

2015 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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First Judicial Department**

**Ernest J. Collazo
Chair**

**Jorge Dopico
Chief Counsel**

TABLE OF CONTENTS

CHAIRMAN’S REPORT.	1
CHIEF COUNSEL'S REPORT.	3
COMMITTEE MEMBERS.	5
A BRIEF OVERVIEW OF THE DISCIPLINARY PROCESS.	34
Complaints, Investigations and Dismissals.	34
Admonitions.	35
Formal Charges.	36
Serious Crimes.	37
Applications to the Appellate Division.	37
REPRESENTATIVE PUBLIC DISCIPLINE CASES.	39
SUMMARY OF REPRESENTATIVE CASES.	53
Interim Suspensions.	53
Disbarments.	53
Disciplinary Resignations.	54
Suspensions as Discipline.	54
Suspensions for Medical Disability.	55
Public Censures.	55
Reinstatements.	55
Dishonored Check Investigations.	56
Immigration Complaints.	56
Appendix A: Committee Assignments.	57
Appendix B: Office of the Chief Counsel: Attorneys.	59
Appendix C: Office of the Chief Counsel: Staff.	60
Appendix D: Bar Mediators.	61
Appendix E: Annual Report to OCA.	62

Appendix F: Budget for Fiscal Year 2015-2016. 64

Appendix G: Sample Complaint Form. 65

SUPREME COURT, APPELLATE DIVISION
FIRST JUDICIAL DEPARTMENT
DEPARTMENTAL DISCIPLINARY COMMITTEE

ERNEST J. COLLAZO, ESQ.
CHAIRMAN

61 BROADWAY
NEW YORK, N.Y. 10006

September 20, 2016

To the Bar and the Public:

It is my privilege to present the 2015 Annual Report of the Departmental Disciplinary Committee of the Appellate Division of the Supreme Court of the State of New York, First Judicial Department (the "Committee").

During this past year, I continued to be impressed by the hard work and dedication of so many individuals who have contributed so much to the success of the Committee in maintaining its national reputation for leadership and excellence in the field of attorney discipline.

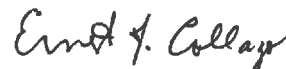
As always, the Committee is indebted to Presiding Justice Luis A. Gonzalez and the Court's Liaison Committee, consisting of Justices Peter Tom, Angela M. Mazzarelli, David Friedman, John W. Sweeny, Jr., Rolando T. Acosta, Leland G. DeGrasse, and Rosalyn H. Richter, for their leadership and advice on matters of policy and performance, as well as to the Chief Clerk, Susanna Molina Rojas, and her staff for their assistance and guidance.

The Committee is also indebted to its Policy Committee, consisting of leading members of the Bar and dedicated lay members, for conveying its knowledge and public understanding to the Committee's work, as well as to its nine Hearing Panels, consisting of Court appointed volunteer lawyers and non-lawyers, who have been very busy in hearing matters of alleged unethical attorney conduct and striving to render fair and just decisions to protect the public from such conduct. We are thankful for their service.

Finally, the Committee very much appreciates the fine work of our Chief Counsel, Jorge Dopico, and his excellent staff who work diligently every day to advance the Committee's mission to protect the public from the conduct of unethical lawyers.

I will note that at the end of 2015 year, Chief Judge Jonathan Lippman announced the adoption of new statewide rules to govern the attorney disciplinary process. The new rules will become effective on October 1, 2016, and we look forward to a seamless and efficacious implementation process next year.

Respectfully,



Ernest J. Collazo

CHIEF COUNSEL'S REPORT

Ernest J. Collazo, Chairman of the Departmental Disciplinary Committee, deserves our thanks for his capable leadership of the Committee. Mr. Collazo has continued to be an exemplary Chairman who expects the best from himself, the Committee and the staff.

My thanks also to the Policy Committee and the Committee members at large. Their role in ensuring the sound handling of the 2709 cases newly opened in 2015 is a great service to the public. We mourn the loss of Haliburton Fales, 2d, former Chairman and longtime member of the Committee.

I must thank Presiding Justice Luis A. Gonzalez, who retired at the end of 2015, for his unwavering support of my office and the Committee. Thank you as well to the Justices of our Court, in particular the Liaison Committee members: Hon. Peter Tom, Hon. Angela M. Mazzarelli, Hon. David Friedman, Hon. John W. Sweeny, Jr., Hon. Roland T. Acosta, Hon. Leland G. DeGrasse, who retired in 2015, and Hon. Rosalyn H. Richter. In addition, thanks to the Clerk of the Court, Susanna Molina Rojas, as well as Deputy Clerks, Eric Schumacher and Margaret Sowah, for their continuing support of the Committee.

Since 2010, nearly one-third of our staff has been lost without replacement due to statewide budget cuts. In 2015, we were able to begin replacing staff as the State budget improved, and we were fortunate that the Court hired two attorneys, Yvette Rosario and Remi E. Shea, and a clerk, Michael J. Ramirez. The Court also transferred from their ranks an attorney, Lance E. Philadelphia, and a clerk, Mark Hernandez, helping to ameliorate our depleted staff. In 2015, the following employees retired: Charles A. Sauer and Rebeca V. Taub. We are thankful for their service.

We continue to work hard to accomplish our goal of protecting the public from attorney misconduct. Many thanks to my devoted staff for their tireless efforts to serve the Committee, the Court and the public.

As always, we will continue to work hard to earn the confidence and pride of the Committee and the Court.



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 or dismissed with guidance. 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 2015, 64 Committee members served on nine different Hearing Panels of approximately seven members each, composed usually of six lawyers and one non-lawyer.

Also, in 2015, the Court appointed the following new Committee members:

Daniel R. Alonso, Esq.	Peter G. Eikenberry, Esq.
Marjorie E. Berman, Esq.	Gary D. Friedman, Esq.
Jason Canales, Esq.	Danielle C. Lesser, Esq.
Hon. James M. Catterson	Charles G. Moerdler, Esq.
Ralph C. Dawson, Esq.	Ricardo E. Oquendo, Esq.
Rita DiMartino	Lee S. Richards, III, Esq.
Paul F. Doyle, Esq.	Anne C. Vladeck, Esq.

Thirteen other members of the Committee, including one non-lawyer, served 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 2015 were Ernest J. Collazo, Chair, Ralph C. Dawson, Esq., Haliburton Fales, 2d, Esq., Charlotte Moses Fischman, Esq., Robert L. Haig, Esq., Brian C. McK. Henderson, Myron Kirschbaum, Esq., Alan Levine, Esq., Hon. Eugene Nardelli, Karla G. Sanchez, Esq., Carla A. Kerr Stearns, Esq., Hon. Joseph P. Sullivan, and Stephen L. Weiner, Esq.

The lawyers of the Committee are drawn from all areas of the profession, the government, and from law firms of varying sizes. The 12 non-lawyer members include business executives, financial advisers and educators.

Below are brief biographies of all of the Committee members who served, with dedication and energy, in 2015, highlighting their diverse accomplishments:

Ernest J. Collazo (Chair)

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

Daniel R. Alonso

Mr. Alonso is currently Managing Director and General Counsel of Exiger LLC, which advises corporations and government agencies on financial crime and regulatory risk and compliance. He is a graduate of Cornell University (1987) and N.Y.U. School of Law (1990), and served as law clerk to Judge Joseph W. Bellacosa of the New York Court of Appeals. Mr. Alonso was previously a litigation partner at Kaye Scholer LLP and has also served in senior positions as a federal and state prosecutor, first as the Chief of the Criminal Division in the United States Attorney's Office for the Eastern District of New York, and later as the Chief Assistant District Attorney in the Manhattan District Attorney's Office. He is member of the Board of Directors of the Fund for Modern Courts; the New York State Bar Association's Committee on Standards of Attorney Conduct; and the Board of Editors of Business Crimes Bulletin. In 2012-13 he was Co-Chair of the New York State White Collar Crime Task Force, and between 2007 and 2009, Mr. Alonso served by appointment of the Governor of New York as a member of the New York State Commission on Public Integrity.

Robert J. Anello

Mr. Anello, a principal of Morvillo Abramowitz Grand Iason & Anello, P.C., has litigated in the federal and state courts for more than 30 years. He focuses his practice on white collar criminal defense, regulatory enforcement matters, complex civil litigation, internal

investigations and reviews, and appeals. Mr. Anello is widely recognized for his skills as a criminal and civil trial attorney, and his ability to negotiate effectively on behalf of his clients. He is President Emeritus of the Federal Bar Council, and a Fellow of the American College of Trial Lawyers, the American Bar Foundation, and the New York State Bar Foundation. Mr. Anello is a co-author of *White Collar Crime: Business and Regulatory Offenses*, Rev. Ed. (2014), and an author of the *White Collar Crime* column for the *New York Law Journal*. He is a regular contributor to *The Insider Blog on Forbes.com*. Mr. Anello also is widely known for his dedication to organizations serving the legal community. He is a member of the Nominating Committee for the Association of the Bar of the City of New York and the New York State Bar Association's House of Delegates. Mr. Anello currently serves on the Board of Trustees of The Supreme Court Historical Society. He is a Fellow of the Litigation Counsel of America. He is also a member of numerous bar associations. Mr. Anello received his J.D., *magna cum laude*, from Syracuse University College of Law, and his B.A. from SUNY Albany.

