cooperating with the Committee's investigation and the Committee moved to have her interimly suspended. In January 2016 the motion was granted. [137 AD3d 44 (1st Dept. 2016)] McCann failed to appear or apply in writing to either the Committee or the Court within six months of her suspension and the Committee moved to have McCann disbarred

pursuant to former rule 22 NYCRR 603.4(g). McCann failed to respond to the motion. The motion was granted in September, 2016. (Staff Attorney Elisabeth A. Palladino)

Matter of Howard Raab, 139 AD3d 116 (1st Dept 2016)

Raab was disciplined in Florida for having sexual relations with a matrimonial client during the course of the representation. Raab failed to notify the Committee of this discipline. Thereafter, the Committee filed a motion for reciprocal discipline pursuant to former rule 22 NYCRR 603.3 and sought an order suspending Raab for two years. In response to the motion, Raab proffered his resignation.

The Court found that Raab's misconduct contravened New York's strong public policy prohibiting lawyers from engaging in sexual relations with clients in domestic relations matters during the course of their representation as set forth in Rule 1.8 (j) of the Rules of Professional Conduct, notwithstanding Raab's position that the improper relationship with his client in the Florida divorce proceeding was an isolated, consensual incident at the time the case was drawing to a close. The Court found that Raab's misconduct was in clear violation of rule 1.8 (j) (1) (iii) and could not be ignored. Nonetheless, the Court accepted Raab's resignation and he was immediately disbarred. The Court found that the resignation complied with the requirements of 22 NYCRR 603.11, including an acknowledgment that he could not successfully defend himself against charges of professional misconduct if they were predicated upon the matters under investigation, and that he would be unable to defend himself on a charge that the misconduct reflects adversely on his fitness as a lawyer. (Staff Attorney Elisabeth A. Palladino)

Matter of Adam K. Block, 138 AD3d 223 (1st Dept 2016)

Reciprocal discipline from New Jersey imposing a six months suspension. Block was already suspended in New York on November 20, 2013 in a mass suspension for failure to pay biennial registration fees. On March 6, 2014, this Court censured Block based on New Jersey's public reprimand that Block had practiced law in New Jersey while ineligible. On February 14, 2014 and on November 20, 2014, Block was censured again in New Jersey for practicing law while ineligible. Block never reported these discipline to the Committee. On September 10, 2015, the New Jersey Supreme Court suspended Block for six months, finding that he grossly neglected a client matter, failed to act with reasonable diligence, failed to communicate with a client, practiced law while ineligible, and failed to cooperate with the disciplinary authorities. In imposing the six months

suspension, the New Jersey court took into consideration that this was Block's fourth default in his disciplinary proceedings. Block also failed to appear for his New York proceedings and the Court imposed a six months suspension. (Staff Attorney Kathy W. Parrino)

Matter of Michal Durove, 144 AD3d 4 (1st Dept 2016)

Durove was disbarred after he failed to appear or apply to the Committee for a hearing or reinstatement after he was interimly suspended for failure to cooperate with the Committee's investigation on the allegations that Durove neglected client matters and converted client funds. Durove was indicted by the New York County District Attorney's Office, and his criminal matter is still pending. (Staff Attorney Kathy W. Parrino)

Matter of Andrew W. Dwyer, 142 AD3d 88 (1st Dept 2016)

Dwyer was publicly censured in a reciprocal proceeding based on misconduct in New Jersey. In the New Jersey proceeding, Dwyer grossly neglected a client matter by failing to comply with the court's discovery demands leading to its dismissal without prejudice. Dwyer then concealed the dismissal from his client for approximately five years. The New Jersey court publicly reprimanded Dwyer on September 24, 2015. Dwyer failed to report his New Jersey discipline to the Committee. This Court reciprocally censured Dwyer, finding the sanction consistent with the Court's precedent. (Staff Attorney Kathy W. Parrino)

Matter of Diarmuid Y. Houston, 139 AD3d 34 (1st Dept 2016)

Houston was reciprocally suspended for five months based on his misconduct in Oregon. Houston was found to have failed to communicate with his client, failed to provide an accounting of the retainer, failed to return a client's documents, causing the client actual harm, and failed to cooperate with the Oregon Bar's investigation. Houston defaulted in his disciplinary proceeding and was suspended for five months in Oregon. (Staff Attorney Kathy W. Parrino)

Matter of Daniel D. Kim, 138 AD3d 8 (1st Dept 2016)

This is a reciprocal based on Kim's discipline in New Jersey where he was suspended for six months for failing to maintain required escrow account records. This Committee moved for a public censure based on precedent, and Kim argued that he had a defense under 22 NYCRR 603.3(c)(3) because the misconduct for which he was disciplined in the

foreign jurisdiction does not constitute misconduct in this jurisdiction because the record keeping requirements under New York RPC 1.15(d) are not as extensive as New Jersey's requirements, such as monthly reconciliations of cash transactions, check balances, and individual client ledgers. Nevertheless, Kim consented to a public censure. The Court found that while New Jersey may have additional requirements, Kim's misconduct violated New York RPC 1.15(d)(1) because Kim basically kept no records of his business and escrow accounts. (Staff Attorney Kathy W. Parrino)

Matter of Chris C. Olewuenyi, 139 AD3d 25 (1st Dept 2016)

