

# 2011 ANNUAL REPORT



**The Departmental Disciplinary Committee  
of the Appellate Division of  
the Supreme Court of  
the State of New York,  
First Judicial Department**

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of the Supreme Court  
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First Judicial Department**

**Roy L. Reardon  
Chair**

**Jorge Dopico  
Chief Counsel**

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SUPREME COURT, APPELLATE DIVISION  
FIRST JUDICIAL DEPARTMENT  
DEPARTMENTAL DISCIPLINARY COMMITTEE

ROY L. REARDON, ESQ.  
CHAIRMAN

61 BROADWAY  
NEW YORK, N.Y. 10006

September 4, 2012

To The Bar and Public:

It is my privilege again to present the Annual Report for the year 2011 of the Departmental Disciplinary Committee ("DDC"). Our success this year is the result of the dedicated work of many who contribute to its day-to-day efforts and the maintenance of its national reputation as a leader in its field.

DDC's overall leadership comes from Presiding Justice Luis A. Gonzalez and a Committee of the Justices of the Court who provide continuing guidance and supervision on matters of policy.

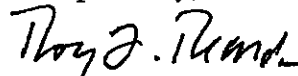
DDC is also fortunate to be led by a Policy Committee, consisting of retired Justices of the Court with decades of experience as sitting Judges, leaders of the Bar and a dedicated group of lay members who bring invaluable insights into how DDC carries out its important work.

Our ten (10) Hearing Panels, comprised of lawyers and lay members, who hear the charges and endeavor to render fair and just decisions, subject to review by the Court, deal with what can be complicated matters of law and fact. I see the Panels unmatched anywhere and their decisions more eloquently show this than any words of praise could possibly achieve.

DDC could not function without its Staff and its direct day-to-day leadership. We are fortunate to have placed the leadership role in the skilled hands of our Chief Counsel, Jorge Dopico and his able Deputies Angela Christmas, Naomi F. Goldstein, Vitaly Lipkansky and Raymond Vallejo and Special Trial Counsel Jeremy Garber. They, together with our Staff Attorneys, their Supervisors, the Investigators and Administrative Personnel provide the day-to-day muscle that makes DDC's work possible.

We also recognize here the important role of Susanna Rojas, the Clerk of the Court, who provides continuing guidance to DDC in helping us to maximize our effectiveness.

Respectfully,




Roy L. Reardon  
Chair

## CHIEF COUNSEL'S REPORT

Although sometimes I think that I have been Chief Counsel for a long time, 2011 was actually my first full year in that role. After many retirements in 2010, the Office of Chief Counsel went through a major period of reorganization as to personnel and procedures. With the full support of our Court, our Chair, and our Committee, and despite tough budgetary constraints, we continue to accomplish our mission: the protection of the public from the unethical conduct of those attorneys who tarnish our profession.

I wish to thank our Chair, Roy L. Reardon, for his unwavering support and for his extraordinary ethical compass, sense of justice, and generous spirit. Many thanks as well to the members of the Policy Committee who are always ready to assist us in any capacity with complete dedication and utmost talent. Thank you also to all of the Justices of our Court, in particular, Presiding Justice, Hon. Luis A. Gonzalez, and the Justices who serve on the Liaison Committee: Hon. Peter Tom, Hon. Angela Mazzaelli, Hon. David Friedman, Hon. John W. Sweeney, Hon. Rolando T. Acosta and Hon. Leland DeGrasse. In addition, thanks to the Clerk of the Court, Susanna Molina Rojas, as well as Deputy Clerks, Eric Schumacher and Margaret Sowah, for their continued support of the Committee and recognition of the important work that the Court has entrusted to us.

I am grateful to my staff for their selfless public service to our Committee and to our Court. Despite our successes in the past year in resolving complaints more promptly, reducing our caseload, and promptly sending the most serious cases to our Court with a full record, we shall strive to do better and continue to work hard so that our Court and our Committee can have full confidence and pride in our service to the First Department and the public.

  
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Jorge Dopico  
Chief Counsel

## 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 formal charges should be brought against an attorney, whether a private admonition should be issued, or whether the complaint should be dismissed. If formal charges are approved, the Court appoints a Referee to conduct a hearing and prepare a written report, stating the Referee's findings of fact, conclusions of law and recommended sanction. Committee Hearing Panels then review the Referee's report and recommendation, hear argument by the parties on the issues, and make an independent recommendation as to liability and sanction. Thereafter, the Court makes the final determination on both liability and sanction based on its review of the record.

In 2011, 70 Committee members served on 10 different Hearing Panels of approximately seven members each, composed usually of six lawyers and one non-lawyer.

In 2012, the Court appointed the following new Committee members:

David Arroyo, Esq.  
John H. Carley, Esq.  
John J. Jerome, Esq.  
Mr. Brian C. Mck. Henderson  
Alan Levine, Esq.  
Arthur Martin Luxenberg, Esq.  
Ms. Barbara K. Rothschild  
Kathleen M. Scanlon, Esq.  
Gonzalo S. Zeballos, Esq.

Thirteen other members of the Committee, including two non-lawyers, serve on the Policy Committee, which reviews proposed admonitions and recommendations to file formal charges. The Policy Committee also considers a wide variety of other matters, including possible rule changes, setting priorities and administrative issues. Members of the Policy Committee in 2011 were Roy L. Reardon, Chair, Christopher Chang, Esq., Haliburton Fales, 2d, Esq., Charlotte Moses Fischman, Esq., Martin R. Gold, Esq., Robert L. Haig, Esq., Myron Kirschbaum, Esq., Hon. William Francis Kuntz, II (now a Federal Judge), Marvin Leffler, Hon. Eugene Nardelli, Mercedes A. Nesfield, Hon. Joseph P. Sullivan, and Stephen L. Weiner, Esq.

In 2012, the Court appointed the following Policy Committee members:

Ernest J. Collazo, Esq.

Alan Levine, Esq.

The lawyers of the Committee are drawn from all areas of the profession and from law firms of varying sizes. The 14 non-lawyer members include business executives, a financial adviser and former educators.

Below are brief biographies of all of the Committee members who served in 2011, highlighting their diverse accomplishments serve the Committee with dedication and energy:

Roy L. Reardon (Chair)

Mr. Reardon is the Chair of the Committee. He is a partner at the law firm of Simpson Thacher & Bartlett. His professional affiliations include the American Bar Association, the New York State Bar Association, and the Association of the Bar of the City of New York. He serves as a Special Master at the Appellate Division, First Department, and is a Fellow of the American College of Trial Lawyers. Mr. Reardon was honored for his lifetime achievements as one of New York's, and the nation's, premier attorneys at the Historical Society of the Courts of the State of New York.

Catherine M. Abate

Ms. Abate is the President and CEO of Community Healthcare Network, a not-for-profit organization dedicated to providing community-based primary care, mental health, and social services to diverse populations in underserved communities. Ms. Abate graduated cum laude from Vassar College and received her law degree from Boston University Law School. She began her professional life as an attorney at the Legal Aid Society in New York City. In 1986 Governor Cuomo appointed Ms. Abate to the position of Executive Deputy Commissioner of the New York State Division of Human Rights; and, in 1988 to the position of Chair of the New York State Crime Victims Board. During the Dinkins administration, she served as Commissioner of both the New York City Departments of Correction and Probation. Ms. Abate was elected as a New York State Senator in Manhattan from 1994 to 1998. While in the Senate, she was the ranking Democrat on the Crime Victims, Crime and Correction Committee, as well as Investigations and Government Operations Committee.

James M. Altman

Mr. Altman is a litigation partner at Bryan Cave LLP, where he focuses his practice on complex commercial litigation and issues of professional liability for lawyers. A graduate of Yale Law School, Mr. Altman is a frequent speaker and has written extensively on issues of



professional ethics and the law of lawyering, including articles for the Yale Law Journal, the Fordham Law Review, Litigation Magazine, the State Bar Journal, and the New York Law Journal. Mr. Altman also taught legal ethics as an adjunct professor at the Brooklyn Law School. He has served on the ethics committees of the New York State Bar Association and the City Bar Association, and he is the past Chair of the New York State Bar Association Committee on Attorney Professionalism.

Dominic F. Amorosa

Mr. Amorosa is a sole practitioner primarily involved in defense of white collar criminal matters. He was graduated from Seton Hall University and Rutgers Camden Law School. Following graduation, he served two years as Assistant United States Attorney in the District of New Jersey and in 1974 became an Assistant United States Attorney in the Southern District of New York where he served as Chief of the Narcotics Unit from 1979 to 1980 and Chief of the Organized Crime Unit from 1980 to 1981.

Patrick H. Barth

Mr. Barth is a sole practitioner engaged in trial and appellate litigation with an emphasis on commercial litigation, including insurance coverage disputes. He is a graduate of Brooklyn College and New York University Law School where he served as Managing Editor of its Law Review. Following his graduation, he served as law clerk to Judge Harry E. Kalodner, United States Circuit Judge for the United States Court of Appeals for the Third Circuit, and as an Associate at Simpson Thacher & Bartlett. In 1975 he was appointed an Assistant United States Attorney for the Southern District of New York where he represented the government in civil litigation until 1977, when he was appointed Chief Appellate Attorney; and, in 1980 appointed Chief of the Civil Division. In 1981 he formed a law firm with two other former Assistant United States Attorneys until 1986. He serves on the Mediation Panel for the United States District Court for the Southern District of New York.

Nina Beattie

Ms. Beattie is a partner in the firm of Brune & Richard LLP. Her practice focuses on white collar criminal and regulatory defense and commercial litigation. Ms. Beattie is a graduate of Dartmouth College and Yale Law School. After graduation, she served as a law clerk to the Hon. Kimba M. Wood in the United States District Court of the Southern District of New York. Ms. Beattie is a member of the Board of Directors of the City Bar Justice Center, the Fund for Modern Courts and the New York Council of Defense Lawyers.

Peter A. Bellacosa

Mr. Bellacosa is a partner at the firm of Kirkland & Ellis LLP, where he practices in the area of complex commercial litigation. He was graduated from Georgetown University and received his law degree from St. John's University. He is a member of the New York State

Bar Association, the Association of the Bar of the City of New York and the Federalist Society for Law & Public Policy Studies.

George Berger

Mr. Berger is a senior litigation partner at Phillips Nizer LLP, where he has practiced law as a commercial litigator and appellate lawyer for his entire career. He also chairs its insurance practice. He is a graduate of the University College of New York University and of the New York University School of Law, where he served as Associate Managing Editor of its Law Review. He has been designated as a Distinguished Neutral by the Center for Public Resources. He is a member of the American Bar Association and of the Association of the Bar of the City of New York.