David Arroyo

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

Marjorie E. Berman

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

Michael I. Bernstein

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

Thomas Birnbaum

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

Joyce M. Bove

Ms. Bove, until September 2013, was Senior Vice President for Grants and Special Projects at The New York Community Trust, the community foundation for the New York metropolitan area. With The Trust since 1978, she administered a wide range of grant programs and special projects. Before joining The Trust, she held administrative and planning positions in health, mental health, and substance abuse agencies. She has been active in several nonprofit, civic, and philanthropic organizations, including the boards of the National AIDS Fund, Philanthropy New York, the Primary Care Development Corporation, Grantmakers in Health, and Funders Concerned About AIDS. Ms. Bove currently serves on the boards of the Institute for Contemporary Psychotherapy, the Nonprofit Coordinating

Committee of New York, United Neighborhood Houses, and the Women's City Club as well as the New York Academy of Medicine School Health Programs Advisory Committee. She is the former president of the Health Care Executive Forum, where she now serves on the Program Committee. In 1989, Ms. Bove received the Council on Foundations' *Robert W. Scrivner Award for Creative Grantmaking* for her leadership in shaping the local and national philanthropic response to the AIDS epidemic. She is a graduate of Wellesley College and holds a masters degree in Public Administration from Indiana University; she is member of the Indiana University School of Public and Environmental Affairs Distinguished Alumni Council. Ms. Bove is a fellow of the New York Academy of Medicine, and a visiting lecturer at New York Medical College's School of Public Health.

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 United States Navy Meritorious Achievement Award.

John M. Callagy

Mr. Callagy is partner at Kelley Drye & Warren, LLP, where he represents clients on many litigation issues affecting large international enterprises. In 1992, he became the firm's first chairman, a role he held for twenty years. Mr. Callagy has counseled and litigated on behalf of United States and European corporate clients in connection with investigations, securities law issues, complex contract matters, insolvency, unfair competition, intellectual property, ERISA and pension, and labor and personnel matters. Mr. Callagy is a graduate of Georgetown University and New York University School of Law. He currently serves as a Board Member for the Inner-City Scholarship Fund. He was also on the Character and Fitness Committee for the Supreme Court of New York's Appellate Division, First Department.

Jason Canales

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

Town New York Board of Directors.

Giorgio Caputo

Mr. Caputo is a member of the investment team of First Eagle Funds and a Portfolio Manager of the firm's Global Income Builder fund. Mr. Caputo is a graduate of Princeton University and Columbia Business School.

John H. Carley

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

Hon. James M. Catterson

Judge Catterson is a Special Counsel in Kaye Scholer's Complex Commercial Litigation Department. Prior to joining the firm, Judge Catterson was an Associate Justice of the Appellate Division, First Department of the New York State Supreme Court, where he participated in more than six thousand civil and criminal appeals, and hundreds of disciplinary proceedings. Prior to his elevation to the Appellate Division, Judge Catterson sat as a trial judge in a civil part in the Tenth Judicial District of the New York State Supreme Court. Before his election to the Supreme Court, Judge Catterson served as Suffolk County's Deputy County Attorney and throughout his career has litigated on behalf of a broad spectrum of federal and local entities at the administrative, trial and appellate levels in both federal and state courts. He has prepared and argued appeals before the United States Court of Appeals for the Second Circuit and the Supreme Court of the State of New York,

Appellate Division, Second Judicial Department. He also served as an Assistant United States Attorney in the Eastern District of New York. Judge Catterson spent the majority of his tenure in the EDNY as Chief of the Asset Forfeiture Unit. He is a former adjunct professor for Cardozo Law School and Touro Law School and received his JD from St. John's University School of Law and his BA from Colgate University.

Vincent T. Chang

Mr. Chang is a Partner at Wollmuth Maher & Deutsch, specializing in complex litigation in such areas as real estate, insurance, bankruptcy, subprime mortgage securitizations, hedge funds, reinsurance, bondholder litigation, investment banking, antitrust, and securities. Mr. Chang is a graduate of Harvard College, *magna cum laude*, and Harvard Law School, *cum laude*. Mr. Chang clerked for the Hon. Robert B. Krupansky, United States Court of Appeals for the Sixth Circuit, and was an associate and then counsel at Davis Polk & Wardwell. Mr. Chang is a past President of the Asian American Bar Association of New York and serves on the Executive Committee and Board of Directors and as Treasurer of the New York County Lawyers Association and has served as co-Chair of its Federal Courts Committee and as Chair of the NYCLA Foundation. He also serves on the Nominating Committee and the House of Delegates of the New York State Bar Association. He serves on the Task Force on Gun Violence of the New York State Bar Association and on its Standing Committee on Court Structure and Operations. Mr. Chang serves on the American Bar Association's Standing Committee on the American Judicial System. Mr. Chang has served as Vice Chair of two committees of the Antitrust Section of the American Bar Association. Mr. Chang is a recipient of the New York City Bar Association's Diversity & Inclusion Champion Award. Mr. Chang has been listed as a "Super Lawyer" in business litigation in New York, a designation limited to 5% of the lawyers in a given state.

Catherine A. Christian

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

Daniel D. Chu

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

Richard J. Condon

Mr. Condon was appointed as the Special Commissioner of Investigation for the New York City School District by former Mayor Michael R. Bloomberg on July 1, 2002, and continues under Mayor Bill de Blasio. The office of the Special Commissioner of Investigation for the New York City School District investigates criminal activity, sexual misconduct, unethical conduct, conflicts of interest and other wrongdoing occurring within the City's schools. Mr. Condon's staff includes 5 attorneys who oversee investigations and 49 investigators with backgrounds in the New York City Police Department and other law enforcement agencies; he has a budget of \$5 million and reports to the New York City Commissioner of Investigation. Mr. Condon's career in public service includes having served as Police Commissioner and First Deputy Commissioner with the New York City Police Department and Deputy Coordinator of Criminal Justice for New York City, all under Mayor Koch. He has also served as the Commissioner of the Division of Criminal Justice Services for New York State under Governor Mario Cuomo. Prior to his appointment as Special Commissioner of Investigation, Mr. Condon was Director of Administrative Services & Worldwide Security for Paine Webber. During that time he also served as a Commissioner on the New York City Civilian Complaint Review Board. A native of New York City, Mr. Condon holds a Bachelors of Arts degree from Pace University and a Masters of Arts degree in Criminal Justice from John Jay College of Criminal Justice, and is a graduate of the Senior Command Course at the British National Police College in Bramshill, England.

Ralph C. Dawson

Mr. Dawson, of counsel at Norton Rose Fulbright, US LLP, is engaged in the practice of labor and employment law and civil litigation in the New York office. His practice involves the representation of employers in proceedings before the courts and administrative agencies. He also represents employers in collective bargaining negotiations and in grievance and arbitration proceedings under labor contracts. In the broader employment law area, Mr. Dawson represents employers in courts and in administrative proceedings involving claims of wrongful discharge and claims of employment discrimination brought under Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, the Americans

with Disabilities Act and related federal and state statutes. He has also represented clients in a variety of commercial disputes involving non-competition, other restrictive covenants, breach of contract and tort claims. He also provides counseling and training to various companies in the securities industry and other industries. Mr. Dawson's interest in public policy matters has led him to collaborate with our Public Finance Department of which he is now a part. In this capacity he has been part of the our teams acting as underwriter's counsel for various financial institutions: (a) graduate of Yale University and the Columbia University School of Law, Mr. Dawson was licensed to practice law in New York in 1977, is also a member of the Washington, D.C. Bar,. and is admitted to practice before the United States Supreme Court, various federal district courts and the Courts of Appeal for the Second and Fifth Circuits. He is also a member of American Bar Association, New York City Bar Association, Past Service on: Civil Rights Committee, Metropolitan Black Bar Association of New York, and serves on the Court Appointed Merit Selection Panel for Magistrate Judges in the United States District Court for the Southern District of New York. He has been recognized as a *New York Metro Super Lawyers* in the area of employment & labor from 2012 - 2016.

Leonard F. DeLuca

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

John M. Desiderio

Mr. Desiderio, Chair of Adam Leitman Bailey, P.C.'s Real Estate Litigation Practice Group, has been a practicing attorney in New York City for over forty years. His practice is concentrated in cooperative/condominium representation, real estate litigation, title litigation, mortgage foreclosures, and antitrust and trade regulation. Mr. Desiderio received his A.B. degree from Fordham College in 1963, an LL.B. degree from the University of Pennsylvania Law School in 1966, and an LL.M. degree from New York University School of Law in 1969. He served as a Captain in U.S. Army Intelligence from 1966 to 1968. Mr. Desiderio has extensive litigation experience in representing both landlords and tenants in commercial and residential real estate litigation. His cases in this area have involved issues relating to ownership of title to property, the right to enforce contracts of sale, landlord obligations to furnish habitable dwellings, tenant obligations to meet conditions of their tenancy, and the

applicability of common law and statutory warranties to newly constructed or converted condominium and cooperative apartments. From 1969 to 1980, Mr. Desiderio was an Assistant New York State Attorney General under Attorneys General Louis Lefkowitz and Robert Abrams, and from 1972 to 1980 he served as Chief of the Attorney General's Anti-Monopolies (now Antitrust) Bureau. He entered private practice in 1981 and has represented clients in antitrust, Civil RICO, real estate, food and drug law, and general civil litigation. Mr. Desiderio has published articles on real estate law, antitrust law, and food and drug law topics.