This is a disbarment pursuant to a petition to strike. On August 9, 2005, Olewuenyi was convicted of the federal felony of conspiracy to defraud a financial institution stemming from his involvement in a mortgage fraud scheme. On September 30, 2005 the Supreme Court of New Jersey temporarily suspended Olewuenyi based on the federal conviction. On April 12, 2007, Olewuenyi was convicted in New Jersey Superior Court to the felony of second degree conspiracy to commit identity theft, involving a different real estate transaction underlying the federal conviction. On February 7, 2014, the Supreme Court of New Jersey suspended Olewuenyi for two years retroactive to the date of his temporary suspension on September 30, 2005. Olewuenyi did not report his convictions and New Jersey discipline until March 2015. On May 18, 2015, the Committee filed a petition to strike based on Olewuenyi's federal conviction. On September 28, 2015, the Court denied the petition without prejudice. The Committee filed another petition to strike on November 19, 2015. Olewuenyi opposed the petition on the theory of collateral estoppel or res judicata (due to the prior petition to strike), or, in the alternative, requested that the Court either disbar him, effective *nunc pro tunc* to August 9, 2005, or impose a two year reciprocal suspension effective *nunc pro tunc* to September 30, 2005. The Court found that Olewuenyi failed in his obligation to report his 2005 federal conviction, 2007 state conviction, and his 2014 suspension from the New Jersey Bar, and disbarred him *nunc pro tunc* to May 18, 2015, when the Committee's first petition to strike was filed. (Staff Attorney Kathy W. Parrino)

Matter of Mikhail A. Shedrinsky, 145 AD3d 71 (1st Dept 2016)

Shedrinsky was interimly suspended when he failed to cooperate with the Committee's sua sponte investigation of a dishonored check drawn against his IOLA account. The Court found that failure to reply to the Committee's inquiries and to comply with a judicial subpoena constitute professional misconduct immediately threatening the public

interest. The Court also concluded that Shedrinsky's failure to file attorney registration statements, pay registration fees, and update his business address with OCA, were additional and independent grounds for his suspension. (Staff Attorney Kathy W. Parrino)

Matter of Athanasios Basdekis, 142 AD3d 280 (1st Dept 2016)

From 2000 through 2006, Basdekis, who practiced at the time in Washington, D.C., neglected several client matters, which resulted in the dismissal of five actions, and the loss of the opportunity to commence actions in two other client matters due to expiration of the statute of limitations. Basdekis also failed to inform his clients of these adverse results, and so these tasks fell upon junior associates and another partner at his firm. Basdekis's alcohol dependence was the underlying cause of his misconduct, and after leaving D.C., he moved to West Virginia, where he has been receiving treatment since 2011. His new West Virginia firm is aware of his condition, and has set up safeguards to monitor his work for evidence of any relapse or related neglect. After a delay of several years, the D.C. disciplinary authorities commenced a proceeding against Basdekis in 2015, and the parties stipulated as to the cause of the misconduct, that he had been substantially rehabilitated, is under ongoing psychiatric treatment for his alcoholism, attends regular Alcoholics Anonymous meetings, sufficient professional safeguards are in place, and that he was not a risk to the public or his clients so long as he maintained his treatment. The D.C. Court of Appeals accepted the parties' negotiated petition for discipline, and suspended Basdekis for four months, but also stayed said suspension for an 18-month period of probation with attendant conditions. Respondent did not contest the Committee's motion for reciprocal discipline. Since there was no provision in the First Department's rules for imposing a suspended sentence in a disciplinary proceeding, the Court instead granted the motion to the extent of issuing a public censure to respondent. (Staff Attorney Lance E. Philadelphia)

Matter of Runan Zhang, 142 AD3d 268 (1st Dept 2016)

Zhang, who was licensed to practice law in Maryland and New York, had initially represented her niece's husband in an immigration matter so as to obtain legal U.S. residency for the niece, who is from China (the niece and her husband married in his native Virginia). A few months after the wedding, however, the niece wanted to end the marriage, so Zhang, who was not admitted in Virginia, agreed with her Maryland colleague, who was admitted in both Maryland and Virginia, that Zhang would apply for

pro hac vice admission in Virginia, and the two would jointly represent the niece in a Virginia matrimonial action. The two attorneys never executed the written agreement that they had drafted, and Zhang never completed her pro hac vice application. Zhang drafted a complaint for her niece to file in the Virginia trial court pro se, so as to obscure Zhang's role in the representation, because she feared that the court would disqualify her based on a conflict of interest for representing the husband in the immigration matter. Zhang later negotiated with the husband's matrimonial counsel over terms of an annulment, and, despite never having discussed the couple's sex life with her niece, Zhang proposed listing the husband's purported impotence as a ground for the action. The husband's attorney agreed, and he and Zhang's Maryland colleague filed the papers in the Virginia court, but when the niece learned of this, she alerted Zhang's colleague and insisted that they correct the record. The Virginia court then vacated the annulment, concluding that a fraud had been perpetrated upon it. The Maryland Court of Appeals disbarred Zhang for, *inter alia*, intentionally misleading the Virginia court regarding her involvement in the representation of her niece, the unauthorized practiced of Virginia law, representing her niece despite the conflict of interest with the prior representation of the niece's husband, and asserting the impotency ground without a good faith basis to do so. The First Department found that the respondent's misconduct in Maryland would also constitute misconduct in New York, but it granted the reciprocal motion only to the extent of imposing a five-year suspension, rather than disbarment. (Staff Attorney Lance E. Philadelphia)

Matter of Kevin J. Connolly, 146 AD3d 31 (1st Dept 2016)

By Order entered February 4, 2016, the Appellate Division immediately suspended Connolly pursuant to former 22 NYCRR 603.4(e)(1)(i), based on his failure to comply with an investigation by the Committee by failing to answer the Committee's inquiries regarding client complaints. [138 AD3d 1 (1st Dept 2016)] Acting pursuant to former 22 NYCRR 603.4(g), the Appellate Division disbarred Connolly because he had not sought a hearing or reinstatement for the six months since his suspension. (Staff Attorney Orlando Reyes)