Sheila S. Boston

Ms. Boston is a partner in the New York office of Kaye Scholer LLP. Her litigation practice is concentrated in class action and product liability issues. Ms. Boston received her A.B. from the Woodrow Wilson School of Public Policy and International Affairs at Princeton University in 1990; her minor was African American studies. She received her J.D. from Columbia University School of Law in 1993 and was the Topics Editor for the Journal of Law and Social Problems. She is currently the Secretary of the New York City Bar Association; Vice President of the Federal Bar Council; Membership Chair of the Federal Bar Council's American Inn of Court; and a member of the Steering Committee of Defense Research Institute's Drug and Medical Device Committee.

David Buksbaum

Mr. Buksbaum is a former vice president of news coverage and operations and director of special events for CBS News. He served as a consultant and advisor to the mayoral campaign of Richard Ravitch. He is a former member of the Directors Guild of America and Writers Guild of America. He is a recipient of the following professional honors: an Emmy, a Peabody, and a Christopher. He also received the US Navy Meritorious Achievement Award.

John F. Cambria

Mr. Cambria is a partner in Alston & Bird's litigation practice group, in the firm's New York City office. After spending some years at Simpson Thacher & Barlett, he became a partner at Christy & Viener and its successor firm, Salans, where he co-chaired the litigation department and held a number of executive management positions. Mr. Cambria joined Alston & Bird in 2004. He has almost 35 years of experience in all aspects of civil, corporate and commercial litigation. Mr. Cambria is a graduate of the College of the Holy Cross (summa cum laude) and received his law degree from the University of Pennsylvania Law School. He is admitted to practice before state and federal courts in New York, the

Third and Seventh Circuit Courts of Appeal, and the Supreme Court of the United States. Mr. Cambria has also been admitted in numerous state and federal courts throughout the country on a pro hac vice basis. He is a member of the Association of the Bar of the City of New York and the Federal Bar Council. At the Association of the Bar, he is a member of the in-house Counsel/Outside Litigation Counsel Group. Mr. Cambria is also a member of the Board of Directors of the Office of the Appellate Defender, a public interest legal services organization, and is a Board member of the Judges and Lawyers Breast Cancer Alert. He is a member of the College of Holy Cross New York Leadership Council; the Board of Managers of the University of Pennsylvania Law School Alumni Society; and the Historical Society of the Courts of the State of New York. For the past several years, Mr. Cambria has regularly been listed in *The Best Lawyers in America* and *New York Super Lawyers* in the field of commercial litigation.

#### Nicholas M. Cannella

Mr. Cannella is a partner at Fitzpatrick, Cella, Harper & Scinto. A former law clerk to the Hon. Sol Wachtler of the New York State Court of Appeals, Mr. Cannella's practice is focused on the litigation of intellectual property matters, and he has served as lead trial and appellate counsel for numerous Fortune 500 companies, both domestic and foreign. He has appeared in the federal trial and appellate courts in New York and throughout the country. Mr. Cannella serves as Chairman of his firm's Management Committee. He also is a member of the Board of Directors of the Legal Aid Society. In addition, Mr. Cannella is an Adjunct Professor at St. John's University School of Law, where he is a Vice-President of that school's Alumni Association Board of Directors.

#### Giorgio Caputo

Mr. Caputo is a Senior Analyst with First Eagle Funds, a New York-based mutual fund company, where he follows the firm's investments in a variety of industries and asset classes. Mr. Caputo is a graduate of Princeton University and Columbia Business School.

#### Aurora Cassirer

Ms. Cassirer is a partner in the firm of Troutman Sanders LLP. Her varied litigation practice has included banking, securities, real estate, employment and professional liability matters. She is a graduate of New York University School of Law. Ms. Cassirer's publications and speaking engagements include, "Truth and Consequences? How to Avoid Employee Claims of Defamation," by Aurora Cassirer, Scott B. Feldman, and Devin M. Ehrlich, ACC Docket, September 2006, Volume 24, No. 8; The Association of the Bar of the City of New York, "Whistleblower Provisions of the Dodd-Frank Act," May 2011; Brean Murray Growth Conference, Beijing, "The Trend in Securities Litigation in the United States," June 2011. Ms. Cassirer is on the firm's Executive Committee. She is a member of the New York Bar Association; New York State Women's Bar Association; and the American Bar Association.

She is the Chair of the Advisory Board of Kids in Need of Defense (KIND), and is on the Board of Trustees of Jerusalem College of Technology.

Christopher E. Chang (Member of the Policy Committee)

Mr. Chang is in private practice in New York City. His area of practice is commercial and criminal litigation in federal and state courts. A graduate of New York University (B.A. '75) and Cornell Law School (J.D. '78), Mr. Chang was an Assistant District Attorney in the Manhattan District Attorney's Office under Robert M. Morgenthau from 1978 to 1982. Mr. Chang is currently a member of the New York State Judicial Institute on Professionalism in the Law and was formerly a member of the Chief Judge's Committee on Profession and the Courts (Craco Committee) and Commission on Public Access to Court Records, the Franklin H. Williams Commission on Minorities in the Judiciary, and the Board of Directors of The Legal Aid Society in New York City. From 1991 to 2001, Mr. Chang was Chair of the Judiciary Committee of the Asian American Bar Association of New York. Mr. Chang is a former member of the Cornell University Council. In October 2002, Mr. Chang received the Millennium Award from the Franklin H. Williams Commission on Minorities in the Judiciary for his efforts in promoting diversity in the New York judiciary and court system.

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.

Ernest J. Collazo (Member of the Policy Committee)

Mr. Collazo has practiced labor and employment law for more than 35 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 the Advisory Committee to the Rules Committee of the Second Circuit, and a former member of the Advisory Committee to the NYS Ethics Commission. He serves or has served on the boards of the Federal Defenders of NY; the September 11th Fund; the New York Community Trust; and the Washington Office on Latin America. As a City Bar member, he served on the Executive Committee, the Committee on Professional and Judicial Ethics, the Committee on Labor and Employment, the 2011 Nominating Committee, and as its representative to the NYSBA House of Delegates and its 2009 and 2010 Nominating Committees.

Jean E. Davis

Ms. Davis is a graduate of Hunter College (B.S., Nursing), and received a Master's Degree from Teachers College, Columbia University and a Juris Doctor from the University of Wisconsin Law School. After a multifaceted career in nursing, she served as counsel for interpretations and advice in the Office of the Solicitor/Civil Rights Division, U.S. Department of Labor; Advisor to the President, Drexel University; Director of Affirmative Action, and later, Chief of Staff to the President at Brooklyn College, City University of New York (CUNY); and as Special Assistant to the Chief Operating Officer at City College, CUNY. Retired from her dual careers, she currently engages in a number of volunteer activities including serving as a volunteer officer of the Harlem Hospital Center Community Advisory Board.

Ralph C. Dawson

Mr. Dawson is a member of the firm of Fulbright & Jaworski LLP, and primarily engages in the practice of labor and employment law and civil litigation. He is a graduate of Columbia University School of Law. He is a member of the American Bar Association; Association of the Bar of the City New York; Metropolitan Black Bar Association of New York, and Magistrate Judges in the United States District Court for the Southern District of New York.

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, PC in Boston before joining CBS. He is a member of the Boston College Law School Board of Overseers.

Sheldon H. Elsen

Mr. Elsen is a graduate of Princeton University, was a Woodrow Wilson Fellow and Teaching Fellow at Harvard University, and is a graduate of Harvard Law School. He was a member of Orans Elsen Lupert & Brown LLP and is a neutral arbitrator and mediator at JAMS and is an Adjunct Professor at Columbia Law School. He is a former vice president of the New York City Bar Association, a Fellow of the American College of Trial Lawyers, a former Assistant U.S. Attorney for the Southern District of New York and a member of the American Law Institute. During the New York fiscal crisis, he served as chief counsel to a Moreland Act Commission appointed by Governor Carey to investigate the default of the Urban Development Corporation on its bonds and the problems of New York's public authorities. Later, he served as Chair of a committee appointed by the New York City Bar Association at the request of Mayor Koch and the New York City Board of Estimate to investigate problems surrounding real estate developers and amenities. Mr. Elsen previously served on the Departmental Disciplinary Committee from 1990-1996, of which the last four years were spent as Chair of a hearing panel, and he has served on the Professional Ethics Committee of the New York City Bar Association.

Haliburton Fales, 2d (Special Counsel to the Policy Committee)

Mr. Fales is a retired partner of the law firm of White & Case. He is a graduate of Columbia Law School, where he was on the Board of Editors of its Law Review. From 1991 to 1996, Mr. Fales was the Chair of the Departmental Disciplinary Committee. In 1983-84 he was President of the New York State Bar Association, and in 1977-78 Vice President of the Association of the Bar of the City of New York. He serves as a Special Master at the Appellate Division, First Department, and is a Fellow of the American College of Trial Lawyers.

Rosalind S. Fink

Ms. Fink practices employment law as counsel to the firm of Brill & Meisel. She is a graduate of Barnard College and Yale Law School. She served as an Assistant Attorney General in New York and was the Director of the Office of Equal Opportunity and Affirmative Action at Columbia University and an associate professor of political science at Barnard College. She is a long-term member of the House of Delegates of the New York State Bar Association and has been an active member of the New York County Lawyers' Association for over 40 years, serving as its first woman President in 1997-98. Ms. Fink also chaired the ABA's Back to Business project, aimed at assisting women who have taken time off mid-career to raise families or for other personal reasons. Ms. Fink also was one of the founding members and is the immediate past president of the New York American Inn of Court, which is affiliated with the New York City Bar Association.

Charlotte Moses Fischman (Special Counsel to the Policy Committee)

Ms. Fischman is the General Counsel and a litigation partner at Kramer Levin Naftalis & Frankel LLP. She is a graduate of Brandeis University and 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") and is currently NAMI-Metro's President Emeritus.

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.

Ruth W. Friendly

Ms. Friendly received her B.A from Smith College and her M.A from Teachers College, Columbia University. She taught in the Scarsdale Public Schools for 17 years. She is Vice-President and Senior Editor of Fred Friendly Seminars a non-profit organization whose programs have appeared on PBS for over 25 years. She is a Commissioner on the State Of New York's Commission on Judicial Nomination and has served as a member of the Independent Judicial Election Qualification Commission, First Department, New York State. She also serves on the Boards of Riverdale Neighborhood House and Riverdale Senior Services in the Bronx.

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.

David R. Gelfand

Mr. Gelfand is a partner in the firm of Milbank, Tweed, Hadley & McCloy LLP, and served as the practice group leader of Milbank's national litigation department from 2001 through 2009. He is a graduate of Vanderbilt University School of Law. Mr. Gelfand is admitted to practice before the bars of the State of New York and the District of Columbia, the U.S. Supreme Court, the U.S. Court of Appeals for the Second, Fifth, Seventh, Tenth and Eleventh Circuits, and the U.S. District Courts for the Southern and Eastern Districts of New York, and the Eastern District of Wisconsin. He is a member of the Board of Directors of The Fund for Modern Courts, a nonprofit organization committed to improving the administration of justice in New York. Mr. Gelfand is also a member of the American Bar Association and D.C. Bar Association, and the Association of the Bar of the City of New York where he served in the Committee on Judicial Administration.