Rita DiMartino

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

Business School and Executive Management Programs at the University of California at Berkeley. Ms. DiMartino is Vice Chair of the Board's Standing Committee on Faculty, Staff, and Administration, and holds membership on the Standing Committee on Academic Policy, Program, and Research, the Standing Committee on Facilities, Planning, and Management, the Standing Committee on Faculty, Staff and Administration, and the Standing Committee on Student Affairs and Special Programs.

Paul F. Doyle

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

Peter G. Eikenberry

Mr. Eikenberry is sole proprietor of a two person law firm in New York City specializing in complex commercial litigation in the State and Federal courts, including employment, art law, contract, fraud, international, securities, and bankruptcy adversary disputes. Previously, *inter alia*, he had been an associate at White & Case and a partner at Seyfarth Shaw. He was educated at The Ohio State University (B.A. and LL.B.), where he was Note Editor of the Law Journal and where he is a member of its National Council. He is a member of the NYCBA Committee on International Human Rights (2015-) and has been a member of its committees to Encourage Judicial Service (Founding Chair 1989-1992) Orison Marden Lecture Committee (Chair 2005-2009) Federal Courts, Judiciary, State Courts of Superior Jurisdiction, Litigation and the Council on Judicial Administration. In 1998 he led an NYCBA Human Rights Mission to Northern Ireland. He has been a member of NYSBA

Committees on Courts of Appellate Jurisdiction and Federal Courts, a Vice President of the Federal Bar Council, and has served on FBC Committees on Courts of the Second Circuit (Chair 2000-2003) and Public Service (Founding Chair 1991-1994.) He was Editor in Chief of the FBC Quarterly (2007-2010) and was a co-author of the FBC's Proposed Deposition Rules for the Second Circuit, 131 F.R.D. 613 (1990.) Mr. Eikenberry was the Convenor and is a member of the Steering Committee of the New York Conference on Immigration Representation led by Chief Judge Robert Katzmann of the Second Circuit Court of Appeals. He is a Fellow of the New York Bar Foundation. He is author of Chapter 9, *Specific Performance and Rescission* in Haig, Commercial Litigation in New York State Courts (West 2010.)

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

Mr. Fales was a retired partner of the law firm of White & Case. He was 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 served as a Special Master at the Appellate Division, First Department, and was a Fellow of the American College of Trial Lawyers. Mr. Fales passed away on November 2, 2015.

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. He is currently the Chair of the Executive Committee of the

Practicing Law Institute and Chair of the Audit Committee of the Board of Directors of Catholic Charities of the Archdiocese of New York.

Gary D. Friedman

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

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. Currently she is director of Media and Society Seminars at the Columbia Graduate School of Journalism. Until 2012 she served as 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.

Darrell S. Gay

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

Nicholas A. Gravante, Jr.

Mr. Gravante is a partner at Boies, Schiller & Flexner, LLP, with extensive trial experience in the areas of complex commercial litigation, business crimes and antitrust litigation. He also serves as the firm's general counsel and sits on its executive committee. Mr. Gravante has consistently been honored as one of the country's top lawyers, having been named among Lawdragon's *500 Leading Lawyers in America* and *New York's Best Lawyers*, and also by *Super Lawyers*. Most recently, he secured a victory in the battle for control of the Arizona Iced Tea empire, successfully defending the company's founder against claims seeking hundreds of millions of dollars. He is also known as counsel to former shareholders of American International Group in litigation arising from the financial crisis, as well as to several hedge funds, the Andy Warhol Foundation and to bondholders litigating over Argentine government debt. Previously, Mr. Gravante was a managing partner at Barrett Gravante Carpinello & Stern LLP. Mr. Gravante sits on the Second Department's Judicial Screening Committee and is a member of the Citizens Crime Commission of New York City. He chairs the Brooklyn Public Library's board of trustees and is a member of the board of trustees for the Community Service Society and ESS Sheltering Arms. He was a member of Mayor Bill de Blasio's Inauguration Committee.

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

Mr. Haig is a litigation partner at the law firm of Kelley 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 was the Co-Chair of the Commercial Courts Task Force established by Chief Judge Judith S. Kaye in 1995 to create and refine the Commercial Division of the New York State Supreme Court. He is now the Chair of the Commercial Division Advisory Council established by Chief Judge Jonathan Lippman in 2013 to advise him on an ongoing basis about all matters involving and surrounding the Commercial Division as well as to keep him apprised of developments in the business world that may affect the court system. On November 16, 2008, he was inducted as an Honorary Charter Member of the American College of Business Court Judges in recognition of his efforts to develop business courts in New York and many other states and countries. Mr. Haig is the Editor-in-Chief of a six-volume treatise, entitled, *Commercial Litigation in New York State Courts*, and of two other multi-volume treatises.

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 City 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.

Peter C. Harvey

Mr. Harvey is a member of the firm of Patterson Belknap Webb & Tyler, LLP. He graduated from Morgan State University, with honors, and Columbia Law School. He is a past Attorney General of the State of New Jersey and a former federal prosecutor. Before becoming Attorney General in February 2003, he served as First Assistant Attorney General and the Director of the Division of Criminal Justice. Prior to joining the Attorney General's office he was an Assistant United States Attorney for the District of New Jersey and was in private practice. His professional activities include: Member of the National Association of Attorneys General (NAAG); Representative to the Executive Working Group on Prosecutorial Relations; Chairman, NAAG Subcommittee on Gang Violence; and a member of the National Bar Association and the American Bar Association. He received the *New Jersey Law Journal's* "Lawyer of the Year" award (2003); he was recognized in *Super*

Lawyers in the area of Business Litigation, and named to “Top Black Lawyers in America,” Black Enterprise Magazine.

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

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

Deesha M. Hill

Deesha Hill is Assistant General Counsel for Verizon Enterprise Solutions (VES). In this role, Ms. Hill is responsible for providing legal support to Global Operations and Marketing for VES. Prior to VES, she supported the B2B channel for Verizon Wireless. In October 2014, Ms. Hill received the National Individual Pro Bono Award from the Association of Corporate Counsel. In February 2009, she received a Proclamation from the New York City Council for her community involvement in the City of New York. She currently serves as a member of the Verizon Pro Bono Committee. During her career, Ms. Hill has represented victims of domestic violence and developed programming for legal diversity pipeline initiatives. Ms. Hill has also been a frequent speaker on corporate pro bono best practices and has addressed the Pro Bono Institute and Association of the Bar of the City of New York. Before joining Verizon, Ms. Hill worked in private practice at White & Case LLP in New York as a corporate associate. She focused on leveraged finance transactions in the corporate department. She is a member of the Association of the Bar of the City of New York, American Corporate Counsel Association - Greater New York Chapter, Delta Sigma Theta Sorority Incorporated and the New York Junior League. She received a Bachelor of Science in Economics from the University of Pennsylvania and holds a *Juris Doctor* degree from

Fordham University School of Law. Ms. Hill is admitted to practice in the State of New York and the Southern District of New York.

Pamela Jarvis

Ms. Jarvis has been a partner in Joseph Hage Aaronson, LLC, (formerly 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.

John J. Jerome

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

Richard M. Kenny

Mr. Kenny is the founding member of The Law Office of Richard M. Kenny, a firm dedicated to the prosecution of plaintiff's personal injury cases. Mr. Kenny graduated from St. John's University School of Law in 1990. His professional affiliations include the American Bar Association, the New York State Bar Association and the New York State Trial Lawyers Association. Mr. Kenny has regularly been listed in *New York Super Lawyers*, the *Top Attorneys in New York*, and the *National Association of Distinguished Counsel* in the field of plaintiff's personal injury litigation.

Myron Kirschbaum (Special Counsel to the Policy Committee)

Mr. Kirschbaum is a Special Counsel in the firm of Kaye Scholer LLP, where he is the longtime co-chair of the firm's Professional Ethics Committee, and is engaged in complex business litigation and provides professional responsibility advice and counseling. He received his law degree from Harvard University where he was Editor of the *Harvard Law*

Review. After graduation, he served as a law clerk in the United States Court of Appeals for the Second Circuit.

Danielle C. Lesser

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

Alan Levine (Member of the Policy Committee)

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

Roger Juan Maldonado

Mr. Maldonado is a litigation partner at Balber Pickard Maldonado & Van Der Tuin, P.C. His practice concentrates on complex civil litigation concerning commercial and real estate transactions, software development disputes, 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. Chief Judge Jonathan Lippman recently appointed Mr. Maldonado to serve as Co-Chair of the Committee on Non-Lawyers and the Justice Gap; as a member of the Commercial Division Advisory Council; and as a member of the Advisory Group to the New York State and Federal Judicial Council. 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 Chair of the NYCB's Council on Judicial Administration; as Vice- President of the NYCB; as a member of the Mayor's Advisory Committee on the Judiciary; and as 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.