Matter of Richard D. Lamborn, 139 AD3d 128 (1st Dept 2016)

The Appellate Division accepted the resignation of Lamborn who admitted that he could not defend himself on the merits against the Committee's charges, which included that he

had intentionally misappropriated and/or intentionally converted funds belonging to another. (Staff Attorney Orlando Reyes)

Matter of Felix Nihamin, 141 AD3d 142 (1st Dept 2016)

By Order entered October 21, 2014, the Appellate Division suspended Nihamin for three months, and until further order, in connection with “serious crime” proceedings involving a criminal conviction in New Jersey for a mortgage fraud related offense. The Appellate Division accepted the resignation of Nihamin who admitted that he could not defend himself on the merits against allegations that he had violated the suspension order by continuing to practice law. (Staff Attorney Orlando Reyes)

Matter of Matthew A. Pek, 142 AD3d 179 (1st Dept 2016)

The Appellate Division accepted the resignation of Pek who admitted that he could not defend himself on the merits against the Committee’s charges, which included that he had, *inter alia*, neglected clients' legal matters, repeatedly threatened criminal prosecution to gain an advantage in a civil case, used a client's resources without permission or authorization, made false statements to a tribunal, and asserted frivolous claims in litigation. (Staff Attorney Orlando Reyes)

Matter of Bradley D. Shaw, 137 AD3d 19 (1st Dept 2016)

The Appellate Division publicly censured Shaw for neglecting an immigration client’s matter for approximately 13 years and misrepresenting the status of the matter to conceal his neglect. (Staff Attorney Orlando Reyes)

Matter of Edward R. Bassetti, 143 AD3d 27 (1st Dept 2016)

Bassetti was publicly censured as reciprocal discipline pursuant to Judiciary Law § 90(2) and former 22 NYCRR 603.3 for deficiencies in his bookkeeping with regard to his attorney trust accounts, including the failure to prepare monthly reconciliations, or to maintain cash receipts and disbursement journals, because the misconduct for which he was disciplined in New Jersey constituted misconduct in New York in that the New Jersey rules were identical to New York Rules of Professional Conduct 1.3(a), 1.4(a)(3), (4), 1.15(c)(1)(a), (d)(2) and former N.Y. Code Prof. Resp. DR 6-101(a)(3), 9-102(c)(1), (d)(9) (Staff Attorney Yvette A. Rosario)

Matter of Eric A. Klein, 147 AD3d 73 (1st Dept 2016)

Respondent was disbarred after being suspended for his conviction of federal felonies involving mail and wire fraud. The seriousness of the respondent's criminal conduct was underscored by, inter alia, the fact that he actively helped his co-defendant defraud his business clients, the fact that he was ordered to pay over \$800,000 in restitution, and the fact that his admission of guilt before the hearing panel was equivocal. (Staff Attorney Yvette A. Rosario)

Matter of Marjorie Modestil, 142 AD3d 9 (1st Dept 2016)

Respondent was suspended for engaging in professional misconduct immediately threatening the public interest by not fully cooperating with the Attorney Grievance Committee's (Committee's) investigation, by repeatedly failing to provide information requested by the Committee, by providing apparently false testimony regarding her financial accounts, and by admitting during a deposition that she intentionally converted and/or misappropriated client and third-party funds of \$ 24,500. Suspension was also warranted because respondent was delinquent in paying her attorney registration fee for the biennial period of 2014/2015 and failed to notify the Office of Court Administration of changes to her business address within 30 days of such change pursuant to Judiciary Law § 468-a(2). (Staff Attorney Yvette A. Rosario)

Matter of Michael S. Feuer, 137 AD3d 78 (1st Dept 2016)

On April 12, 2012, Feuer, who had been suspended in New York since 2009 for failure to file attorney registration statements and to pay biennial registration fees in violation of Judiciary Law § 468-a, pled guilty in the United States District Court for the District of New Jersey to conspiracy to commit wire fraud in violation of 18 USC §§ 1343 and 1349. Feuer admitted to conspiring with others to wrongfully obtain over \$1.4 million by, among other things, diverting life insurance premiums to bank accounts controlled by the conspirators. Feuer was suspended by the Supreme Court of New Jersey on August 5, 2013, and disbarred by consent on September 5, 2013. The First Department found that Feuer's admission, read in conjunction with the information to which he pled guilty, made his convictions essentially similar to a New York felony conviction of scheme to defraud under Penal Law §190.65(1)(b) and, as such, the Court struck Feuer's name from the roll of attorneys, effective *nunc pro tunc* to his April 12, 2012 conviction. (Staff Attorney Remi E. Shea)

Matter of Gary S. Villanueva, 146 AD3d 73 (1st Dept 2016)

On December 1, 2015, the United States Court of Appeals for the Second Circuit publicly reprimanded Villanueva based on his defaults in four criminal appeals. By notice of petition dated August 8, 2016, the then-named Departmental Disciplinary Committee (Committee) moved for an order imposing reciprocal discipline in the form of a public censure. Although the Court found that Villanueva's misconduct was mitigated by the deaths of several close family members, including his parents, the Court noted that the mitigation did not cover the entire five-year period. Further, the Court found there was aggravation based upon the fact that his misconduct occurred in criminal appeals where important liberty interests were at stake. The Court granted the Committee's petition for reciprocal discipline and Villanueva was publicly censured. (Staff Attorney Remi E. Shea)

Matter of Paul R. Alter, 145 AD3d 40 (1st Dept 2016)