Robert J. Giuffra

Mr. Giuffra is a senior and litigation partner at Dougherty, Ryan, Giuffra, Zambito & Hession. He was graduated from St. John's University School of Law and received his Masters of Law from Brooklyn Law School. Mr. Giuffra acts as Appellant/Respondent counsel in cases in the New York Court of Appeals; Appellate Divisions; and United States Court of Appeals, and serves as trial attorney representing litigants in both state and federal courts. His bar admissions include: New York State; United States Supreme Court; United States Court of Appeals for the First, Second and Third Departments and the United States Tax Court. He is a member of the American Bar Association; New York State Bar Association and Maritime Law Association of the United States.

Robert E. Godosky

Mr. Godosky is the managing partner at Godosky & Gentile, P.C. The firm, founded by Richard Godosky and Anthony Gentile, practices primarily in the area of personal injury representing plaintiffs in all types of accident cases. Mr. Godosky was graduated from Fordham University School of Law. He is a member of the Board of Directors of the New York State Trial Lawyers Association, a member of the New York County Lawyers Association and the New York State Bar Association.

Martin R. Gold (Special Counsel to the Policy Committee)

Mr. Gold is a Senior litigation partner in the firm of SNR Denton (US) LLP. From 1965 to 1968, he was an Assistant United States Attorney in the Southern District of New York. Mr. Gold has been an adjunct Professor of Law at Cardozo Law School and has served as a member of the boards of the Lawyers' Committee for Civil Rights Under Law and New



York Lawyers for the Public Interest. He is a fellow of the American College of Trial Lawyers, and is a member of the American Bar Association, the New York State Bar Association, the New York City Bar Association, the New York County Lawyers and the Federal Bar Council.

John D. Gordan, III

Mr. Gordan, III, was a litigation partner at Morgan, Lewis & Bockius LLP, from which he retired as Senior Counsel in June 2011. A graduate of Harvard Law School, he clerked for Judge Inzer B. Wyatt of the United States District Court for the Southern District of New York from 1969 to 1971. He was an Assistant United States Attorney for the Southern District of New York from 1971 to 1976, serving as Chief Appellate Attorney from 1973 to 1975 and Executive Assistant U.S. Attorney from 1975 to 1976.

Richard M. Greenberg

Mr. Greenberg is the Attorney-in-Charge of Office of the Appellate Defender, a not-for-profit indigent criminal defense firm, the oldest indigent defense organization in New York City other than The Legal Aid Society. The Appellate Defender provides high quality, client-centered appellate and post-conviction representation, and trains new lawyers in the practice of appellate advocacy. Mr. Greenberg has been in that position since 1996, and has been involved in the practice of criminal law for nearly thirty-five years. He currently serves on the Committee on Courts of Appellate Jurisdiction of the New York State Bar Association, and has previously served on the City Bar Association's Council on Criminal Justice, as well as its Judiciary, Professional Responsibility, and Criminal Law Committees. Mr. Greenberg also currently serves on the Appellate Courts Committee of the New York County Lawyers Association, and is a member of the New York State Defenders Association, the National Legal Aid and Defender Association, and the National Association of Criminal Defense Lawyers.

Maura Barry Grinalds

Ms. Grinalds is a litigation partner at the law firm of Skadden, Arps, Slate, Meagher & Flom LLP. She is a graduate of Harvard College and Harvard Law School. Her practice includes securities, corporate and commercial litigation in federal and state courts and domestic and international arbitration proceedings. Ms. Grinalds is active in pro bono activities, and serves on the Schools and Scholarships Committee of Harvard College. She co-edited a New York Legal Ethics Narrative on the American Legal Ethics Library, [www.law.cornell.edu/ethics](http://www.law.cornell.edu/ethics).

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

Mr. Haig is a litigation partner at the law firm of Kelley Drye & 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 is the Co-Chair of the Commercial Courts Task Force established by Chief Judge Judith S. Kaye to create and refine the Commercial Division of the New York State Supreme Court. 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 five-volume treatise, entitled Commercial Litigation in New York State Courts, and of two other multi-volume treatises.

#### Patricia Handal

Mrs. Handal has a B.A. from Barat College in Lake Forest, Illinois. She has taught in both Ohio and New York. Mrs. Handal has been active in a variety of community organizations involving children, the homeless, the elderly and the New York Catholic Archdiocese. She is currently the coordinator of the Cause of Canonization for Terence Cardinal Cooke, the late Archbishop of New York. She serves on the Board of Catholic Charities of New York and is a member of the Board of The American Visionary Art Museum in Baltimore, Maryland.

#### James W. Harbison, Jr.

Mr. Harbison is counsel, and was formerly a partner, with a commercial litigation practice at Morgan Lewis & Bockius LLP. He graduated from Duke University, where he was an Angier Duke Scholar, and from Yale Law School where he was chair of the moot court program. At the New York State Bar he has served as chair of the Committee on Senior Lawyers and served on other committees: Judiciary, Council of Judicial Administration, Antitrust and Trade Regulation, and Young Lawyers. At the New York State Bar, he has served as chair of the Committee on Judicial Administration, and as a member of the Task Force on Court Reorganization, and of the Ad Hoc Committee on the Jury System.

#### Gerard E. Harper

Mr. Harper is a litigation partner of Paul, Weiss, Rifkind, Wharton & Garrison LLP, and has headed the firm's ethics committee since 1991. He has served on the ethics committees of the New York State, City, and County bar associations, including service as chair of the NYCLA Committee. He is a graduate of Rutgers College and New York University School of Law, where he was Editor-in-Chief of the *Law Review*, and, before joining Paul, Weiss, was law clerk to U.S. Circuit Judge George E. MacKinnon of the U.S. Court of Appeals for the D.C. Circuit.

Peter C. Harvey

Mr. Harvey is a member of the firm of Patterson Belknap Webb & Tyler, LLP. He was 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 U.S. 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*.

Seymour W. James, Jr.

Mr. James is the Attorney-in-Charge of the Criminal Practice at The Legal Aid Society. He is a graduate of Brown University and Boston University Law School. Mr. James is the President-Elect of the New York State Bar Association, a former President of the Queens County Bar Association, and a member of the American Bar Association House of Delegates. He serves as a member of the New York State Justice Task Force, the New York State Permanent Sentencing Commission, the Committee on Character and Fitness for the Second Judicial Department, and the Independent Judicial Election Qualification Commission for the 11th Judicial District.

Pamela Jarvis

Ms. Jarvis has been a partner in Gregory P. Joseph Law Offices LLC since the firm's formation in 2001. She is a graduate of Barnard College and Boston University School of Law. Following law school, she joined Fried, Frank, Harris, Shriver & Jacobson, where she was a litigation partner from 1985-1991. From 1991-1998, Ms. Jarvis was Vice President, General Counsel and Secretary of NYLCare Health Plans, Inc., a subsidiary of New York Life Insurance Company. From 1999-2001, she served as Chief of the Health Care Bureau of the New York State Attorney General's Office. Ms. Jarvis resigned in 2011.

Alan R. Kaufman

Mr. Kaufman is a partner in the firm of Kelley Drye & Warren LLP where he is principally engaged in white collar criminal defense work and represents clients who are under investigation by the Securities and Exchange Commission. He is a graduate of Lehigh University and New York University School of Law. Following his graduation, he served as a law clerk for Judge Paul Weick of the United States Court of Appeals for the Sixth Circuit.

He joined the United States Attorney's Office in the Southern District of New York in 1973, where he served as Chief of the Official Corruption Unit and Chief of the Organized Crime Strike Force Unit. In 1980, he and Don Buchwald left the U.S. Attorney's Office and formed Buchwald & Kaufman. In 1999, he returned to the United States Attorney's Office as Chief of the Criminal Division where he served until 2002, and then rejoined his firm, which merged with Kelley Drye in June 2007.

Stephen E. Kaufman

Mr. Kaufman is in private practice in his own firm, engaging in general civil and criminal litigation. Having received his law degree from Columbia University, he served as an Assistant United States Attorney, Southern District of New York, where he later became Chief of the Criminal Division. He is a member of the Association of the Bar of the City of New York, American Bar Association, and Fellow, American College of Trial Lawyers.

Alfreida B. Kenny

Ms. Kenny of the Law Office of Alfreida B. Kenny concentrates her law practice in the areas of adult guardianships, trusts and estates, and real estate. Ms. Kenny also serves as a mediator. She is a graduate of Columbia Law School.

Myron Kirschbaum (Special Counsel to the Policy Committee)

Mr. Kirschbaum is a partner in the firm of Kaye Scholer, LLP, where he is engaged in complex business litigation and securities and insurance law. 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.

William Francis Kuntz, II (Special Counsel to the Policy Committee)

Dr. Kuntz was a member of the firm of Baker & Hostetler LLP. He is a graduate of Harvard Law School and holds a Ph.D. in History from Harvard as well. He was a member of the Executive Committee of the Association of the Bar of the City of New York; a member of the New York County Lawyers' Association; the New York State Bar Association; the American Bar Association; the Metropolitan Black Bar Association; and the Brooklyn Bar Association. He was a Commissioner and past Chair of the Civilian Complaint Review Board of the City of New York. He was involved in pro bono activities, as a member of the Board of Directors of the Legal Aid Society of the City of New York, and the Brooklyn Hospital Corporation and Advisory Committee on Civil Practice in the State of New York. He was director of the Federal Bar Foundation for the Second Circuit, and a trustee of the Practising Law Institute. Dr. Kuntz resigned from the Policy Committee due to his current position as a Federal Judge in the Eastern District.

Ronald Law

Ronald Law has spent his career in, both the public and private sectors – as an advocate for education, health care, community development, business improvement and human rights. Mr. Law has held key positions in city, state and federal government -- which include two governors, a United States Senator and a New York City Mayor. He has an undergraduate degree from the State University of New York, College at New Paltz, and is a graduate of Harvard University's Kennedy School of Government. Currently he is the Director of Intergovernmental Relations for a government sponsored health plan.

Marvin Leffler (Member of the Policy Committee)

Mr. Leffler has been president of Town Hall Foundation for the past 32 years. His principal activities and positions include: trustee associate, New York University; member of Mayor's Midtown Citizens Committee; Panelist, American Arbitration Association; President (retired), Flexible Fabricators, Inc.; member, New York Regional Board Anti-Defamation League; former Chair of the Board, National Council of Sales Organizations; past Co-Chair and Director, NYU Alumni Association; author of Sales Books published by Prentice Hall and Lecturer; listed in Who's Who in the East, and Who's Who in America.