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 McNerney NYCLA Inn of Court.

Maria D. Melendez

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

Charles G. Moerdler

Mr. Moerdler is the Co-Chair of Stroock's Litigation Practice Group. His practice is broad-based, including concentrations in real estate and land use, health care, international law, labor and administrative law, as well as state and federal appellate practice. Mr. Moerdler's public service career includes current service as a Board Member of the Metropolitan Transportation Authority, the New York City Housing Development Corp., and

as a Member of the New York City Board of Collective Bargaining, as well as Commissioner of Housing and Buildings under Mayor John V. Lindsay. Mr. Moerdler has represented many of New York's leading real estate developers and owners, as well as real estate trade organizations, in a variety of contexts ranging from antitrust, to land use and zoning, to brokerage and contract disputes. Among the many organizations that have retained Mr. Moerdler as outside general counsel are one of the largest hospitals in the country, one of the nation's largest health maintenance organizations and a major New York City daily newspaper, for which he also has served as a director. He regularly counsels Austria's largest bank in international litigation and served as board chairman of its U.S. subsidiary. He also acts for Austria's largest electricity and power enterprise, one of its largest realtors and has represented other major European companies. Mr. Moerdler represents the American Federation of Teachers and has served as lead negotiator for numerous municipal labor unions, including the United Federation of Teachers and the Patrolmen's Benevolent Association. Mr. Moerdler was admitted to the New York Bar 1956. He holds an LLB from Fordham Law School and a BA from Long Island University.

Daniel F. Murphy, Jr.

Since 1998 Mr. Murphy has been the Managing Partner of Putney, Twombly, Hall & Hirson LLP, a New York City law firm founded in 1866. Prior to that, Mr. Murphy served as the Labor and Employment Law Practice Group Leader from 1997 to 2003. Mr. Murphy represents management exclusively in all aspects of labor relations, employment law, and related litigation. He counsels employers on a daily basis in a variety of industries on topical employment issues. He litigates cases in federal and state courts throughout the country. He represents management before arbitration tribunals and administrative agencies on the state and federal level. He also serves as chief spokesperson for management during labor negotiations. Mr. Murphy represents employers in health care, higher education, manufacturing, financial services, retail and services industries. He provides counsel to employers on a full range of human resource issues, including hiring and termination, discrimination complaints, sexual harassment (including the development of policies and the training of supervisors), collective bargaining and strategic analysis involving organized labor, the development and administration of human resource policies, wage and hour compliance, and occupational safety and health issues. Mr. Murphy has advised employers during acquisitions, mergers and corporate divestitures and corporate restructuring. Mr. Murphy has lectured on various employment law topics, including sexual harassment, the Americans With Disabilities Act, Workers Compensation, the Family Medical Leave Act, negligent hiring, discrimination, diversity in the workplace, violence in the workplace and a variety of other concerns, to clients, trade associations and at seminars conducted by professional associations.

Mr. Murphy received his law degree from Boston College Law School in 1975, a Masters

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

Hon. Eugene Nardelli (Member of the Policy Committee)

Judge Nardelli is a graduate of Fordham University LLB. He served as Associate Justice of the Appellate Division, First Department, from 1993 to 2011. He previously served as Justice of the Supreme Court of the State of New York, First Department, and Judge of the Civil Court. Governor Andrew Cuomo appointed him Director of the IOLA Fund. He is a Director of the Italian Language Foundation, a Director of the American Society of the Italian Legion of Merit, and a Director of the Columbus Citizens Foundation, and was appointed Special Master of the Appellate Division's Pre-Argument Conference Program.

Fredric S. Newman

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

Ricardo E. Oquendo

Mr. Oquendo is the founder and co-managing partner at Oquendo Deraco, PLLC and Affiliates, and was previously associated with Davidoff Malito & Hutcher, LLP, Oquendo Ramirez Zayas Torres & Martinez, LLP, LeBoeuf, Lamb, Greene & MacRae, LLP (Dewey LeBoeuf) and with Kalkines, Arky, Zall & Bernstein, LLP (Manett Phelps & Phillips). Mr. Oquendo has over 27 years experience as a business transactional and commercial litigation attorney with a special focus on business, commercial and real estate litigation, commercial and real estate transactions, commercial landlord/tenant matters (leases and litigation), special needs/affordable housing development/tax credit financing, business finance and lending, business contracts, employment law, entertainment, fashion and media transactions, intellectual property licensing and litigation, hospitality and restaurants, nonprofit/tax exempt organizations, professional licensing and discipline and government relations/public affairs. Mr. Oquendo is a graduate of Rutgers University School of Law. Mr. Oquendo is admitted to practice law in the State of New York, the U.S. Supreme Court, the U.S. District Court, Southern, Eastern and Northern Districts of New York. Mr. Oquendo is a member of the Board of Directors of Latino Justice/Puerto Rican Legal Defense and Education Fund and is a Regent Emeritus having served as a member of the New York State Board of Regents from 1998-2003.

Pablo Quinones

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

Abigail T. Reardon

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

Lee S. Richards, III

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

Roland G. Riopelle

Mr. Riopelle is a partner in the firm of Sercarz & Riopelle, LLP, where he litigates primarily criminal cases and the occasional complex civil case. He is a graduate of the Boalt Hall School of Law. After law school, Mr. Riopelle clerked for a Federal District Judge and later served as an Assistant United States Attorney in the Southern District of New York from 1992 to 1998. He is a member of the American College of Trial Lawyers. He is a member of the executive board of the New York Council of Defense Lawyers, and serves as the Vice-President of that organization. He is also a member of the National Association of Criminal Defense Lawyers. He is an active member of the New York State Bar Association and the Association of the Bar of the City of New York, where he has chaired the Criminal Advocacy Committee, served on the Criminal Courts and Judiciary Committees, and chaired or participated in various Continuing Legal Education programs.

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.

Barbara K. Rothschild

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

David M. Rubin

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

William T. Russell, Jr.

Mr. Russell is a partner at Simpson Thacher & Bartlett LLP in the firm's Litigation Department. He is a member of the American Law Institute, former Chair of the New York City Bar Association's Committee on Pro Bono and Legal Services and member of its delegation to the New York State Bar Association House of Delegates, former Chairman of the Board of Manhattan Legal Services, a member of the Advisory Board of Legal Outreach, Inc., the Board of Legal Services New York City and the Board of the National Center for Access to Justice, a member of the New York State Bar Association's President's Committee on Access to Justice and a member of Court of Appeals Chief Judge Jonathan Lippman's Attorney Emeritus Council. He is a graduate of Princeton University and New York University School of Law and is admitted to practice before the Southern, Eastern and Northern District Courts of New York, the United States District of Arizona, the United States Court of Appeals for the Second and Fourth Circuits, and the United States Supreme Court.

Barbara A. Ryan

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

Karla G. Sanchez (Member of the Policy Committee)

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 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, United States District Court, Southern District of New York. Ms. Sanchez was named one of the *40 under Forty* by Crain's New York Business and listed on Hispanic Business's *100 Most Influential Hispanics*.

Kathleen M. Scanlon

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

Eugene P. Souther

Mr. Souther is senior counsel to the firm of Seward & Kissel. He received an LL.B. from Fordham University School of Law. Mr. Souther is a Fellow of the American College of Trial Lawyers and served on the New York Downstate Committee of the College; was president of the New York County Lawyers' Association; served in the House of Delegates of the New York State Bar Association; was a delegate to the House of Delegates of the American Bar Association; and served as Vice Chairman of the International Bar Association.

Lawrence S. Spiegel

Mr. Spiegel is a partner at Skadden, Arps, Slate, Meagher & Flom LLP. He has more than two decades of experience advising individuals and corporations in complex criminal and civil matters. He has represented corporations, their directors, officers and employees in cases involving allegations of mail and wire fraud, securities fraud, tax fraud, government program and procurement fraud, bank fraud, consumer fraud and money laundering. He

represents clients in connection with federal and state grand jury investigations, in inquiries by regulatory agencies, including the Securities and Exchange Commission, and at trial. He has successfully defended many clients in high-profile criminal investigations and indictments and on appeal. Mr. Spiegel has particular experience advising clients in the context of concurrent criminal proceedings and civil litigation. In addition, he has led many corporate internal investigations, and has advised boards of directors and management of public and private companies on compliance issues and programs, including those related to the Foreign Corrupt Practices Act. Mr. Spiegel serves as the Skadden's general counsel and co-chairs the firm's Ethics Committee. He is also a member of the firm's Client Engagement and Risk Committees and participates on the firm's Policy Committee (*ex officio*). Mr. Spiegel repeatedly has been listed in the *Best Lawyers in America*. He frequently lectures and writes about developments in criminal law and in legal ethics. Mr. Spiegel is an adjunct professor and guest lecturer in law schools. In 2009, he received the Burton Award for Legal Achievement, which recognizes excellence in legal scholarship.