The Court accepted Alter's resignation from the practice of law. In his affidavit, Alter acknowledged that he was the subject of an investigation by the Committee into allegations that, from late 2008 until 2012, while he was a shareholder at his former law firm, he engaged in professional misconduct by submitting reimbursement requests for improper expenses and disbursements. These expenses and disbursements were, in certain instances, charged to the firm, and in other instances, were charged to the firm's clients. (Deputy Chief Attorney Raymond Vallejo)

Matter of Charles A. Bennett, 141 AD3d 1 (1st Dept 2016)

Bennett pleaded guilty, in the Southern District of New York, to securities and wire fraud, for which he was sentenced to five years imprisonment and three years supervised release. Bennett solicited \$10 million, as part of a Ponzi scheme, from 30 investors under false pretenses and misappropriated the funds for his own use. He also created false account statements and documents which he sent to investors. The Court found that his conduct was analogous to New York's General Business Law insider trading statute and ordered him disbarred. (Deputy Chief Attorney Raymond Vallejo)

Matter of Lawrence R. Goldfarb, 141 AD3d 90 (1st Dept 2016)

Goldfarb pleaded guilty, in the United States District Court for the Northern District of California, to the federal felony of wire fraud, for which he was sentenced to 14 months imprisonment and 3 years supervised release. Goldfarb's acts arose from his activities as

the managing partner of a private investment fund. He admitted that he failed to distribute funds to investors and unlawfully diverted to himself \$1.2 million. The Court found that his actions were analogous to the New York felony of scheme to defraud in the first degree for which he was disbarred. (Deputy Chief Attorney Raymond Vallejo)

Matter of Adam Gottbetter, 138 AD3d 21 (1st Dept 2016)

Gottbetter pleaded guilty, in the United States District Court for the District of New Jersey, to conspiracy to commit securities fraud and mail fraud, federal felonies. Gottbetter admitted participating in stock market manipulation schemes involving publicly-traded companies, for which he was sentenced to 18 months incarceration. The Court found that the federal felonies of which Gottbetter pleaded guilty were analogous to New York's General Business Law insider trading statute and ordered him disbarred. (Deputy Chief Attorney Raymond Vallejo)

Matter of Gregory A. Martin, 141 AD3d 77 (1st Dept 2016)

Martin was disbarred in Florida for his intentional misappropriation of client and third-party funds. Martin also breached his law firm's employment agreement by failing to share with the firm legal fees he received while maintaining clients separate from his firm. The Court, in a reciprocal proceeding, disbarred Martin. (Deputy Chief Attorney Raymond Vallejo)

Matter of William Merker, 140 AD3d 1 (1st Dept 2016)

Merker pleaded guilty to conspiracy to commit securities fraud, wire fraud, to file false reports with the SEC, to commit bank fraud and subscribing to a false tax return. The Court found that Merker's admissions during his plea allocution, read in conjunction with the indictment, established that he knowingly engaged in a systematic course of conduct involving false pretenses through which he intended to defraud a company's shareholders and creditors and wrongfully obtained funds in excess of \$1,000. In ordering his disbarment, the Court found that Merker's misconduct corresponded to the New York felony of scheme to defraud in the first degree. (Deputy Chief Attorney Raymond Vallejo)

Matter of Matthew S. Neugeboren, 140 AD3d 28 (1st Dept 2016)

Neugeboren pleaded guilty, in the United States District Court for the District of New Jersey, to wire fraud and willfully subscribing a false tax return. Neugeboren embezzled

\$2.6 million from his employer, a New Jersey home health care company. He also fraudulently obtained company funds that were purportedly to pay company expenses, deposited them into his escrow account and converted them for his own use. Neugeboren also failed to declare the \$630,000 in embezzled funds. The Court found that Neugeboren's conduct was analogous to the New York felony of scheme to defraud in the first degree and ordered him disbarred. (Deputy Chief Attorney Raymond Vallejo)

Matter of Francis O. Obi, 138 AD3d 136 (1st Dept 2016)

Obi was found to have invaded settlement funds he held for a client, without permission or authority, for his personal use by the New Jersey Supreme Court. He also failed to keep required bookkeeping records, failed to promptly deliver third-party funds and failed to cooperate with the Office of New Jersey Attorney Ethics. The Court, in a reciprocal proceeding, ordered Obi disbarred based upon the New Jersey decision. (Deputy Chief Attorney Raymond Vallejo)

Matter of Genevieve P. Salvatore, 139 AD3d 192 (1st Dept 2016)

Salvatore pleaded guilty, in the United States District Court for the District of Connecticut, to mail fraud for which she was sentenced to 24 months imprisonment and three years supervised release. Salvatore participated in a scheme to defraud mortgage lenders out of money or property by means of U.S. mail and served as a closing attorney for 13 fraudulent transactions and prepared fraudulent HUD-1 statements. The Court found that Salvatore's conduct was analogous to the New York felony of scheme to defraud in the first degree and ordered Salvatore disbarred. (Deputy Chief Attorney Raymond Vallejo)

Matter of John L. Sampson, 145 AD3d 95 (1st Dept 2016)

Sampson was convicted, following a jury trial in the United States District Court for the Eastern District of New York, of the felonies obstruction of justice and making false statements. Sampson, a member of the New York State Senate, attempted to prevent an associate, who had been charged with bank and wire fraud in connection with a mortgage fraud scheme, from cooperating with law enforcement authorities by attempting to obtain confidential non-public information regarding the mortgage fraud case, through a person who was an employee with the U.S. Attorney's Office, and directing the associate to withhold documentation from the government. Sampson also made false statements to the FBI during the course of their investigation. The Court found that Sampson was

convicted of a “serious crime” and suspended him pending further proceedings. [138 AD3d 175 (1st Dept 2016)]