Nancy B. Ludmerer

Ms. Ludmerer is counsel in Davis Polk & Wardwell LLP's Litigation Department. She graduated from the University of Pennsylvania and Boalt Hall School of Law (UC-Berkeley). Her practice focuses on complex commercial and securities cases, and she also has an active pro bono practice. In addition to representing indigent clients in matrimonial and immigration matters, most recently she was co-counsel with the Legal Aid Society and other agencies in a landmark lawsuit brought on behalf of prisoners with mental illness throughout the New York State prison system. She serves as a Civil Court Small Claims Arbitrator in Kings County, and has been a mentor in firm-sponsored alliances with New York City public high schools. She is the author of articles on legal topics in *The American Lawyer*, *The Journal of Medical Ethics* (London), and *Vogue Magazine*, and of fiction in *The Kenyon Review*, *Cimarron Review*, and other literary journals. Ms. Ludmerer is a trustee of the SAJ Synagogue.

William A. Maher

Mr. Maher is a founding member of Wollmuth Maher & Deutsch LLP, where he leads the firm's litigation department. Mr. Maher received his J.D. degree from The University of Virginia School of Law, where he graduated Order of the Coif and was Managing Editor of *The Virginia Law Review*. Following his graduation from law school, Mr. Maher clerked for the Honorable Milton Pollack in the United States District Court for the Southern District of New York. Mr. Maher's law firm practices in the areas of complex commercial litigation

and arbitration, general corporate, transactional and commercial law, and bankruptcy and reorganization.

Roger Juan Maldonado

Mr. Maldonado is a litigation partner at Balber Pickard Maldonado & Van Der Tuin, PC. His practice concentrates on complex civil litigation concerning real estate transactions, copyright infringement, employment matters and education law. Mr. Maldonado serves as the New York City Bar (NYCB) designated member of the Board of Directors of the New York Community Trust and as Chair of the NYCB Council on Judicial Administration. Mr. Maldonado also serves as a Vice-President and member of the Board of Directors of United Neighborhood Houses of New York and as a Referee for the New York State Commission on Judicial Conduct. Mr. Maldonado previously served as a Vice-President of the NYCB, as a member of the Mayor's Advisory Committee on the Judiciary and as a Co-Chair of the Real Estate and Probate Litigation Committee of the American Bar Association's Litigation Section. Mr. Maldonado is a graduate of Yale Law School and Yale College.

Emily F. Mandelstam

Ms. Mandelstam serves as a trustee of Trinity School (an independent, co-educational school in Manhattan for kindergarten through 12th grade) and of Bronx Lab School (a public high school in the Bronx). She has worked as a newspaper reporter in New York City and in South Africa. Ms. Mandelstam has also served as a writer, researcher, and policy analyst at various non-profit organizations in New York City and Washington, DC, including the NAACP Legal Defense and Educational Fund and the National Immigration Forum. Ms. Mandelstam holds a B.A. (with honors) from Harvard University; an M.Phil. (in Criminology) from the University of Cambridge (England); and an M.Sci. (in Journalism) from Columbia University.

Robert P. McGreevy

Mr. McGreevy is engaged primarily in commercial and appellate litigation as a sole practitioner and as counsel to Kellner Herlihy Getty & Friedman LLP. He is a graduate of Queens College and received his Juris Doctor degree from St. John's University School of Law. Following graduation, he served as Senior Law Clerk to Judge Harold A. Stevens of the Court of Appeals and later as Law Secretary to Presiding Justice Stevens; Special Administrative Assistant to Presiding Justice Francis T. Murphy, Jr.; and Law Secretary to Associate Justices Theodore R. Kupferman and Richard T. Andrias of the Appellate Division, First Department. Mr. McGreevy was the elected Town Supervisor of the Town of Lewisboro, Westchester County from 1996 to 1998, and currently serves on the Town's Board of Ethics. He is a member of the Denis McInerney NYCLA Inn of Court.

Harold F. McGuire, Jr.

Mr. McGuire is a member of the firm of Entwistle & Cappucci. He was graduated from Princeton University (A.B.), and received his law degree from Columbia University. He served as Assistant U.S. Attorney, Southern District of New York, and as Special Agent to Report to U.S. District Court, District of Columbia, on International Systems and Controls Corporation. He is a member of the Association of the Bar of the City of New York; New York State and the American Bar Associations, and Federal Bar Council.

Robert J. McGuire

Mr. McGuire is a graduate of Iona College and St. John's University Law School where he was Editor in Chief of the Law Review. He also has a LL.M. from New York University Law School. After serving as an Assistant United States Attorney in the Southern District of New York from 1962 to 1966, he became a named partner in McGuire and Lawler, with an emphasis on white collar investigations and defense. In 1978, he was appointed Police Commissioner of the City of New York and served until 1983. Thereafter, he served as Chair and Chief Executive of Pinkerton's Inc., and subsequently, President of Kroll Associates, an international investigation firm. He has served on many boards and Commissions, and is currently the Vice Chair of the Police Athletic League.

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 NY 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 LatinoJustice 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 NYC. 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.

Fitzgerald Miller

Mr. Miller is a financial adviser with the firm of Merrill Lynch. He holds a B.A. from Bernard Baruch College. He has served as a financial consultant at AXA Advisors, LLC, and Prudential Securities and as principal of Fitzgerald Miller, DBA Global Visions, where he developed business and marketing plans to help small businesses raise funding and

improve operations. He also authored and independently published Your Complete and Comprehensive Guide to the SBA Guaranteed Loan Program.

Charles G. Moerdler

Mr. Moerdler is a member of the firm of Stroock & Stroock & Lavan, LLP. He received his law degree from Fordham University Law School where he was an Editor of the Law Review. He is a member and Vice Chair of the Committee on Character and Fitness in the First Department. He is a member of the Association of the Bar of the City of New York, the New York State Bar Association and the American Bar Association.

Robert G. Morvillo

Mr. Morvillo was affiliated with the New York City law firm of Morvillo, Abramowitz, Grand, Iason, Anello & Bohrer, P.C., specializing in white collar criminal defense and commercial litigation from 1973 to the present. Mr. Morvillo received a J.D. from Columbia University School of Law in 1963. He served as a law clerk to the Honorable William B. Herlands, United States District Judge of the Southern District of New York in 1963-64. He also served in the Criminal Division of the United States Attorney's Office, Southern District of New York, from 1964 to 1968 and was Chief of the Criminal Division from 1971 to 1973. He was a fellow of the American College of Trial Lawyers and former president of the New York Council of Defense Lawyers. Mr. Morvillo, a valued member of the Committee, passed away at the end of 2011.

Hon. Eugene Nardelli (Member of the Policy Committee)

Judge Nardelli is a graduate of Fordham University LL.B. 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.

Mercedes A. Nesfield (Member of the Policy Committee)

Ms. Nesfield is the retired Director of the Office of Equal Opportunity of the New York City Board of Education. She holds a B.A. from Brooklyn College and a Masters Degree in Educational Administration from Baruch College. She has served as the Executive Assistant to the President of the Board of Education of the City of New York and as Executive Director and Executive Assistant to the Chair of the New York City Commission on Human Rights.



Fredric S. Newman

Mr. Newman is a founding partner of the firm of Hoguet Newman Regal & Kenney where he is engaged in commercial litigation and business counseling. He is a graduate of Harvard College and received his law degree from Columbia Law School. Before founding his present firm, he worked as a litigation associate at White & Case and served as Assistant General Counsel, Vice President, and General Counsel of Philip Morris, USA. Mr. Newman has served on various boards of civic and nonprofit institutions and currently serves on the National Advisory Board of the Johns Hopkins Berman Bioethics Institute.

Jacob Pultman

Mr. Pultman is a partner at Allen & Overy LLP, where he practices in the area of commercial litigation and regulatory investigations. He is a graduate of Brooklyn College of the City University of New York and received his J.D. from Yale Law School. He is a member of the New York State Bar Association and the New York State Trial Lawyers Association.

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 former member of the executive board of the New York Council of Defense Lawyers, and he is 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.

Robin Stratton Rivera

A video producer specializing in projects for not-for-profits, Ms. Rivera is a principal of Digital Laundry, a digital archiving and video production services company located in Manhattan. She is a graduate of Stanford University (M.S. Mechanical Engineering) and the University of Southern California School of Urban and Regional Planning (Master of Planning). Prior to launching her business, she was a producer and programming executive for ABC Sports and spent several years with the International Olympic Committee in Lausanne, Switzerland. She has served on the boards of several charitable organizations and as Vice President of the New York Junior League.

William T. Russell

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 a member of its delegation to the New York State Bar Association House of Delegates, Chairman of the Board of Manhattan Legal Services, a member of the Advisory Board of Legal Outreach, Inc. 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 Circuit, 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.

Karla G. Sanchez

Ms. Sanchez is the Executive Deputy Attorney General for Economic Justice at the New York Attorney General's Office. She was formerly a partner at Patterson Belknap Webb & Tyler LLP, concentrating her practice in commercial and intellectual property litigation (including patents, trade dress and false advertising). She was graduated cum laude from Fordham University School of Law where she was a member of the Order of the Coif, an Editor of the Fordham Intellectual Property, Media & Entertainment Law Journal, President of the Latin American Law Students Association and a member of the National Trial Advocacy Team. Her undergraduate degree is from Columbia College. Prior to joining Patterson Belknap, Ms. Sanchez served as a law clerk to the Honorable Deborah A. Batts, U.S. District Court, Southern District of New York. Ms. Sanchez was named on of the "40

under Forty" by Crain's New York Business and listed on Hispanic Business's "100 Most Influential Hispanics."

Augustin J. San Filippo

Mr. San Filippo, a 1948 graduate of New York University School of Law, retired from the active practice of law and confined his activities to pro bono assignments, consultations and Committee services. During his 50 years as a litigator he served as Chair, Joint Conference Committee on Court Congestion and Related Problems, by appointment of the Presiding Justices of the First and Second Department, Medical Malpractice Panel, First Department, New York State Bar Association Judicial Administration Committee, several committees of the City Bar, CLE Lecturer and Moot Court Judge. Mr. San Filippo, a beloved and highly respected member of the Committee, passed away in July of 2012.

Karen Patton Seymour

Ms. Seymour is a partner at Sullivan & Cromwell where she heads the Criminal Defense and Investigations Group. She served as the Chief of the Criminal Division for the U.S. Attorney's Office for the Southern District of New York. She is a graduate of University of Texas Law School and received an LLM from the University of London Law School.

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.

Carla Kerr Stearns

Ms. Kerr Stearns is Executive Director of New Yorkers for Growth, a nonpartisan PAC devoted to supporting fiscally responsible candidates for State office. 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. She retired from law firm practice in 2012 to pursue her current work in law and politics.

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.

Ronald J. Sylvestri, Jr.