Edward M. Spiro

Mr. Spiro is a principal of Morvillo Abramowitz Grand Iason & Anello, P.C. His practice focuses primarily on complex commercial litigation. He is co-author of *Civil Practice in the Southern District of New York*, 2d Ed. (Thomson Reuters 2014), a two-volume treatise updated annually, and co-author of a regular *New York Law Journal* column on civil practice in the Southern District of New York. Mr. Spiro is a member of the House of Delegates of the New York State Bar Association. He is also on the Board of Directors of the New York County Lawyers' Association and former Chair of its Committee on Professional Discipline. He is a former Chair of the Committee on Professional Discipline of the New York City Bar Association. Mr. Spiro is a Fellow of the American Bar Foundation and a member of the American Bar Association (Litigation and Criminal Justice Sections), the New York State Bar Association (Commercial and Federal Litigation Section), and the Federal Bar Council. Mr. Spiro received his J.D., *cum laude*, from Boston University School of Law and his B.A., *cum laude*, from Colgate University.

William St. Louis

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

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

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

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

Judge Sullivan is of counsel at the firm of Holland & Knight, LLP. He graduated from St. John's University, LL.B, and the University of Virginia, School of Law, LL.M. Prior to joining Holland & Knight, LLP, Judge Sullivan served as Associate Justice of the Appellate Division, First Judicial Department – January 1, 1978 to February 15, 2000; January 1, 2002 to December 31, 2007, and served as Presiding Justice of the Appellate Division, First Judicial Department – February 16, 2000 to December 31, 2001. He also served as Justice of the Supreme Court of the State of New York, First Judicial Department, and Judge of the Civil Court of the City of New York. He was nominated ten times by the Commission on Judicial Nomination for appointment to the Court of Appeals, including twice for the office of Chief Judge.

Sheea T. Sybblis

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

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, New York University 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.

Anne C. Vladeck

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

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 United States 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 LLP where he was a Partner until 2009 and for many years a member of the firm's Executive Committee and head of its

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

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

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

Frank H. Wohl

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

Richard R. Zayas

Mr. Zayas is a partner in the Law Offices of Richard R. Zayas & Associates and a principal in the business development firm Triascent Group. His practice concentrations are business, healthcare, not-for-profit law and litigation. He is a graduate of Yale Law School and Fordham University. He is also an Interfaith Minister and the founder of the not-for-profit organization, Wind Beneath My Wings.

Gonzalo S. Zeballos

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

A BRIEF OVERVIEW OF THE DISCIPLINARY PROCESS

Complaints, Investigations and Dismissals

The disciplinary process usually commences with the filing of a complaint against an attorney, who is referred to as a “respondent.” Some 3793 matters were investigated in 2015, 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. If the complaint alleges serious misconduct by the attorney, such as conversion of client funds, the Committee will not defer investigation. 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 a 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 dismissal¹, 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 lawyer member of the Committee 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 (admonition) when an investigation reveals

¹Staff may also recommend a “dismissal with guidance” (DWG) which is aimed at educating and warning an attorney of conduct that is questionable but does not quite warrant discipline. DWG is the same as virtually any other dismissal in that it is not “discipline” and will never disadvantage the respondent in subsequent disciplinary proceedings. The Committee sent out 234 DWGs in 2015.

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

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 and proceed to a hearing. In that case, staff must be able to prove the misconduct, by a preponderance of the evidence, before a Referee. In the alternative, the respondent may write the Chair seeking reconsideration of the admonition. In that case the Chair sustains, modifies or vacates the admonition. In 2015, the Committee issued 99 Letters of Admonition. An admonition may be based on more than one complaint against a respondent. Usually, respondents accept the admonition, or request reconsideration from the Chair. Rarely do respondents request a hearing.

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 with the Court, reviewed and signed by the Chair, to confirm a Hearing Panel's Determination; or, the Chief Counsel files a motion with the Court 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, 26th Floor, New York, New York 10010.

REPRESENTATIVE PUBLIC DISCIPLINE CASES

In 2015, the Appellate Division, First Judicial Department, publicly disciplined 59 lawyers as follows: 20 disbarments, 10 resignations by attorneys facing charges (equivalent to disbarment), 24 suspensions and 5 public censures. Several cases prosecuted by Committee staff attorneys that became a matter of public record in 2015 are reviewed below:

Matter of Denise J. Brown, 133 AD3d 7 (1st Dept 2015)

Almost immediately after the IRS levied on Brown's business account to satisfy outstanding tax liens in May 2010, she began to use her attorney escrow account to hold earned legal fees and pay personal and business expenses exceeding \$500,000 over the course of more than two years. Brown's argument that her use of her escrow account to hold strictly personal funds exempted it from Rule 1.15 requirements was rejected by the Referee, Hearing Panel and the Court, which sustained charges that Brown, *inter alia*, misused her escrow account for the intended purpose of shielding her funds from the IRS, and confirmed the Hearing Panel's recommendation, urged by staff, that Brown be suspended for two years. (Staff Attorney Kevin P. Culley)

Matter of Manuel Campos-Galvan, 132 AD3d 102 (1st Dept 2015)

Campos-Galvan, a former New York attorney whose name was stricken from the roll of attorneys by virtue of his resignation in 2008, unbeknownst to the Committee at that time, was also a Mexican attorney and New York foreign legal consultant. The Court granted the Committee's motion to revoke Campos-Galvan's foreign legal consultant license based upon the admissions in his resignation affidavit previously submitted to the Court that he converted and misappropriated client funds exceeding \$55,000. (Staff Attorney Kevin P. Culley)

Matter of Rafael A. Escalante, 127 AD3d 37 (1st Dept 2015)

Escalante failed to return \$28,000 from his escrow account to a third-party in an aborted transaction over the procurement of a letter of credit in which he acted as escrow agent. Escalante's escrow account records showed a balance of 84 cents after he disbursed all of the third-party funds to himself for personal use. Escalante also neglected four client matters and refused to return unearned fees paid to him. He submitted an Answer to the Charges, but refused to appear for the hearing before the Referee, stating that he ceased practicing law and had relocated to Puerto Rico to be a full-time caretaker to his terminally ill mother. Finding that Escalante intentionally converted and misappropriated third-party funds, made false statements, failed to produce the special account records subpoenaed by the Committee and failed to promptly refund an unearned fee, the Court ordered him disbarred. (Staff Attorney Kevin P. Culley)

Matter of John E. Fasciana, 132 AD3d 144 (1st Dept 2015)

In this serious crime proceeding, Fasciana was convicted in 2005 of conspiracy to commit mail fraud and wire fraud and multiple counts of mail fraud, for his participation in a scheme to defraud his corporate client out of tens of millions of dollars, and sentenced to four years in prison. Following a sanction hearing at which Fasciana maintained his complete innocence of the crimes for which he was convicted and testified about his son's tragic affliction with a rare neuromuscular disorder, and other hardships, the Referee recommended a five-year suspension. The Hearing Panel disagreed, and recommended disbarment. In disbaring Fasciana, the Court noted: "...there is significant aggravation in that respondent steadfastly refuses to acknowledge any wrongdoing whatsoever." (Staff Attorney Kevin P. Culley)

Matter of Rachel H. Nash, 135 AD3d 159 (1st Dept 2015)

Nash, her sister and mother were principals of 501 Second Street, LLC, which owned a multi-tenant commercial/ residential building at said address in Park Slope, Brooklyn. The Nashes leased the building in 2001, and soon thereafter became embroiled in multiple, bitter, protracted litigations with the tenant, which continues to date. Nash was a member of the family controlled LLC and acted as its attorney in the litigations. After a judgment was entered against the LLC and a Sheriff's sale of the building was scheduled, the property was conveyed to another LLC owned and controlled by the Nashes. In an action brought by the tenant, the Supreme Court set aside the conveyance as fraudulent pursuant to Debtor and Creditor Law §§ 273, 273-a and 276. Nash was also sanctioned in the litigations for, *inter alia*, frivolous motion practice, contempt for her deliberate disregard of a subpoena and making statements intended to harass and maliciously injure opposing counsel. Pursuant to the doctrine of collateral estoppel, the First Department found that, based on 5 prior court decisions, Nash engaged in 11 counts of professional misconduct. At a sanction hearing before a Referee, Nash refused to acknowledge wrongdoing or express remorse, and instead blamed her adversary, opposing counsel and the Court. Nash asked for a private reprimand. Staff recommended a two year suspension. While the Referee agreed with Staff, the Hearing Panel did not, and recommended a one year suspension. Noting that Nash's conduct continued over a ten year period, that she had no meaningful mitigation and has steadfastly refused to acknowledge any wrongdoing or express remorse, the Court suspended her for two years. (Staff Attorney Kevin P. Culley)

Matter of Marc Verzani, 131 AD3d 49 (1st Dept 2015)

In October 2013, Verzani pleaded guilty to one count of making a false statement on a United States Customs and Border Protection form (USCBP form), a felony, and was sentenced to two years of probation. The plea, which stemmed from a three count indictment alleging, among other things, that Verzani conspired to violate the Cuban trade embargo, was based on his false statement that the only country he had visited while outside the United States was