Sampson, only 12 days after the effective date of the Court’s interim suspension order as described above, and eight days after filing his affidavit of compliance, appeared on behalf of a client at a child custody proceeding where he identified himself as his client’s attorney and engaged in discussions regarding the custody case with counsel and the court Referee, all of whom were unaware that he had been suspended. The Court found that Sampson engaged in the unauthorized practice of law while under suspension, failed to inform the court and counsel for the other parties of his suspension, and failed to notify his client in writing of his suspension. Sampson was ordered disbarred. (Deputy Chief Attorney Raymond Vallejo)

Matter of Clay R. Serenbetz, 144 AD3d 21 (1st Dept 2016)

Serenbetz pleaded guilty, in the United States District Court for the District of Nevada, to the felony of possession of child pornography, for which he was sentenced to 41 months incarceration and 20 years supervised release. The Court found that Serenbetz’s plea admission that he “had possession of a computer” and he “had a picture of a minor engaged in sexually explicit conduct,” read in conjunction with the information to which he pleaded guilty, corresponded to the New York felony of possessing a sexual performance by a child, and ordered him disbarred. (Deputy Chief Attorney Raymond Vallejo)

Matter of Jeffrey Stark, 142 AD3d 1 (1st Dept 2016)

Stark pleaded guilty, in the United States District Court for the Eastern District of New York, to the federal felony of forging a judge’s signature. Specifically, Stark forged the signature of a bankruptcy court judge on a purported discharge order which he presented to his clients to mislead them into believing that he had completed their Chapter 7 bankruptcy case. The Court, in disbaring Stark, found that his conduct was analogous to the New York felony of forgery in the second degree and ordered him disbarred. (Deputy Chief Attorney Raymond Vallejo)

Matter of Marla L. Stein, 137 AD3d 104 (1st Dept 2016)

Stein pleaded guilty, in the Southern District of New York, to corruptly endeavoring to obstruct and impede the due administration of the internal revenue laws, a felony, for

which she was sentenced to one year incarceration and ordered to pay \$99,546 in restitution. Stein, in an effort to lower her tax burden, and in response to an IRS audit, created false tax documentation which she presented to the IRS during the course of an audit. The Court found that Stein's federal conviction constituted a "serious crime" and suspended her on an interim basis pending further proceedings. (Deputy Chief Attorney Raymond Vallejo)

Matter of Benjamin Yu, 145 AD3d 43 (1st Dept 2016)

Yu was convicted, after a jury trial in New York County Supreme Court, of conspiracy in the fourth degree, bribery in the second degree and rewarding official conduct in the second degree, for which he was sentenced to three to nine years imprisonment. Yu's conviction stemmed from his paying employees of the New York City Criminal Justice Agency to persuade criminal defendants to retain him. As a result of his felony convictions, Yu was automatically disbarred. (Deputy Chief Attorney Raymond Vallejo)

SUMMARY OF REPRESENTATIVE CASES

Although the Committee engages in multiple functions in a confidential manner that do not result in public discipline, a significant portion of what the Committee does becomes public when the Court acts on motions made by the Committee.

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 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 that the Committee deals with involves the theft or misappropriation of money belonging to clients or held as a fiduciary. 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 when there are exceptional mitigating circumstances which are rarely found. Because such misconduct immediately threatens the public interest, the Committee's staff attorneys will seek an immediate suspension of an attorney if there is sufficient evidence to justify the motion. In addition, the Committee's staff 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 2016, the Court suspended 15 attorneys on an interim basis pending resolution of the charges against them in the following cases: *Matter of Trevor A. Reid*, 137 AD3d 25; *Matter of Jennifer L. McCann*, 137 AD3d 44; *Matter of Marla L. Stein*, 137 AD3d 104; *Matter of Kevin J. Connolly*, 138 AD3d 1; *Matter of John L. Sampson*, 138 AD3d 175; *Matter of Charles U. Odikpo*, 139 AD3d 17; *Matter of Paul H. Jones*, 139 AD3d 107; *Matter of Aaron Ari Afilalo*, 139 AD3d 175; *Matter of Harvey K. Newkirk*, 141 AD3d 178; *Matter of Brian W. Raum*, 141 AD3d 198; *Matter of Marjorie Modestil*, 142 AD3d 9; *Jeffrey L. Lessoff*, 142 AD3d 107; *Matter of Robert A. Evans*, 142 AD3d 122; *Matter of Mikhail A. Shedrinsky*, 145 AD3d 71; and, *Matter of Brian King*, 145 AD3d 75.

Disbarments

In 2016, the First Department disbarred seven attorneys (two after formal charges, three following a petition for reciprocal discipline, one following a petition for serious crime, and one following a petition to disbar after the attorney engaged in the practice of law while under a suspension): *Matter of Guy M. Jean-Pierre*, 136 AD3d 31; *Matter of Francis O. Obi*, 138 AD3d 136; *Matter of Olukayode L. Babalola*, 139 AD3d 61; *Matter of Patricia R. Ballner*, 140 AD3d 115; *Matter of Gregory A. Martin*, 141 AD3d 77; *Matter of John L. Sampson*, 145 AD3d 95; and, *Matter of Eric A. Klein*, 147 AD3d 73.