Mr. Sylvestri is Founder and President of Quail Ridge Asset Management, a premier boutique investment consulting and advisory firm providing marketing and fund-raising services for alternative asset managers and advisory services to small and mid-sized companies. Before forming Quail Ridge Asset Management in 2006, Mr. Sylvestri was a partner at Diamond Edge Capital Partners, where he played a key role in the firm's worldwide private equity business. Prior to joining Diamond Edge Capital Partners, Mr. Sylvestri spent seven years at Morgan Stanley, where he had investment, portfolio, and strategic responsibilities at various investment units. At Morgan Stanley, Mr. Sylvestri was primarily involved in the Sales and Marketing of equity research and equity/debt structure products. Mr. Sylvestri is an active investor in venture and start up companies. Most recently he was named Senior Partner of a New York based financial PR firm. Residing in Manhattan, Mr. Sylvestri has been heavily involved in several charitable organizations: The Children's Aid Society, NYU School of Medicine MIPC, the Alzheimer's Association, and Arthritis Foundation and Friends of Saint Dominic. Mr. Sylvestri earned a Bachelor of Science degree in 1996 from Babson College in Wellesley, Massachusetts where he majored in Investments and Economics.

Christine Collins Tomas

Ms. Tomas is a Managing Director in the Securities Division of Goldman Sachs, covering large fund management institutions and sovereign wealth funds. She joined Goldman Sachs International in London as a European salesperson in 1997 and moved to New York in 2004. Prior to business school, Ms. Tomas worked for Allianz AG in Munich and Merrill Lynch International in London. She received a B.A. in Romance Languages and Literatures from Harvard University in 1992 and an M.B.A. from the MIT Sloan School of Management in 1997. Ms. Tomas resigned from the Committee when she moved to Boston, Massachusetts, in 2011.

Natica von Althann

Ms. von Althann is a founding partner of C&A Advisors, a consulting firm focusing on strategy and risk management for government and select financial institutions. She retired in June 2008 as the Senior Credit Risk Management Executive for Bank of America and Chief Credit Risk Officer of U.S. Trust, an investment management company. Previously, she spent 26 years at Citigroup, including in a number of senior management roles. She serves as a director of TD Bank, N.A., where she is a member of the Board Risk and Wealth Management Committees. In 2009, Ms. von Althann was appointed to the board of PPL Corporation where she is a member of the Board Audit Committee and Chair of the Finance Committee. She also serves as vice-chair of the Board of Neighbors Link, a non-profit organization in Mt. Kisco, New York.

John L. Warden

Mr. Warden is Of Counsel to the firm of Sullivan & Cromwell. He is a graduate of Harvard College and the University of Virginia Law School. He is a member of the American Law Institute and a Fellow of the American College of Trial Lawyers. He has served the Committee for many years and was Chair of a hearing panel.

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 has been a member of the Disciplinary Committee since 1986 and the Policy Committee since 1989. 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.

Susan Welsher

Ms. Welsher is a former teacher of early childhood education in Bedford Stuyvesant and English as a Second Language in East Harlem. Later, she was a paralegal and administrator at the law firms of Stroock Stroock & Lavan, Reid & Priest, and Cravath Swaine & Moore. She currently donates much of her time to a variety of civic, cultural and charitable organizations. She has been a longtime member of the Committee and, as a panel member, has participated in many disciplinary hearings. For the past eight years, Ms. Welsher has devoted a lot of her time to visiting her three grandchildren who live in northern New England.

Milton L. Williams, Jr.

Mr. Williams is a partner at the law firm of Vladeck, Waldman, Elias & Engelhard, which is a plaintiff's employment law firm. Prior to joining the Vladeck firm in January of 2009, he was a Deputy General Counsel and the Chief Compliance Officer at Time Inc. He had been at Time Inc. since 1997. Before coming to Time, Mr. Williams was in private practice and served as Assistant U.S. Attorney in the U.S. Attorney's Office for the Southern District of New York and was an Assistant District Attorney in the New York County District Attorney's Office. He is a graduate of Amherst College and the University of Michigan Law School in Ann Arbor.

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.

Sarah E. Zgliniec

Ms. Zgliniec is a partner at the law firm of Patterson Belknap Webb & Tyler LLP, with a concentration in complex commercial disputes, including areas of intellectual property and international arbitration. She is a graduate of Dartmouth College and New York University School of Law. After graduation, she served as a law clerk to the Honorable Reena Raggi in the United States District Court for the Eastern District of New York. She is a member of the New York State Bar Association and the American Bar Association.

## A BRIEF OVERVIEW OF THE DISCIPLINARY PROCESS

### Complaints, Investigations and Dismissals

The disciplinary process usually commences with the filing of a complaint against an attorney, who is referred to as a "respondent." Some 3133 matters were opened in 2011, primarily based on complaints from clients, but also from other attorneys and members of the public at large. The Committee also opened *sua sponte* investigations based on information which appeared in judicial opinions, professional journals, referrals from the judiciary, dishonored check notifications from the Lawyers' Fund for Client Protection, newspaper accounts and other sources.

Complaints are date-stamped, numbered and entered into the Committee's computer system, which generates a printout of the respondent's disciplinary history with the Committee, as well as current information from the respondent's registration with the Office of Court Administration. The complaint is then screened by a staff attorney, who makes a preliminary recommendation as to whether the Committee has jurisdiction, or whether the complaint should be referred to another public agency or disciplinary 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 by the 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 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 representation began after January 1, 2002 and involves a dispute of 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 Committee may defer the matter pending resolution of the litigation, which may result in a judgment binding on the respondent. Staff's recommendation to close a matter pending resolution of an ongoing litigation must be approved by a lawyer member of the Committee. In such cases, the Committee will independently monitor the progress of the litigation with a view to reopening the complaint upon resolution of the litigation. If it otherwise appears that the complaint has no merit, a lawyer member of the Committee may dismiss the matter after the initial screening.

If it appears from the complaint that a respondent may have engaged in serious professional misconduct, the "first screening attorney" brings the matter to the attention of

the Chief Counsel for direct assignment to a staff attorney. If the misconduct appears to be very serious, e.g., conversion of escrow funds, the Chief Counsel instructs the assigned attorney to expedite it. During the initial screening, a matter may also be directly assigned to a staff attorney investigating other complaints involving the same respondent.

If a matter is not closed following the initial screening, a paralegal monitors the case while preliminary information is obtained from the respondent, who is required to file an answer to the complaint, and from the complainant who is sent a copy of the respondent's answer for a reply. The paralegal then writes a summary of the allegations and defenses and refers the file to the initial or "first screening attorney" who performs a "second screening" or further evaluation of the complaint, answer and reply. The staff attorney may also recommend referral to mediation/arbitration at this point. If the staff attorney recommends dismissal, a lawyer member of the Committee reviews that written recommendation together with the file, and a draft letter to the complainant explaining why the case is being closed. A matter that warrants additional investigation is forwarded to the Chief Counsel for review and assignment to a staff attorney.

The staff attorney who is assigned to the matter 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 recommends dismissal, an admonition (which is private discipline), or formal charges. The Chief Counsel reviews all staff attorney recommendations to dismiss a matter from their assigned caseload before the recommendation is reviewed by a Committee member. A Committee member must approve each recommendation for dismissal. 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.

The Committee's investigations are confidential pursuant to Judiciary Law 90(10) unless the Court orders otherwise.

### Admonitions

The Committee issues a Letter of Admonition when an investigation reveals that a respondent has violated the New York Rules of Professional Conduct (Rules), but not seriously enough to warrant a public sanction. For example, an admonition might be issued if a respondent neglected only one legal matter and there were mitigating factors.



The New York Rules of Professional Conduct, 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, 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."

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 will be considered in determining the extent of discipline imposed in the event that there are future charges of misconduct against a respondent (see 22 NYCRR 605.5[b]). A staff attorney's recommendation to issue an admonition is reviewed by a Deputy Chief Counsel and the Chief Counsel, and must be approved by two Policy Committee members. Admonitions are not given without admissible and substantial proof of misconduct. If a respondent refuses to accept an admonition, he or she may request that the Committee file formal charges instead. In that case, staff must be able to prove the misconduct, by a preponderance of the evidence, before a Referee; or, the respondent may ask for reconsideration of the admonition by the Chair. In that case the Chair sustains, or vacates the admonition. In 2011, the Committee issued 101 Letters of Admonition, covering 114 separate complaints. (An admonition may be based on more than one complaint against a respondent.) Seldom do respondents demand a hearing; more often they accept the admonition, or request reconsideration from the Chair.

### Formal Charges

A staff attorney's recommendation that formal charges be filed must be based on a demonstration of professional misconduct reviewed by the staff attorney's supervisor, a Deputy Chief Counsel, and approved by the Chief Counsel and two lawyer members of the Policy Committee. When formal charges are approved, the Chief Counsel requests that the Court appoint a Referee to hear the charges. Under the Court's rules, all hearings on formal charges are conducted by Court-appointed Referees. 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 should make 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 a written Report and Recommendation within 60 days containing findings of facts, conclusions of law and, charges sustained or dismissed, and recommendation as to sanction (Report).

The Chair then refers the Referee's Report to a Hearing Panel, usually consisting of at least six lawyers and a non-lawyer member of the Committee. The Hearing Panel reviews the full record of the proceedings as well as the Referee's Report. It then convenes to hear oral argument to determine whether to confirm, disaffirm, or modify the findings of fact, conclusions of law and sanction in the Referee's Report. No additional evidence may be considered at the oral argument, which is not transcribed. The Hearing Panel is required to issue a Hearing Panel Determination in writing (Determination) within 40 days of the argument or 10 days from the submission of briefs, whichever is shorter.

A formal hearing may result in a recommendation of disbarment, suspension, public censure, private reprimand, or dismissal. The first three, which are public discipline, are imposed only by the Court. A private reprimand may be imposed by the Committee on its own or by referral from the Court. The Chair issues the private reprimand. (see 22 NYCRR 605.5[a][4]).

### Serious Crimes

In cases where the Court, on the Committee's motion, has determined that a lawyer has been convicted of a crime which is not a felony, but is a "serious crime" under New York's Judiciary Law 90(4)(d), the Court may assign the case to a Referee or directly to a Hearing Panel on the sole issue of sanction. In the latter case, the Hearing Panel, as the trier of fact, conducts a hearing which is transcribed, and then renders a recommendation as to what action should be taken by the Court. Serious crime cases may result in the same range of sanctions imposed in charges cases. The Court assigns most serious crimes cases directly to a hearing panel.

### Applications to the Appellate Division

Public discipline requires an order of the Court. The Committee 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. In matters involving a hearing on charges, the Committee files a petition, reviewed and signed by the Chair, with the Court to confirm a Hearing Panel's Determination; or, the Chief Counsel files a motion to disaffirm a Hearing Panel's Determination.

Rather than formal charges, the Committee may seek a Court order in an appropriate case applying the doctrine of collateral estoppel and finding a lawyer guilty of violating the Rules solely on the basis of prior civil or criminal court decisions without a further hearing.

The petition may be granted 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 will be held before a Referee/Hearing Panel on the issue of sanction only. Mostly, the Court assigns collateral estoppel cases directly to a Hearing Panel.