Mexico, when in fact he had also traveled to Cuba. In granting the Committee's petition to strike, the Court rejected Verzani's claim that automatic disbarment was unwarranted because the count to which he pleaded was analogous to New York's second degree offering a false instrument for filing, a misdemeanor, not first degree offering a false instrument for filing, a felony under New York law, because he admitted at plea that he "willfully concealed a material fact on the USCBP form." (Staff Attorney Kevin P. Culley)

Matter of Peter F. Anderson, 131 AD3d 88 (1st Dept 2015)

Anderson was disbarred following his interim suspension. Anderson was suspended on an interim basis pursuant to 22 NYCRR 603.4(e)(1)(ii)(substantial sworn admission of misconduct) and (iii)(uncontested evidence of professional misconduct). Anderson had misappropriated and/or converted third-party funds in the amount of \$65,000, a down payment entrusted to Anderson as seller's attorney. Anderson had also made repeated ATM cash withdrawals from his escrow account and commingled personal funds with client funds while tax liens amounting to \$200,000 loomed over any funds Anderson maintained outside of his escrow account. Following Anderson's interim suspension, six months elapsed without his appearing before or contacting the Committee or the Court for a hearing or reinstatement. Upon the Committee's motion for an order disbaring respondent, pursuant to 22 NYCRR 603.4(g), therefore, Anderson's name was stricken from the roll of attorneys and counselors-at-law in the State of New York, effective immediately. (Staff Attorney Kevin M. Doyle)

Matter of Stuart A. Schlesinger, 132 AD3d 171 (1st Dept 2015)

Schlesinger resigned from the practice of law, admitting that he could not defend against charges forthcoming from the Committee's investigation into allegations that Schlesinger had misappropriated client funds (22 NYCRR 603.11[a][2]). Schlesinger knew that he was the subject of an investigation by the Committee into evidence and allegations that he misappropriated clients funds. In his affidavit, Schlesinger stated that: (1) he was aware of a pending disciplinary investigation against him, in which he was the subject of allegations that he misappropriated settlement funds belonging to 16 clients, including one client's \$50,000 and another's \$16,000; (2) that he used said funds for his own personal or business purposes prior to paying his clients; (3) and that approximately \$528,000 was still due and owed to those clients. He also acknowledged that if disciplinary charges were brought against him based on allegations in his former clients' complaints, he could not successfully defend himself on the merits against such charges (22 NYCRR 603.11[a][3]). (Staff Attorney Kevin M. Doyle)

Matter of Richard A. Gilbert, 131 AD3d 171 (1st Dept 2015)

In an order dated July 14, 2015, the Court publicly censured Gilbert based on his neglect of a matrimonial matter; his failure to timely refund an unearned fee; and his disregard of a

letter of admonition issued by the Committee based on his earlier neglect of the same matter. The Court discussed Gilbert's otherwise unblemished disciplinary record; his neglect being confined to a single matter without other egregious misconduct; his family and professional difficulties; his cooperation with the Committee; his admission of misconduct; and his ultimate refund of the unearned fee. The Court also discussed the steps Gilbert took to avoid neglecting future matters. The Court noted Gilbert's sincere expression of remorse. (Staff Counsel Paul L. Friman)

Matter of Samuel Ehrenfeld, 131 AD3d 1 (1st Dept 2015)

Ehrenfeld was under investigation for converting \$496,000 in escrow funds that a private elementary school had entrusted him to hold on its behalf after a real estate sale. The Committee obtained a judicial subpoena *duces tecum* requiring his appearance for an examination under oath, but he declined to appear and instead, submitted an affidavit of resignation to the Court. Ehrenfeld admitted that he had withdrawn the funds from his escrow account without the school's knowledge, authorization or consent and, therefore, could not defend himself on the merits against the substance of the Committee's investigation. The Court accepted his resignation. (Special Trial Counsel Jeremy S. Garber)

Matter of Yoo Rok Jung, 132 AD3d 236 (1st Dept 2015)

Jung, an associate at a law firm, had initially cooperated with the Committee's investigation into allegations that she and her firm had settled clients' back wages claims without their consent and had deducted excessive and unsubstantiated expenses from the settlement amount. After attending one examination under oath, however, Jung refused to re-schedule a second date, stating, "such a meeting would not be the most efficient use of your highly valuable time." Thereafter, she made sporadic gestures at cooperation, but only when threatened with suspension and ultimately ceased responding to any of the Committee's written inquiries, which had been sent to the half dozen addresses where she claimed to have lived or worked in the preceding year. The Committee moved to suspend her for non-cooperation, and the Court granted the Committee's motion. (Special Trial Counsel Jeremy S. Garber)

Matter of Michael Leopold, ___ NYS3d ___, Slip Op. 09780 (1st Dept 2015)

On January 29, 2015, the Court imposed an interim suspension on Leopold for his failure to cooperate with the Committee in its investigation into a complaint filed by a former real estate client and the default judgment entered against him in the related malpractice matter. In September 2015, Leopold submitted an affidavit of resignation, in compliance with 22 NYCRR 603.11. He admitted that he could not defend against charges that for four months he disregarded the Committee's request that he produce his client file, and complied only after being subpoenaed, and that he subsequently failed to respond to the Committee's requests for bookkeeping records for his escrow account when checks were dishonored and

failed to submit tax returns requested by the Committee in connection with its investigation into his claim that he could not afford to satisfy the default judgment. He also acknowledged that he could not defend against allegations that he lied under oath when he appeared in Westchester Supreme Court in connection with an inquiry into his evasion of an information subpoena after entry of the default judgment. By order dated November 17, 2015, the Court accepted Leopold's affidavit of resignation and struck his name from the roll of attorneys. (Deputy Chief Counsel Naomi F. Goldstein)

Matter of Kristan Peters, 127 AD3d 103 (1st Dept 2015)

In November 2007, the Southern District Court imposed 27 non-monetary sanctions on Peters, then a partner at Dorsey & Williams, for misconduct in an action brought by her corporate clients against former employees whom they claimed stole proprietary information. At the same time, the Southern District referred the matter to its Grievance Committee. The most egregious aspects of the misconduct were findings that Peters instructed a young associate to deface transcripts with purported work product in order to render them non-discoverable, and that she violated a confidentiality order. On April 10, 2008, the Grievance Committee suspended Peters while she appealed the sanctions to the Second Circuit. In June 2009, after the Second Circuit affirmed, the Grievance Committee disbarred Peters. Over the next five years, Peters appealed again to the Second Circuit, the matter was remanded and Peters appealed a third time. Finally, by order dated April 4, 2014, the Second Circuit suspended Peters for seven years, *nunc pro tunc* to April 10, 2008, the date of her suspension. By decision and order dated March 3, 2015, our Court reciprocally disciplined Peters, but suspended her for five years, *nunc pro tunc* to April 10, 2008. (Deputy Chief Counsel Naomi F. Goldstein)

Matter of Robert Radman, 135 AD3d 31 (1st Dept 2015)

Radman's misconduct arose out of his representation of the estate of an individual in an action against a hospital, a radiology group and several doctors for wrongful death and medical malpractice. When defendants made a motion for summary judgment, Radman filed an affirmation in opposition and submitted two exhibits purported to be expert affirmations from two unnamed doctors. In fact, Radman had drafted the affirmations without the doctors' knowledge or authorization. At oral argument, the Court asked to see the signed original affirmation from one of the doctors within a week. A day after the deadline lapsed, Radman sent the Court a named unsigned affirmation from a doctor, with whom Radman had never conferred. When the law firm learned of the deception the next day, it notified the Court. The Court notified the Committee and Radman was charged. At the hearing on the charges respondent admitted the misconduct and attributed it to depression and the stress he was under because of family issues. The Court adopted the recommendation of the Referee and Hearing Panel and issued an order suspending Radman for three months and directing him to complete a one year course of counseling sessions provided by the New York State

Bar Association's Lawyer Assistance Program. (Deputy Chief Counsel Naomi F. Goldstein)

Matter of Lawrence S. Cumberbatch, 131 AD3d 91 (1st Dept 2015)

The Court interimsly suspended Cumberbatch for failure to cooperate with the Committee's investigation. The Court granted the Committee's motion to disbar based on 22 NYCRR 603.4(g) and disbarred respondent for failure to either appear or apply in writing to the Committee or the Court for a hearing or reinstatement, within six months from the date of the suspension order. (Staff Counsel Jun Hwa Lee)

Matter of Eamon Teague, 131 AD3d 268 (1st Dept 2015)

The Court suspended Teague for three months for making "patently offensive, racial, ethnic, homophobic, sexist, and other derogatory remarks to attorneys," as well as insulting an administrative law judge in a public forum and being disruptive inside and/or in the vicinity of hearing rooms. Teague was also found to have improperly importuned court clerks to recalendar cases even when told it could not be done. The Court also ordered that Teague continue anger management treatment for one year with the New York State Bar Association's Lawyer Assistance Program. (Staff Counsel Jun Hwa Lee)

Matter of Michael P. Benenati, 136 AD3d 108 (1st Dept 2015)