The Court also had a rule unique to the First Department (*see* 22 NYCRR 603.4[g], rescinded October 1, 2016), whereby a motion to suspend may also include a notice to the attorney that the attorney may be disbarred if the attorney is suspended and fails to apply in writing to the Committee or Court requesting a hearing, or reinstatement, within six months. A similar rule has been adopted statewide, effective October 1, 2016. [*See* 22 NYCRR 1240.9(b)] In 2016, the First Department invoked 22 NYCRR 603.4(g) to disbar five attorneys: *Matter of Michael L. Silverman*, 135 AD3d 182; *Matter of Jennifer L. McCann*, 143 AD3d 98; *Matter of Michal Durove*, 144 AD3d 4; *Matter of Kevin J. Connolly*, 146 AD3d 31; and, *Matter of Charles U. Odikpo*, 147 AD3d 48.

In 2016, the First Department granted 18 petitions to strike the names of attorneys convicted of felonies: *Matter of Michael S. Feuer*, 137 AD3d 78; *Matter of Adam S. Gottbetter*, 138 AD3d 21; *Matter of Sheldon Silver*, 138 AD3d 123; *Matter of Martha J. Brosius*, 138 AD3d 216; *Matter of Chris C. Olewuenyi*, 139 AD3d 25; *Genevieve P. Salvatore*, 139 AD3d 192; *Matter of William Merker*, 140 AD3d 1; *Matter of Matthew S. Neugeboren*, 140 AD3d 28; *Matter of Charles A. Bennett*, 141 AD3d 1; *Matter of Craig F. Wilson*, 141 AD3d 11; *Matter of Lawrence R. Goldfarb*, 141 AD3d 90; *Matter of Jeffrey I. Stark*, 142 AD3d 1; *Matter of Jeffrey S. Kozlow*, 142 AD3d 277; *Matter of John B. Todorovich*, 144 AD3d 1; *Matter of Clay R. Serenbetz*, 144 AD3d 21; *Matter of Danial A. Nelson*, 145 AD3d 38; *Matter of Benjamin Yu*, 145 AD3d 43; and, *Matter of James A. Robbins*, 146 AD3d 79.

Disciplinary Resignations

The Court permitted an attorney to resign from the bar during an investigation by the Committee, or after the filing of charges, if the attorney submitted an affidavit pursuant to 22 NYCRR 603.11 (rescinded October 1, 2016), acknowledging that the attorney knows

the nature of potential charges and cannot defend against them. As of October 1, 2016, applications to resign must be submitted pursuant to 22 NYCRR 1240.10. A resignation pending investigation or disciplinary proceeding is the equivalent of disbarment. In 2016, the First Department accepted resignations under 22 NYCRR 603.11 from seven attorneys and ordered their names stricken from the roll of attorneys: *Matter of Anthony C. Jones*, 139 AD3d 86; *Matter of Howard Raab*, 139 AD3d 116; *Matter of Richard D. Lamborn*, 139 AD3d 128; *Matter of Felix Nihamin*, 141 AD3d 142; *Matter of Matthew A. Pek*, 142 AD3d 179; *Matter of Aaron Ari Afilalo*, 142 AD3d 207; *Matter of Paul R. Alter*, 145 AD3d 40.

Suspensions as Discipline

A suspension can be ordered by the Court as discipline and also to protect the public. The Court imposes suspension for conviction of “serious crimes,” as defined in the Judiciary Law 90(4)(d), for reciprocal discipline and for misconduct. In 2016, the Court suspended 10 attorneys for periods ranging from three months to five years: *Matter of Robert F. Coyne*, 136 AD3d 176; *Matter of Steven Altman*, 137 AD3d 87; *Matter of Marlene Garcia*, 138 AD3d 96; *Matter of Andres M. Aranda*, 138 AD3d 142; *Matter of Adam K. Block*, 138 AD3d 223; *Matter of Diarmuid Y. Houston*, 139 AD3d 34; *Matter of Edwin Peralta-Millan*, 141 AD3d 87; *Matter of Runan Zhang*, 142 AD3d 268; *Matter of Dawn M. Hazelhurst*, 144 AD3d 31; and, *Matter of David Schnall*, 146 AD3d 81.

Suspensions for Medical Disability

The Court’s rules provide that an attorney may be suspended if judicially declared incompetent or the Court concludes that the attorney is incapacitated from continuing to practice law. Pursuant to 22 NYCRR 1240.14(b), effective October 1, 2016, any pending disciplinary proceedings against the attorney shall be held in abeyance after the Court makes a determination of the attorney’s incapacity to continue the practice of law. In 2016, there were no suspensions for medical disability.

Public Censures

The least severe form of public discipline that the Court may impose is a censure (*see* 22 NYCRR 1240.2[c]). In 2016, the First Department issued public censures in six cases: *Matter of Bradley D. Shaw*, 137 AD3d 19; *Matter of Daniel D. Kim*, 138 AD3d 8; *Matter of Andrew W. Dwyer*, 142 AD3d 88; *Matter of Athanasios Basdekis*, 142 AD3d 280;

Matter of Edward R. Bassetti, 143 AD3d 27; and, *Matter of Gary S. Villanueva*, 146 AD3d 73.

Reinstatements

Section 90 of the Judiciary Law and Court Rule 22 NYCRR 603.14 (rescinded October 1, 2016), and 22 NYCRR 1240.16 (effective October 1, 2016), 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 2016, the Court granted six petitions for reinstatement and denied four.

Dishonored Check Investigations

Staff Attorney Kevin P. Culley handles the screening of all complaints which the Committee receives pursuant to the dishonored check reporting rules under 22 NYCRR 1300. Mr. Culley coordinates all necessary contacts with banking institutions and the Lawyers' Fund for Client Protection in processing the dishonored check matters. Mr. Culley also supervises staff investigators in obtaining required bookkeeping records and recommends disposition of matters or further investigation and action by staff attorneys. He has spoken at Continuing Legal Education courses on the subject of proper escrow account management.