Certain other matters are also filed directly with the Court. For example, when a respondent fails to cooperate with a Committee investigation and the respondent's conduct otherwise poses an immediate threat to the public, the Committee may file a motion for an interim suspension, pending a hearing under 22 NYCRR 603.4(e). If the Committee obtains uncontroverted evidence that the attorney has continued to engage in the practice of law during the period of suspension, the Committee will petition the Court to disbar the attorney for violating its order.

The Committee also files a petition directly with the Court when an attorney has been convicted of a felony in New York, or the equivalent of a New York felony in another jurisdiction (see Judiciary Law 90[4]). The Committee files similar applications if an attorney has been found guilty of an ethical violation in another jurisdiction and "reciprocal discipline" is warranted (see 22 NYCRR 603.3); if an attorney has violated a court-ordered suspension; or, has become incapacitated due to a mental or physical infirmity (see 22 NYCRR 603.16).

Hearings before Referees and Hearing Panels 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. If 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, 26<sup>th</sup> Floor, New York, New York 10010.

## REPRESENTATIVE PUBLIC DISCIPLINE CASES

In 2011, the Appellate Division, First Judicial Department, publicly disciplined 59 lawyers as follows: 21 disbarments, 7 resignations by attorneys facing charges (equivalent to disbarment), 25 suspensions and 6 public censures. Several cases prosecuted by Committee staff attorneys that have become a matter of public record in 2011 are reviewed below:

### Matter of Earl Munroe, 89 AD3d 1 (1st Dept 2011)

The Committee filed a reciprocal petition based on a Massachusetts order sanctioning Munroe for misconduct in two matters. In the first matter, Munroe drafted a will for a close friend and named himself as the sole beneficiary and executor without explaining the conflict to the friend. When the friend died, Munroe sought to probate the will and have himself appointed as the permanent executor. Without authorization, Munroe began transferring assets from the estate to his personal accounts. Upon the decedent's brother's challenge of the will, Probate Court appointed a Special Administrator to oversee the estate. Munroe refused to cooperate, and filed false documents to hide the decedent's assets from the Special Administrator. The Special Administrator obtained an injunction to prevent Munroe from disposing of estate assets. Munroe was eventually found in contempt. In the second matter, despite a court order stating that Munroe's client did not have the authority to possess a certain amount of funds, Munroe took the money and deposited the disputed funds into his escrow account and paid himself legal fees from the disputed funds. Massachusetts suspended Munroe for two and a half years. The Committee argued that the Court should deviate from its general policy of deference to the home state on sanction and recommended a five year suspension. The Court disbarred Munroe. (Staff Counsel Kathy Wu)

### Matter of Robert B. Davis, 88 AD3d 314 (1st Dept 2011)

In November 2008, Davis pled guilty to conspiracy to commit bank and wire fraud in violation of 18 USC 1349 and 3551. During his plea allocution, Davis admitted that between 2005 and 2008, he conspired with others to defraud mortgage lenders by knowingly engaging in illegal conduct, involving straw buyers, inflating property values, preparing fraudulent HUD-1 statements and disbursing monies to the other scheme participants. Davis was sentenced to six months incarceration which he served from July 6, 2010 to January 4, 2011. Following his release from prison, Davis submitted his resignation. The Committee moved to accept Davis' affidavit of resignation from the practice of law and requested that it be granted *nunc pro tunc* to the date of his federal guilty plea. The Court accepted Davis's resignation, effective *nunc pro tunc* to April 18, 2011, the date of his affidavit of resignation. (Staff Counsel Elisabeth A. Palladino)

Matter of Donal Barrett, 88 AD3d 177 (1st Dept 2011)

In addition to New York, Barrett was admitted in Massachusetts and the District of Columbia (DC). Barrett had an attorney-client relationship with a Massachusetts corporation, and, in his capacity as CEO and sole director, withdrew \$130,000 from the corporation's account for his own use. Thereafter, Barrett made false representations to an investor to induce a loan to the lawyer, created false documents to hide his misconduct, and provided bar counsel with false documents. By order entered August 16, 2006, Massachusetts suspended respondent from the practice of law for two years. When the DC Bar Counsel belatedly learned of Barrett's suspension through the ABA National Regulatory Data Bank, it moved for reciprocal discipline and disbarment. The DC Court of Appeals disbarred Barrett from the practice of law in a decision dated March 5, 2009. Thereafter, the Committee moved for reciprocal discipline pursuant to 22 NYCRR 603.3, based on the misconduct in Massachusetts and sought disbarment; Barrett failed to oppose the motion. In granting the Committee's motion, the Court found that Barrett was afforded due process, sufficient evidence established his misconduct, and the conduct for which Barrett was disciplined in Massachusetts constituted misconduct in New York. The Court determined that disbarment was warranted and that the fact that the misconduct here did not occur in connection with the practice of law did not serve to lessen the sanction. (Staff Counsel Elisabeth A. Palladino)

Matter of Jeffrey P. Squitieri, 88 AD3d 380 (1st Dept 2011)

Squitieri was ordered disbarred for his intentional conversion of client escrow funds. The Court rejected respondent's claim that his judgment and thought processes were so negatively impacted by his psychiatric disorders and alcoholism triggered by a divorce that he could not have formed the venal intent necessary to sustain the disputed charges. The Court found, as aggravating factors, respondent's actions in obtaining loans to restore funds to his escrow account, his sophisticated check kiting scheme designed to create the illusion of a greater amount of currency and his concealment of his use of the escrow account from the court handling his own divorce proceeding. The Court found that respondent first revealed his check kiting scheme during cross-examination at the hearing, showing that he had previously been less than candid with the Committee. (Deputy Chief Counsel Raymond Vallejo)

Matter of Victor J. Molina, 88 AD3d 363 (1st Dept 2011)

Molina was publicly censured by the Court as a result of his guilty plea to Official Misconduct, a misdemeanor, in violation of Penal Law 195.00[1]. While employed with the New York State Department of Taxation and Finance, respondent engaged in the private practice of law without seeking permission from his employer and accessed the confidential tax records of a company for use in a client's civil suit. Respondent testified that his supervisors and co-workers, some of whom he represented, were aware of his law practice.

In mitigation, the Court considered that Molina was a recovering alcoholic and substance abuser, who attends Narcotics Anonymous and Alcoholics Anonymous meetings weekly. The Court found that he was drug free and sober since 1988 and became the first member of his family to graduate from college. The Court also found that respondent's decision to practice law was attributable to financial pressure, rather than "a lavish lifestyle or the desire for a personal accumulation of wealth." (Deputy Chief Counsel Raymond Vallejo)

Matter of Alexander P. Rosenberg, 82 AD3d 85 (1st Dept 2011)

Rosenberg was ordered suspended for one year as a result of his guilty plea to the misdemeanor of failing to file his New York State personal income tax returns. Respondent did not make any estimated state tax payments for the years 2002 through 2006 nor did he pay his federal taxes. His annual income during these years ranged from \$363,992 to \$597,989. Respondent subsequently paid approximately \$150,000 to the state government in outstanding taxes, including penalties and interest, and approximately \$1.2 million in taxes, penalties and interest to the federal government for the same period. Respondent admitted that his failure to file his tax returns and pay his taxes was not the result of an inability to pay or of economic distress. In mitigation, the Court considered his unblemished disciplinary history, his cooperation with all investigating authorities, his acceptance of responsibility and expressed remorse, and his corrective actions to ensure that his nonpayment never happens again. (Deputy Chief Counsel Raymond Vallejo)

Matter of Kenneth Sirkin, 88 AD3d 165 (1st Dept 2011)

Sirkin has the distinction of being reciprocally sanctioned twice by the Court within one year. On August 24, 2010, the Court suspended Sirkin for three months on the basis of discipline imposed on him in Florida and in New Jersey. Sirkin was sanctioned in both foreign jurisdictions for neglect of client matters and failure to cooperate with the local grievance committees. Unbeknownst to the Committee, while the 2010 petition for reciprocal discipline was pending before the Court, Florida commenced a contempt proceeding against Sirkin for practicing law while under suspension. Simultaneously, on the basis of numerous complaints filed against Sirkin subsequent to the first suspension, Florida also charged Sirkin with a pervasive pattern of neglect, failure to maintain required accounting records and willful refusal to participate in the disciplinary process. By order dated October 5, 2010, Florida disbarred Sirkin. On August 4, 2011, the First Department reciprocally disbarred Sirkin. (Deputy Chief Counsel Naomi F. Goldstein)

Matter of Jordan W. Kapchan, 86 AD3d 110 (1st Dept 2011)

For over 20 years, Kapchan acted as attorney, title closer and/or settlement agent in hundreds of real estate closings. Then, in 2008, the Suffolk County District Attorney opened a mortgage fraud investigation focusing on mortgages where the settlement agents falsely verified the fraudulent information provided on the HUD-1 Statements. In a sworn

statement to the Suffolk County D.A., and in his testimony pursuant to an immunity agreement, at the trial of an unlicensed mortgage broker, Kapchan admitted that he knowingly participated in various fraudulent mortgage transactions by preparing HUD-1 Statements containing false information. On the basis of his sworn admissions that he committed acts of professional misconduct posing an immediate threat to the public interest, the Court interimly suspended Kapchan. (Deputy Chief Counsel Naomi F. Goldstein)

Matter of Ronald S. Salomon, 91 AD3d 187 (1st Dept 2011)

On October 14, 2010, the US Court of Appeals for the Second Circuit suspended Salomon for three months. The Second Circuit found that Salomon, over a period of several years and despite explicit warnings from the court, persisted in failing to comply with the court's scheduling orders and failed to diligently prosecute his clients' cases. In reciprocally disciplining Salomon, the Court increased the sanction to a six-month suspension given his pattern of neglect, prior disciplinary history, and misrepresentations to the Committee. (Staff Counsel Jun H. Lee)

Matter of Zelda Stewart, 91 AD3d 195 (1st Dept 2011)

Stewart was charged with neglecting a client matter, improperly soliciting a client, and failing to pay a judgment owed to a client. At the time, Stewart was interimly suspended. Despite knowing that she was the subject of disciplinary proceedings, Stewart defaulted by failing to submit a written Answer to the Charges or participating in the hearings until she opposed the Committee's petition to confirm the Hearing Panel's Determination. Although the Court acknowledged that there is support for the Committee's assertion that a default may serve as an independent basis for disbarment, the Court declined to disbar Stewart because it found that the misconduct was non-venal and limited to one client and that Stewart submitted evidence of mental health issues. Given that Stewart had already been suspended for three years, the Court determined that Stewart could seek reinstatement without further suspension. The Court ordered any motion for reinstatement be conditioned on a psychiatric report; a plan for making payments in satisfaction of the outstanding judgment; and payment of any outstanding biennial attorney registration fees. (Staff Counsel Jun H. Lee)