Benenati was suspended for three months for misappropriating his administrative assistant's notary stamp and for using that stamp to notarize documents by forging the assistant's signature. In suspending Benenati for three months, the Court weighed Benenati's serious and repetitive misconduct against the mitigation, i.e., an unblemished disciplinary record, remorse, and personal problems. (Deputy Chief Counsel Vitaly Lipkansky)

Matter of Ivan S. Fisher, 131 AD3d 113 (1st Dept 2015)

The Court denied the Committee's petition for reciprocal discipline on the ground that Fisher was medically incapacitated and therefore unable to defend himself in the proceeding. The Court thus suspended Fisher due to his incapacity until such time as the incapacity no longer exists. (Deputy Chief Counsel Vitaly Lipkansky)

Matter of John D. Horenstein, 135 AD3d 104 (1st Dept 2015)

Horenstein was suspended for three years for misappropriating approximately \$40,000 from his law firm's client by way of false billing, which is in a different category of sanction precedent than conversion of funds. The Court reached its sanction determination by balancing Horenstein's clearly serious misconduct against his lack of prior discipline, cooperation with the Committee, remorse, and payment of full restitution. Horenstein, who had been interimsly suspended since 2012, sought a *nunc pro tunc* sanction and immediate reinstatement to practice. The Committee supported the former request but opposed the latter, and the Court agreed with the Committee. (Deputy Chief Counsel Vitaly Lipkansky)

Matter of Keith Hawthorne, 136 AD3d 27 (1st Dept 2015)

Pursuant to 22 NYCRR 603.4(g), on December 3, 2015, the Court ordered that Hawthorne be disbarred from the practice of law on the ground that he was suspended pursuant to 22 NYCRR 603.4(e)(1)(i) (failure to cooperate) and (iii) (uncontested evidence of professional misconduct), and had neither appeared nor applied in writing to the Committee or the Court for a hearing or reinstatement, within six months from the date of the order of suspension. Hawthorne had been suspended from the practice of law based on his failure to cooperate with the Committee in its investigation of allegations of professional misconduct and other uncontested evidence of professional misconduct immediately threatening the public interest. The suspension motion followed the filing of four complaints from persons for whom respondent had obtained settlements but allegedly failed to disburse some or all of the amounts due to the clients. The Court found that Hawthorne's failure to cooperate with the Committee was evidenced by failing to appear for a continued deposition and to answer two complaints filed against him. Moreover, as to the uncontested evidence of professional misconduct, the Court wrote that the record demonstrated that Hawthorne submitted altered escrow account bank statements, representing them to be authentic at his deposition, and that he misappropriated client funds. (Staff Counsel Norma I. Lopez)

Matter of Stephen Krawitz, 124 AD3d 198 (1st Dept. 2015)

On January 6, 2015, the Appellate Division granted the Committee's motion pursuant to 22 NYCRR 603.11 accepting Krawitz's affidavit of resignation and striking his name from the roll of attorneys. In sum, Krawitz acknowledged he could not defend himself against the complaints being investigated by the Committee of professional misconduct against him. He acknowledged that he received settlement funds from 24 separate clients and converted the funds, totaling \$549,267.18 to his own personal use, without permission or authorization from any of the individual clients. The Court directed Krawitz to make restitution to the 24 clients listed in his affidavit of resignation. The Court also appointed an attorney pursuant to 22 NYCRR 603.13(g) to inventory Krawitz's files and to act as a receiver for any escrow funds. (Staff Counsel Norma I. Lopez)

Matter of William Antwi, 135 AD3d 185 (1st Dept 2015)

Antwi was suspended from the practice of law pursuant to 22 NYCRR 603.4(e)(1)(i) because he willfully failed to cooperate with the Committee's investigation by, among other things, failing to answer a client complaint, failing to appear for a deposition as required by subpoena, despite the Committee's numerous letters and telephone messages, and failing to provide any proof to the Committee concerning his alleged medical condition or that such condition might have impacted his ability to cooperate in the investigation. (Staff Counsel Norma I. Melendez)

Matter of Ismael Gonzalez, 132 AD3d 1 (1st Dept 2015)

The Court suspended Gonzalez for one year because Gonzalez intentionally made prejudicial statements to immigration authorities, which were intended to cause the arrest and deportation of a former client; he failed to meet his income tax obligations for six years; and, he had received two previous disciplinary admonitions. (Staff Counsel Norma I. Melendez)

Matter of Janet L. Langjahr, 128 AD3d 213 (1st Dept 2015)

In a reciprocal disciplinary matter, the court censured Langjahr after she pled guilty in Florida to an ethics violation equivalent to rule 1.16(e) of the Rules (failing to protect a client's interests upon withdrawal). (Staff Counsel Norma I. Melendez)

Matter of Sandra D. Frelix, 134 AD3d 58 (1st Dept 2015)

In May 2013, Frelix was served with a notice and statement of charges alleging 15 counts of professional misconduct involving four matters, and charging violations of Rules of Professional Conduct and Code of Professional Responsibility. Frelix was charged with engaging in a pattern of misconduct including neglect, ex parte communications, misleading the Committee, frivolous motion practice, and disregard of court orders. In August 2013, the Committee filed a motion for collateral estoppel on eight of the 15 charges based upon findings and rulings issued by several courts. The motion was granted in its entirety. Thereafter, following a liability hearing, the remaining charges were sustained; after a sanction hearing, the referee recommended a three and a half year suspension (to be reduced by six months if Frelix submits evidence of remedial studies in ethics and professionalism and pays outstanding fines and penalties). Frelix failed to appear before the Hearing Panel for oral argument and after waiting an hour, the Hearing Panel went forward with argument despite respondent's non-appearance. Instead of appearing for oral argument before the Hearing Panel, Frelix appeared at the federal courthouse in the Southern District of New York and filed suit against the State of New York alleging discrimination and sought to enjoin, among other things, the disciplinary proceedings. When asked to explain her absence by the Hearing Panel, Frelix claimed she became ill immediately after filing suit in the federal court. In its post oral argument submission to the Hearing Panel, the Committee requested that Frelix be disbarred. The Hearing Panel affirmed the Referee's findings of facts as to liability and sanction, but recommended that she be suspended for five years. Upon motion to confirm the Hearing Panel's Report and Recommendation, the Court granted the Committee's motion and concluded that Frelix be suspended for five years. The Court found that a five year suspension was warranted in light of her pattern of misconduct in four cases over a five-year period, misconduct which continued in the face of repeated warnings and sanctions. The Court further found multiple aggravating factors, including Frelix's lack of remorse or acknowledgment of wrongdoing, and failure to pay prior sanctions. The absence of compelling mitigating factors also favored a lengthy suspension (Staff Attorney Elisabeth A. Palladino)

Matter of Barton Nachamie, 131 AD3d 110 (1st Dept 2015)

On March 12, 2015 Nachamie was convicted, upon his plea of guilty, of grand larceny in the third degree in violation of Penal Law § 155.35(1) (two counts), a class D felony, and of falsifying business records in the first degree in violation of Penal Law § 175.10 (five counts), a class E felony. Thereafter, the Committee filed a motion to strike Nachamie's name from the roll of attorneys, pursuant to Judiciary Law § 90(4)(b), on the ground that he had been disbarred upon his conviction of a felony as defined by Judiciary Law §90(4)(e). The motion was granted. (Staff Attorney Elisabeth A. Palladino)

Matter of Michal Durove, 135 AD3d 176 (1st Dept 2015)

Durove was interimly suspended for failure to cooperate with the Committee's investigation that he converted client settlement funds. Durove, who was admitted in 2012, failed to produce business and escrow records, and failed to appear for a deposition, despite a court subpoena. Instead, he requested a series of adjournments for medical reasons, including a planned surgery, which his doctor was unaware of. Durove was arrested by the New York County District Attorney's Office in February 2016. (Staff Attorney Kathy W. Parrino)

Matter of Jeff H. Galloway, 135 AD3d 193 (1st Dept 2015)

Galloway was disbarred after he pled guilty in Supreme Court, New York County to Criminal Tax Fraud in the Third Degree, a D felony. (Tax Law §1804) Galloway failed to file personal New York State income tax returns for many of the years between 1996 and 2013, but falsely claimed that he did to the New York State Department of Taxation and Finance (NYS DTF). Galloway agreed to pay \$600,000 to NYS DTF and was sentenced to three months imprisonment and five years of probation. Galloway attempted to resign from the bar, but since he ceased to be an attorney by operation of law upon his felony conviction, the Court rejected the resignation and granted the Committee's motion to strike. (Staff Attorney Kathy W. Parrino)

Matter of Richard B. Livingston, 133 AD3d 1 (1st Dept 2015)

Livingston was reciprocally disbarred based on his disbarment in New Jersey for conversion of client funds and escrow record keeping violations. Livingston asserted here that he was deprived of a meaningful full defense because the Special Master in the New Jersey proceeding did not allow him to present hearsay evidence, and ultimately found him incredible. The Court rejected Livingston's argument and found that he was permitted to present a full defense since he was represented by counsel throughout the New Jersey proceeding, testified at his hearing, and appeared for the oral argument before the New Jersey Disciplinary Review Board. (Staff Attorney Kathy W. Parrino)

Matter of Arturo S. Suarez-Silverio, 134 AD3d 47 (1st Dept 2015)