Immigration Complaints

Staff Attorney Jun Hwa Lee handles the initial screening of all immigration matters. Ms. Lee also coordinates our efforts with many other agencies and prosecutors who target immigration fraud. Further, Ms. Lee supervises the Committee's use of immigration Special Counsel approved by the Court to assist the Committee. Ms. Lee often speaks before various groups, including federal judges interested, or involved, in immigration matters.

2016

Appendix A: Committee Assignments

January 1 - September 30, 2016

Ernest J. Collazo, Chair
Policy Committee

Ralph C. Dawson
Charlotte Moses Fischman (Special Counsel)
Robert L. Haig (Special Counsel)
Brian C. McK. Henderson
Myron Kirschbaum (Special Counsel)
Alan Levine
Hon. Eugene Nardelli
Carla A. Kerr Stearns
Hon. Joseph P. Sullivan (Special Counsel)
Stephen L. Weiner (Special Counsel)

Hearing Panel Members

Panel I

William T. Russell, Jr., Chair
Catherine A. Christian
John M. Desiderio
Matthew Gaier
Ricardo E. Oquendo
Abigail T. Reardon

Panel II

Roland G. Riopelle, Chair
Marjorie E. Berman
Peter G. Eikenberry
Darrell S. Gay
Pablo Quinones
Barbara K. Rothschild*

Panel III

Eugene P. Souther, Chair
Maria D. Melendez, Acting Chair
Robert J. Anello
Michael I. Bernstein
Gary D. Friedman
Anne C. Vladeck

Panel V

William P. Frank, Chair
Vincent T. Chang
Richard J. Condon*
Peter C. Harvey
Lee S. Richards, III

Panel VII

Kathleen M. Scanlon, Chair
John H. Carley
Leonard F. DeLuca*
Deesha M. Hill
Charles G. Moerdler

Panel IX

Daniel R. Alonso
Joyce M. Bove*
Hon. James M. Catterson
Daniel D. Chu
Barbara A. Ryan

Panel IV

Gonzalo S. Zeballos, Chair
Richard M. Kenny
Danielle C. Lesser
Edward M. Spiro
Sheea T. Sybbilis

Panel VI

Paul F. Doyle
Daniel F. Murphy, Jr.
Fredric S. Newman
Richard R. Zayas

Panel VIII

Frank H. Wohl, Chair
David Arroyo
Thomas Birnbaum*
Jason Canales
Rita DiMartino*
John J. Jerome

*Public Member

October 1 - December 31, 2016

Committee 1

Ernest J. Collazo, Chair
Abigail T. Reardon, Vice Chair

Daniel R. Alonso
Marjorie E. Berman
John H. Carley
Daniel D. Chu
Ralph C. Dawson
Peter G. Eikenberry
Donna Fishman*
John J. Jerome
Eve Rachel Markewich
Charles G. Moerdler
Frederic S. Newman
Lee S. Richards III
Barbara K. Rothschild*
David M. Rubin
Lawrence S. Spiegel
William St. Louis
Hon. Joseph P. Sullivan
Stephen L. Weiner
Toby R. Winer*

Committee 2

Charlotte Moses Fischman, Chair
Myron Kirschbaum, Vice Chair

Robert J. Anello
Thomas Birnbaum*
Joyce Bove*
Hon. James M. Catterson
Vincent T. Chang
Sylvia F. Chin
Richard J. Condon*
Jeffrey Frerichs*
Darrell S. Gay
Nicholas A. Gravante, Jr.
Robert L. Haig
Danielle C. Lesser
Alan Levine
Elliot Moskowitz
Ricardo E. Oquendo
Edward M. Spiro
Anne C. Vladeck
John L. Warden
Gonzalo S. Zeballos

*Public Member

2016

Appendix B: Office of the Chief Attorney: Attorneys

Jorge Dopico
Chief Attorney

Deputy Chief Attorneys

Angela Christmas
Naomi F. Goldstein
Vitaly Lipkansky
Raymond Vallejo

Special Trial Attorney

Jeremy S. Garber

Staff Attorneys

Sinan Aydiner
Kevin P. Culley
Sherine F. Cummings
Kevin M. Doyle
Paul L. Friman
Roberta N. Kolar
Jun Hwa Lee
Norma I. Lopez
Norma I. Melendez
Elisabeth A. Palladino
Lance E. Philadelphia
Orlando Reyes
Yvette A. Rosario
Kathy Wu Parrino
Remi E. Shea
Denice M. Szekely

2016

Appendix C: Office of the Chief Attorney: Staff

Investigators

George Cebisch, Chief
Anthony Rodriguez
Leonard Zarrillo

Paralegals

Joel Peterson
Robert F. Murphy, Investigator/Paralegal

Office Manager

Marcy Sterling
Nancy De Leon, Assistant Office Manager

Accountant

Martin Schwinger

Computer Personnel

Michelle Y. Wang, LAN Administrator
Mark Hernandez

Administrative Assistants

Monique R. Hudson
Donna M. Killian
Tennille Millhouse
Tina M. Nardelli
Celina M. Nelson
Michael J. Ramirez
Gloria Rodriguez
Natasha S. Solomon

Appendix D: Annual Report to OCA

UCS-176 Rev. 01/03

ATTORNEY DISCIPLINE ACTIVITIES

PERIOD COVERED: 2016

FIRST JUDICIAL DISTRICT - FIRST DEPARTMENT

I. MATTERS PROCESSED

A. Matters Pending at Start of Period	1311	
B. New Matters During Period	2945	
C. Closed Matters Reactivated During Period	68	
D. Total Matters To Be Processed During Period (A+B+C)		4324
E. Total Matters Disposed Of During Period		(3177)
F. Matters Pending at End of Period		1147