Matter of Thomas Farinella, 91 AD3d 35 (1st Dept 2011)

On September 23, 2010, the Southern District of New York suspended Farinella for three months for misconduct in two separate bankruptcy matters. The Committee filed a petition for reciprocal discipline. At the same time, the Committee charged Farinella with neglecting numerous client matters, failing to cooperate with the Committee's investigations, failing to carry out contracts of employment, and failing to return unearned fees. The Referee held three days of liability hearings and then scheduled a date for a sanction hearing. At that point, Farinella filed a motion seeking interim suspension based on mental infirmity and

requested a stay of all disciplinary proceedings except for the Committee's petition for reciprocal discipline. The Committee did not oppose Farinella's interim suspension, but took exception with his contention that he had not been able to assist in his defense at the hearing. The Court granted Farinella's motion for suspension based on mental infirmity staying all disciplinary proceedings. The Court ordered that if and when it is determined that Farinella's disability no longer exists, and he can adequately defend himself, then both the reciprocal disciplinary matter and the sanction hearing on the Charges can proceed. (Staff Counsel Jun H. Lee)

Matter of Paul B. Dalnoky, 90 AD3d 1 (1st Dept 2011)

Dalnoky was suspended from the practice of law for three years for using his attorney escrow account as his personal account in order to stymie collection of judgments and liens by creditors, for neglecting legal matters and failing to refund unearned fees to clients. (Deputy Chief Counsel Vitaly Lipkansky)

Matter of Jimmie Engram, 88 AD3d 171 (1st Dept 2011)

Engram was disbarred pursuant to 22 NYCRR 603.4(g) after being suspended on an interim basis for six months based on uncontested evidence of misappropriation, neglect, and conflict of interest. (Deputy Chief Counsel Vitaly Lipkansky)

Matter of Mauricio A. Malagon, 88 AD3d 287 (1st Dept 2011)

Malagon resigned on the basis of his admissions that he falsely informed a client that he had settled her medical malpractice case for \$1,250,000. In fact, the action had been stayed nearly four years earlier after the defendant hospital had filed for bankruptcy, and no award of funds was ever paid to the attorney. (Deputy Chief Counsel Vitaly Lipkansky)

Matter of Harold L. Adrion, 88 AD3d 62 (1st Dept 2011)

Adrion was suspended for three years for forging his wife's signature on Powers of Attorney and mortgage-related documents, and for misappropriating the stamps of notaries and forging the notaries' signatures in order to give a false impression of authenticity to his forgeries. (Deputy Chief Counsel Vitaly Lipkansky)

Matter of Marshall Posner, 86 AD3d 103 (1st Dept 2011)

Posner was suspended for one year for forging his client's signature on settlement documents, notarizing the forgery, and for unintentional misappropriation of funds from his escrow account. Posner accepted the settlement and forged his client's signature because he had not been able to get in touch with the client for a long time, and Posner believed that the settlement was in the client's best interest. Posner gave the client his rightful share of the settlement funds when the client resurfaced. (Deputy Chief Counsel Vitaly Lipkansky)



Matter of John M. Ioannou, 89 AD3d 245 (1st Dept 2011)

Ioannou was suspended for three months for his failure, over a period of time beginning in 2000, to timely file retainer agreements and closing statements in 59 matters. His attempt to cure the omission by *nunc pro tunc* filings in February of 2008 was not deemed a mitigating factor. Ioannou was also found to have improperly taken a \$50,000 loan from a former client based upon the former client's implicit trust in him. Ioannou was found to have exploited that trust to obtain a substantial loan on terms unfair to his former client. (Staff Counsel Kevin E. F. O'Sullivan)

### SUMMARY OF REPRESENTATIVE CASES

Although it may appear that the Committee should be engaged mainly in bringing formal charges of misconduct and conducting hearings on those charges, those obviously important functions of the Committee are only a part of the picture. A significant portion of what the Committee does in a confidential manner eventually does become 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 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 held 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 for such misconduct if there is sufficient evidence to justify the motion. In addition, the Committee's staff will seek a suspension of an attorney who fails to cooperate in answering a complaint or does not comply with lawful demands for information on records. In 2011, the Court suspended 10 attorneys on an interim basis pending resolution of the charges against them in the following cases: Matter of Richard J. Shapiro, 81 AD3d 25; Matter of Yong Wang, 83 AD3d 32; Matter of Jordan W. Kapchan, 86 AD3d 110; Matter of Stephen G. Kennedy, 87 AD3d 107; Matter of Tracey A. Bloodsaw, 87 AD3d 190; Matter of James J. Harrington, 88 AD3d 31;

Matter of Patrick J. Maruggi, 87 AD3d 201; Matter of Daniel Millstone, 88 AD3d 283; Matter of Kevin P. Claffey, 91 AD3d 59; Matter of Robert L. Cohen, 90 AD3d 21.

The Court also has a rule unique to the First Department (see 22 NYCRR 603.4 [g]), 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. In 2011, the First Department invoked 22 NYCRR 603.4[g] to disbar seven attorneys: Matter of Kenneth J. Auslander, 86 AD3d 341; Matter of Jerrold A. Weinstein, 87 AD3d 56; Matter of Kelechi B. Amasike, 88 AD3d 51; Matter of Samuel R. Bautista, 88 AD3d 129; Matter of Jimmie L. Ingram, 88 AD3d 171; Janeen S. Jones, 89 AD3d 227; Matter of John James Bambury, 91 AD3d 141.

### Felony Disbarments

In 2011, the First Department granted seven petitions to strike the names of attorneys convicted of felonies: Matter of Salvador Collazo, 81 AD3d 220; Matter of Raphael H. Golb, 81 AD3d 53; Matter of Arthur J. Cutillo, 86 AD3d 1; Matter of James J. Armenakis, 86 AD3d 205; Matter of Robert S. Brown, 86 AD3d 263; Matter of Kenneth I. Starr, 88 AD3d 145; Matter of Fred M. Lax, 88 AD3d 342.

### Disciplinary Resignations

The Court may permit an attorney to resign from the bar during an investigation by the Committee, or after the filing of charges, if the attorney submits an affidavit pursuant to 22 NYCRR 603.11, acknowledging that the attorney knows the nature of potential charges and cannot defend against them. A resignation pending charges is the equivalent of disbarment. In 2011, 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 Neil S. Kramer, 81 AD3d 56; Matter of Augustine A. Diji, 81 AD3d 143; Matter of Susan F. Steier, 88 AD3d 142; Matter of Mauricio A. Malagon, 88 AD3d 287; Matter of Robert B. Davis, 88 AD3d 314; Matter of Elgin R. Clemons, 88 AD3d 174; Matter of Anthony Rahmanan, 90 AD3d 7.

### Suspension 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 2011, the Court imposed suspensions for misconduct on 15 attorneys for periods ranging from three months to four

years. One attorney was suspended indefinitely due to mental infirmity: Matter of David A. Dorfman, 81 AD3d 59; Matter of Alexander P. Rosenberg, 82 AD3d 85; Matter of Alexis Ravitch, 82 AD3d 126; Matter of James D. Christo, 86 AD3d 74; Matter of Marshall Posner, 86 AD3d 103; Matter of Marsha Edelman, 86 AD3d 96; Matter of Peter H. Jacoby, 86 AD3d 330; Matter of Eugenie H. Moody, 88 AD3d 54; Matter of Harold L. Adrion, 88 AD3d 62; Matter of Roger M. Roisman, 89 AD3d 164; Matter of John M. Ioannou, 89 AD3d 245; Matter of Thomas A. Farinella, 91 AD3d 35; Matter of Paul B. Dalnoky, 90 AD3d 1; Matter of Ronald S. Salomon, 91 AD3d 187; Matter of Elliott Dear, 91 AD3d 111.

### Public Censures

The least severe form of public discipline that the Court may impose is a censure (see 22 NYCRR 605.5[a][3]). In 2011, the First Department issued public censures in six cases, all based on professional misconduct in violation of the Lawyer's Code of Professional Responsibility: Matter of Bruce A. Young, 84 AD3d 29; Matter of Victor J. Molina, 88 AD3d 363; Matter of Theodore N. Cox, 89 AD3d 147; Matter of Kevin M. Dyer, 89 AD3d 182; Matter of Robert J. Adinolfi, 90 AD3d 32; Matter of Roman Leonov, 92 AD3d 50.

### Reinstatements

Section 90 of the Judiciary Law and Court Rule 22 NYCRR 603.14 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 be reinstated at the end of the period of suspension by filing with the Court and serving upon the Chief Counsel's Office an affidavit stating that the attorney has met certain requirements (see 22 NYCRR 603.14). An attorney who has been suspended for a period of more than six months may petition the Court for reinstatement upon the expiration of the period of suspension (*id.*). An attorney who has been disbarred, or stricken from the roll of attorneys, may not petition for reinstatement until the expiration of seven years from the effective date of disbarment (*id.*). In such cases, the Court may refer the matter for a hearing before a Referee, or a Hearing Panel. In either case, a written report and recommendation is submitted to the Court, which issues its decision on reinstatement. In 2011, the Court granted ten petitions for reinstatement and denied three.

### Immigration Complaints

Staff Attorney Jun Hwa Lee handles the initial screening of all immigration matters. Lee also coordinates our efforts with many other agencies and prosecutors who target immigration fraud. Further, Lee supervises the Committee's use of immigration Special

Counsel approved by the Court to assist the Committee. Lee often speaks before various groups, including federal judges interested, or involved, in immigration matters.

Office Safety and Emergency Procedures

In addition to other duties, some involving disciplinary hearings, Lt. Gerard Hayde is in charge of taking all appropriate measures for the safety of the Staff and in case of emergency.

2011

Appendix A: Committee Assignments

Roy L. Reardon, Chair  
Policy Committee

Christopher E. Chang  
Haliburton Fales 2d (Special Counsel)  
Charlotte Moses Fischman (Special Counsel)  
Martin R. Gold (Special Counsel)  
Robert L. Haig (Special Counsel)  
Myron Kirschbaum (Special Counsel)  
William Francis Kuntz, II (Special Counsel)  
Marvin Leffler\*  
Hon. Eugene Nardelli  
Mercedes A. Nesfield\*  
Hon. Joseph P. Sullivan  
Stephen L. Weiner (Special Counsel)

Hearing Panel Members

Panel I

Milton L. Williams, Chair  
Catherine A. Christian  
Matthew Gaier  
David R. Gelfand  
Robert J. Giuffra  
Robin Stratton Rivera\*  
William T. Russell, Jr.

Panel II

Nicholas M. Cannella, Chair  
Sheldon Elsen  
Ronald Law\*  
Nancy B. Ludmerer  
Robert J. McGuire  
Jacob Pultman  
Roland G. Riopelle

Panel III

Eugene P. Souther, Chair  
Peter A. Bellacosa  
Giorgio Caputo\*  
Maura Barry Grinalds  
Carla Kerr Stearns  
Maria D. Melendez  
Charles G. Moerdler  
Natica von Althann\*

Panel IV

Harold F. McGuire, Jr., Chair  
Catherine M. Abate  
Ernest J. Collazo  
Robert E. Godosky  
Patricia Handal\*  
Robert G. Morvillo  
Ronald J. Sylvestri, Jr.\*

Panel V

John L. Warden, Chair  
William P. Frank  
Peter C. Harvey  
Roger Juan Maldonado  
Augustin J. San Filippo  
Christine Collins Tomas\*  
Sarah E. Zgliniec

Panel VII

Fredric S. Newman, Chair  
Patrick H. Barth  
Nina Beattie  
Ralph C. Dawson  
Leonard F. DeLuca  
Susan Welsher\*  
Frank H. Wohl

Panel IX

Rosalind S. Fink, Chair  
Dominic F. Amorosa  
Aurora Cassirer  
Ruth W. Friendly\*  
Gerard E. Harper  
Pamela Jarvis  
Robert P. McGreevy

Panel VI

Seymour W. James, Jr., Chair  
David Buksbaum\*  
John F. Cambria  
Alan R. Kaufman  
Emily F. Mandelstam  
Karen Patton Seymour  
Richard Zayas

Panel VIII

Richard M. Greenberg, Chair  
James M. Altman  
George C. Berger  
Sheila S. Boston  
Jean E. Davis\*  
Stephen E. Kaufman

Panel X

John D. Gordan, III, Chair  
James W. Harbison, Jr.  
Alfreida B. Kenny  
William A. Maher  
Fitzgerald Miller\*  
Barbara A. Ryan  
Karla G. Sanchez

\*Public Member

2011

Appendix B: Chief Counsel's Office: Attorneys

Jorge Dopico  
Chief Counsel

Angela Christmas  
Naomi F. Goldstein

Jeremy S. Garber  
Special Trial  
Counsel

Vitaly Lipkansky  
Raymond Vallejo  
Deputy Chief Counsel

Nicole Corrado  
Kevin P. Culley  
Kevin Doyle  
Paul Friman  
Roberta N. Kolar  
Jun Hwa Lee  
Norma I. Lopez  
Stephen P. McGoldrick\*  
Norma I. Melendez  
Kevin E. F. O'Sullivan  
Elizabeth A. Palladino  
Orlando Reyes  
Ann E. Scherzer\*\*  
Eileen J. Shields  
Scott D. Smith\*\*\*  
Kathy Wu

\*Stephen P. McGoldrick was transferred to the Court at the end of 2011.

\*\*Ann E. Scherzer left in December 2011 to become a judge.

\*\*\*Scott D. Smith left in November 2011.

Kaylin L. Whittingham joined the staff in 2012.

2011

Appendix C: Chief Counsel's Office: Staff

Investigators

John Puglise, Chief  
George Cebisch  
Martin Schwinger  
Leonard Zarrillo  
Anthony Rodriguez

Paralegals

Rebeca V. Taub, Chief  
Richardo Aguirre\*  
Nancy K. De Leon  
Vivian Gonzalez\*  
Donna Killian  
Joel Peterson

Clerks

Virgil Cruz  
George Ramos\*

Court Officer

Lt. Gerard Hayde

Computer Personnel

Michelle Y. Wang, LAN Administrator  
Charles A. Sauer

Office Manager

Marcy Sterling

Administrative Assistants

Eartha Hobot  
Monique Hudson  
Tennille Millhouse  
Tina Nardelli  
Celina Nelson  
Hermine Otto  
Gloria Rodriguez

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\*Left the Committee.



2011

Appendix D: Bar Mediators

Association of the Bar of the City of New York

Mark S. Arisohn, Esq.  
Vivian O. Berger, Esq.  
David M. Brodsky, Esq.  
Paul G. Huk, Esq.  
Chris Stern Hyman, Esq.  
Andrew D. Kaiser, Esq.  
Hal R. Lieberman, Esq.

John Madden, Jr., Esq.  
Morton Newburgh, Esq.  
David M. Rubin, Esq.  
Michele A. Peters, Esq.  
Briscoe R. Smith, Esq.  
Harvey A. Strickon, Esq.

Bronx County Bar Association

Daniel Chavez, Esq.

Richard M. Copeland, Esq.

New York County Lawyers' Association

David N. Brainin, Esq.  
John A. Cannistraci, Esq.  
Faith Colish, Esq.  
Klaus Eppler, Esq.  
Alan J. Goldberg, Esq.

M. Robert Goldstein, Esq.  
Hon. Millard L. Midonick  
Edward E. Morris, Jr., Esq.  
Joseph B. Russell, Esq.

Appendix E: Annual Report to OCA

UCS-176 Rev. 01/03

**ATTORNEY DISCIPLINE ACTIVITIES**

PERIOD COVERED: ANNUAL 2011

FIRST JUDICIAL DISTRICT

FIRST DEPARTMENT

**I. MATTERS PROCESSED:**

A. Matters Pending at Start of Period	<u>1255</u>	
B. New Matters During Period	<u>3133</u>	
C. Closed Matters Reactivated During Period	<u>63</u>	
D. Total Matters to be Processed During Period (A+B+C)		<u>4451</u>
E. Total Matters Disposed of During Period		<u>3592</u>
F. Matters Pending at End of Period		<u>859</u>

**II. MATTERS DISPOSED OF BY COMMITTEE:**

	<u>Cases</u>	<u>Matters</u>
A. Rejected as Failing to State a Complaint	<u>386</u>	<u>410</u>
B. Referred to Other Disciplinary Committees	<u>335</u>	<u>351</u>
C. Referred to Other Agencies	<u>111</u>	<u>111</u>
D. Dismissed or Withdrawn	<u>2094</u>	<u>2312</u>
E. Dismissed through Mediation	<u>120</u>	<u>123</u>
F. Letter of Caution	<u>n/a</u>	<u>n/a</u>
G. Letter of Admonition	<u>101</u>	<u>114</u>
H. Reprimand (after hearing)	<u>1</u>	<u>1</u>
I. Referred to Appellate Division (Disc. Proc.)	<u>115</u>	<u>170</u>
Total Disposed of During Period (same as I.E above.)	<u>3263</u>	<u>3592</u>

**III. CASES PROCESSED IN ALL COURTS:**

A. Cases Pending at Start of Period		<u>43</u>
1. Disciplinary Proceedings	<u>22</u>	
2. Other	<u>21</u>	
B. Cases Received During Period		<u>151</u>
1. Disciplinary Proceedings	<u>103</u>	
2. Other	<u>48</u>	
C. Total to be Processed During Period		<u>194</u>

**ATTORNEY DISCIPLINE ACTIVITIES** (01/11-12/11)

D.	Cases Closed		
	1. Disbarred	21	
	2. <b>Disciplinary Resignations</b>	7	
	3. Suspended <sup>④</sup>	25	
	4. Censured	6	
	5. Privately Censured <sup>⑤</sup>	4	
	6. Remanded to Disciplinary Committee	16	
	7. Discontinued	7	
	8. Dismissed	1	
	9. Reinstatements Granted	10	
	10. Reinstatements Denied	3	
	11. <b>Non-Disciplinary Resignations</b>	24	
	12. All Other Dispositions	34	
	13. Total Closed		158
E.	Total Cases Pending at End of Period		43
	1. Disciplinary Proceedings	33	
	2. Other	10	

For the purposes of this report, the term "Matter" includes the following;

- Complaints
- Inquiries (**Excluding telephone inquiries**)
- Sua Sponte investigations

- ① In the First Dept. "matters" does not include inquiries.
- ② 3133 includes 12 matters received in June, 2011 which were not counted then.
- ③ Cases refers to the number of respondent/attorneys. As some attorneys are the subject of multiple complaints, the number of matters may exceed the number of cases.
- ④ Includes (14) definite, (10) interim and (1) indefinite suspensions.
- ⑤ Reported as "Privately Reprimanded" in the 1<sup>st</sup> Department.

**Appendix F: Budget for Fiscal Year 2010-2011**

**Departmental Disciplinary Committee Budget  
Fiscal Year April, 2011 - March, 2012**

	<u>Allocation</u>
<b>Personal Service Total:</b>	<b>\$ 4,410,855.00</b>
<b><u>Non-Personal Service:</u></b>	
Office Supplies	41,461.00
EDP	1,439.00
Legal Reference - General	14,931.00
Miscellaneous Supplies and Materials	6,076.00
Travel General	771.00
Rentals of Equipment	24,242.00
Repairs of Equipment	8,229.00
Repairs of Structure	- 0 -
Real Estate Rentals	- 0 -
Conferences/Training	60.00
Postage and Shipping	20,037.00
Printing General	4,292.00
Telephones	3,390.00
EDP Telecommunication Charges	268.00
Information Technology Services	- 0 -
Building and Property Services	4,613.00
Subscriptions	4,930.00
Other General Services	10,515.00
Records Management Services	24,431.00
Professional Services - Expert Witnesses	1,125.00
Professional Services - Interpreters	- 0 -
Transcript Costs - General	52,578.00
Computer Assisted Legal Research	- 0 -
Other Court Services	24,018.00
Professional Services Per Diem Court Reporters	- 0 -
Equipment - New/Replacement	15,252.00
<b>Non-Personal Service Total:</b>	<b>\$ 262,658.00</b>
<b>TOTAL BUDGET FISCAL YEAR 2010-2011</b>	<b>\$ 4,673,513.00</b>

Appendix G: Sample Complaint Form

SUPREME COURT, APPELLATE DIVISION  
FIRST JUDICIAL DEPARTMENT  
DEPARTMENTAL DISCIPLINARY COMMITTEE  
61 BROADWAY, 2<sup>ND</sup> FLOOR  
NEW YORK, NEW YORK 10006  
(212) 401-0800

Jorge Dopico  
Chief Counsel

DATE: \_\_\_\_\_

Complainant(s):

Mr.( ) Ms.( ) Mrs.( ) \_\_\_\_\_  
Last First Initial

Address: \_\_\_\_\_ Apt. No. \_\_\_\_\_

City State Zip Code

Telephone: Home: ( ) \_\_\_\_\_ Business: ( ) \_\_\_\_\_

Attorney Complained of:

Mr.( ) Ms.( ) Mrs.( ) \_\_\_\_\_  
Last First Initial

Address: \_\_\_\_\_ Apt. No. \_\_\_\_\_

City State Zip Code

Telephone: Home: ( ) \_\_\_\_\_ Business: ( ) \_\_\_\_\_

\*\*\*\*\*

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. \_\_\_\_\_

\*\*\*\*\*

PLEASE PRINT LEGIBLY OR TYPE IN ENGLISH

Start from the beginning and be sure to tell 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. With this form, please send this office copies of all papers that you received from the attorney.

**COMPLAINT:**

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**UNSIGNED COMPLAINTS WILL NOT BE PROCESSED.**

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**Signature**