II. MATTERS DISPOSED OF BY COMMITTEE

Cases² Matters

A. Rejected As Failing to State a Complaint	434	488
B. Referred To Other Disciplinary Committees	348	372
C. Referred To Other Agencies	127	139
D. Dismissed or Withdrawn	1706	1927
E. Dismissed Through Mediation	17	17
F. Letter of Caution	0	0
G. Letter of Admonition	83	94
H. Reprimand (after hearing)	0	0
I. Referred to Appellate Division (Disciplinary Proceeding)	92	140
Total Disposed of During Period ("Matters" same as I.,E. above)	2807	3177

III. CASES PROCESSED IN ALL COURTS

A. Cases Pending at Start of Period		46
1. Disciplinary Proceedings	33	
2. Other	13	
B. Cases Received at Start of Period		305
1. Disciplinary Proceedings	65	
2. Other	240	
C. Total to be Processed During Period		351

ATTORNEY DISCIPLINE ACTIVITIES (2016)

D. Cases Closed

1. Disbarred	30	
2. Disciplinary Resignations	7	
3. Suspended ^③	25	
4. Censured	6	
5. Privately Censured ^④	2	
6. Remanded to Grievance Committee	15	
7. Discontinued	3	
8. Dismissed	2	
9. Reinstatements Granted ^⑤	124	
10. Reinstatements Denied	4	
11. Non-Disciplinary Resignations	64	
12. All Other Dispositions	33	
13. Total Closed	315	(315)

E. Total Cases Pending at End of 2016 Period

1. Disciplinary Proceedings	21	36
2. Other	15	

- ① Matters include: complaints, inquiries (excluding telephone inquiries) and *sua sponte* investigations.
- ② Cases refers to the number of respondent attorneys. Since some attorneys are the subject of multiple complaints, the number of matters may exceed the number of cases.
- ③ Includes: (10) definite, (15) interim and (0) indefinite suspensions.
- ④ Reported as "Private Reprimand" until September 2016, now "Admonition by Court Order."
- ⑤ Includes (117) reinstatements following suspensions for failing to register (468-a default), (6) disciplinary reinstatements, and (1) non-disciplinary reinstatement.

Appendix E: Budget for Fiscal Year 2016-2017

Attorney Grievance Committee Budget
Fiscal Year April, 2016 - March, 2017

	<u>Allocation</u>
Personal Service Total:	\$ 4,137,660.00
<u>Non-Personal Service:</u>	
Office Supplies	23,489.00
EDP Supplies	1,800.00
Postage Only	20,000.00
Legal Reference & Subscriptions	11,701.00
Miscellaneous Supplies and Materials	1,858.00
Travel General	1,621.00
Rentals of Equipment	14,742.00
Repairs of Equipment	4,021.00
Shipping	26.00
Printing General	5,331.00
Telephones	4,686.00
Building and Property Services	5,078.00
Records Management Services	26,236.00
Professional Services - Expert Witnesses	4,000.00
Other Court Appointed Services	63,468.00
Other General Services	10,043.00
Professional Services Per Diem Court Reporters	-
Transcript Costs General	76,989.00
Computer Assisted Legal Research	-
Equipment - New/Replacement	-
Non-Personal Service Total:	\$ 275,089.00
TOTAL BUDGET FISCAL YEAR 2016-2017	\$ 4,412,749.00

Appendix F: Sample Complaint Form

SUPREME COURT, APPELLATE DIVISION
FIRST JUDICIAL DEPARTMENT
ATTORNEY GRIEVANCE COMMITTEE
61 BROADWAY, 2ND FLOOR
NEW YORK, NEW YORK 10006
(212) 401-0800

Jorge Dopico
Chief Attorney

DATE: _____

ATTORNEY COMPLAINED OF:

Mr.() Ms.() Mrs.() _____
Last First Initial

Address: _____ Apt. No. _____

City State Zip Code

Telephone: Home: (_____) Office: (_____)

Cell : (_____) Email Address: _____

YOUR NAME/INFORMATION (Complainant):

Mr.() Ms.() Mrs.() _____
Last First Initial

Address: _____ Apt. No. _____

City State Zip Code

Telephone: Home: (_____) Office: (_____)

Cell : (_____) Email Address: _____

Complaints to other agencies:

Have you filed a complaint concerning this matter with another Bar Association, District Attorney's Office or any other agency:

If so, name of agency: _____

Action taken by agency: _____

Court action against attorney complained of:

Have you brought a civil or criminal action against this attorney? _____

If so, name of court: _____ Index No. _____

- 1. PLEASE SEND THE ORIGINAL PLUS ONE COPY OF YOUR COMPLAINT. PLEASE INCLUDE TWO COPIES OF YOUR SUPPORTING DOCUMENTS. DO NOT send your original supporting documents because we will not return them.
- 2. You may copy the enclosed form as many times as you wish, or you may find it online. Our website link is: <http://www.nycourts.gov/courts/AD1/Committees&Programs/DDC/index.shtml>
- 3. You may also state your allegations in a letter. We request separate complaint forms/letters for each attorney in question.

PLEASE PRINT LEGIBLY OR TYPE IN ENGLISH

Start from the beginning and be sure to tell us why you went to the attorney, when you had contact with the attorney, what happened each time you contacted the attorney, and what it was that the attorney did wrong. Please attach copies of all papers that you received from the attorney, if any, including a copy of ANY RETAINER AGREEMENT that you may have signed. DO NOT FORGET TO SEND AN ORIGINAL AND ONE COPY OF THIS COMPLAINT AND ENCLOSURES.

UNSIGNED COMPLAINTS WILL NOT BE PROCESSED.

Signature