Suarez-Silverio was reciprocally suspended for one year based on his suspension by the

United States Court of Appeals for the Third Circuit. Suarez-Silverio falsely informed the Deputy Clerk of the Third Circuit that he did not file a brief in a pending immigration case because the matter was essentially settled and a motion to reopen was pending before the Board of Immigration Appeals (BIA). The Deputy Clerk directed Suarez-Silverio to file a letter documenting his assertion. When he failed to do so, the Third Circuit issued an order directing Suarez-Silverio to state the status of the BIA proceeding and explain the failure to file a brief. Again, Suarez-Silverio failed to comply with court directives, prompting the Third Circuit to order a hearing for Suarez-Silverio's noncompliance. The matter was also referred to the Third Circuit's Standing Committee for review and possible sanctions. Considering Suarez-Silverio's prior discipline of (1) Admonition in New Jersey in 2009 for immigration neglect and failure to communicate with his client; and (2) public reprimand and sanction of \$2,500 by the Third Circuit in 2012 for dilatory conduct and failure to correct deficiencies in pending immigration cases, the Standing Committee imposed a one year suspension, and required that Suarez-Silverio complete 20 hours of CLE programs pertaining to ethics, immigration law, and/or federal practice procedures, and before admission, provide the name of a mentor who will counsel Suarez-Silverio for a probationary period of one year after his readmission. (Staff Attorney Kathy W. Parrino)

Matter of Luigi Rosabianca, 131 AD3d 215 (1st Dept 2015)

The Court interimly suspended Rosabianca, pursuant to 22 NYCRR 603.4(e)(1)(i), based on his failure to comply with the Committee's investigation by failing to answer the Committee's inquiries and produce escrow account records, and pursuant to 22 NYCRR 603.4(e)(1)(iii) based on records that showed that he had engaged in professional misconduct by misappropriating, and/or converting, client funds (127 AD3d 142). The Court disbarred Rosabianca for violating the Order suspending him, and engaging in the practice of law while under suspension. (Staff Attorney Orlando Reyes)

Matter of Richard M. Roth, 133 AD3d 39 (1st Dept 2015)

The Appellate Division interimly suspended Roth, pursuant to 22 NYCRR 603.4(e)(1)(ii) (substantial admissions of misconduct), and (iii) (uncontested evidence of professional misconduct), based on the attorney's sworn admissions, and records that showed that he had engaged in professional misconduct by, *inter alia*, misappropriating, and/or converting, client funds (131 AD3d 314). Subsequently, the Court accepted Roth's affidavit of resignation, which made reference to disciplinary charges pending against him including misappropriation, and/or conversion of client funds, and struck him from the roll of attorneys. (Staff Attorney Orlando Reyes)

Matter of Arthur Friedman, 136 AD3d 50 (1st Dept 2015)

Friedman submitted an affidavit of resignation from the bar, sworn to July 29, 2015. Friedman acknowledged that he was aware that the Committee was investigating allegations

of misuse of his escrow account stemming from a notice sent by the Lawyer's Fund for Client Protection, dated May 12, 2014, stating that a \$15,000 electronic payment to American Express from his escrow account to pay a personal bill was dishonored due to insufficient funds. Friedman further stated that he no longer used his escrow account to shield personal funds from the IRS. Friedman acknowledged that if disciplinary charges were brought against him predicated on these allegations, he could not successfully defend himself on the merits against such charges. The Committee moved the Court to accept Friedman's resignation from the practice of law and to strike his name from the roll of attorneys pursuant to 22 NYCRR § 603.11. The Committee's motion was granted. Friedman's resignation was accepted, and his name was stricken from the roll of attorneys and counselors-at-law in the State of New York. (Staff Counsel Yvette A. Rosario)

Matter of John Weichsel, 135 AD3d 156 (1st Dept 2015)

The New Jersey Supreme Court publicly reprimanded Weichsel for violating New Jersey Rule of Professional Conduct (NJ RPC) 1.1(a) (a lawyer shall not handle or neglect a matter entrusted to the lawyer in such manner that the lawyer's conduct constitutes gross negligence); NJ RPC 1.3 (a lawyer shall act with reasonable diligence and promptness in representing a client); NJ RPC 1.4(b) (a lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information); and NJ RPC 8.4(a) (it is professional misconduct for a lawyer to violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another). The Committee petitioned the Court for an order pursuant to Judiciary Law 90(2) and 22 NYCRR 603.3, imposing upon Weichsel a public censure, pursuant to the doctrine of reciprocal discipline, based on the discipline imposed on him by New Jersey. Weichsel failed to appear and failed to interpose a response to the motion. The Court granted the Committee's motion and he was publicly censured. (Staff Counsel Yvette A. Rosario)

Matter of Dwane K. Smith, 135 AD3d 102 (1st Dept 2015)

Smith pled guilty in Supreme Court, New York County, to bribery in the third degree, a class D felony. He was sentenced to six months incarceration and five years probation. The Court found that as a result of his felony conviction, Smith automatically ceased to be an attorney by operation of law and struck his name from the roll of attorneys. (Staff Attorney Remi E. Shea)

Matter of Leroi J. Andrews, 128 AD3d 197 (1st Dept 2015)

Andrews pled guilty to the New York misdemeanor of Failing to File Income Tax Returns for which he was sentenced to a one-year conditional discharge and ordered to pay \$68,518 in tax penalties and interest. Andrews, a former attorney with the New York Law Department, was ordered suspended for three months as a result of his "serious crime" conviction. The Court considered, in mitigation, his unblemished disciplinary history, his

financial contributions to both his mother and sister during the period of time in question and that his misconduct was non-venal. The Court ruled that Andrews' reinstatement was contingent on his entering into an agreement with the IRS and the New York State tax authorities to pay his outstanding tax debts. (Deputy Chief Counsel Raymond Vallejo)

Matter of Robert S. Bardey, 133 AD3d 77 (1st Dept 2015)

Bardey was convicted in the Eastern District of New York, following a jury trial, of conspiracy to commit wire fraud, wire fraud and perjury, for which he was sentenced to five years probation, 300 hours of community service and ordered to pay \$5 million in restitution. Bardey was found to have participated with others in a scheme to defraud investors by representing that they collaborated with hedge funds and wealthy investors who were willing to "lease" funds and set up bank accounts in client names, which contained the leased funds in exchange for a substantial fee. Based upon this misrepresentation, the victims were induced to invest \$5 million in order to "lease" a credit line of \$100 million which would supposedly generate millions in future profits. Bardey was also found to have lied under oath before a federal grand jury in connection with this investigation. The Court found that Bardey's federal conviction was analogous to the New York felony of Perjury in the First Degree, and his name was stricken from the roll of attorneys in New York. (Deputy Chief Counsel Raymond Vallejo)

Matter of Ronald J. Brandmayr, 126 AD3d 131 (1st Dept 2015)

Brandmayr was issued a reprimand in New Jersey for knowingly practicing law while ineligible to do so as a result of his failure to remit his New Jersey Lawyer's Fund for Client Protection fee. The Court granted the Committee's petition for reciprocal discipline and ordered that respondent be issued a public censure in New York. The Court found, in mitigation, that there were no aggravating factors, that Brandmayr paid all present and past fees to the Lawyer's Fund, that he cooperated with the disciplinary investigation and that he did not have a prior disciplinary history. (Deputy Chief Counsel Raymond Vallejo)

Matter of Steven R. French, 134 AD3d 27 (1st Dept 2015)

French pled guilty in Pennsylvania to the felony of bank robbery. Specifically, French entered a Citizens Savings Bank, handed the cashier a robbery note demanding money, indicating that he had a gun and an accomplice waiting outside, and fled with \$2,420 in cash. The Court found that French's conviction was analogous to the New York felony of Grand Larceny in the Fourth Degree, and ordered him disbarred. (Deputy Chief Counsel Raymond Vallejo)

Matter of Neil L. Gross, 133 AD3d 35 (1st Dept 2015)

The Court granted the Committee's petition for reciprocal discipline based upon Gross' disbarment in New Jersey. Gross' disciplinary history in New Jersey included his interim

suspension from the practice of law for his failure to cooperate with the grievance authorities; his being censured for misconduct relating to three client matters; being censured again for his neglect of legal matters; and, his subsequent suspension for additional misconduct. Gross was ultimately disbarred based upon his practice of law while under suspension in New Jersey. The Court ordered him disbarred based upon the doctrine of reciprocal discipline. (Deputy Chief Counsel Raymond Vallejo)

Matter of Richard A. Kassel, 136 AD3d 47 (1st Dept 2015)

Kassel pled guilty in the Southern District of New York to the felony of conspiracy to commit immigration fraud for which he was sentenced to 27 months incarceration and the forfeiture of \$187,000. Specifically, Kassel admitted that he conspired with others in a scheme where he submitted at least 47 I-140 employment-based visa applications supported by false advanced degree diplomas and documentation for which he earned \$187,000 in legal fees. The Court found that respondent admitted to conduct during his plea allocution that would constitute the New York felony of offering a false instrument for filing in the first degree and ordered him disbarred. (Deputy Chief Counsel Raymond Vallejo)

Matter of Daniel H. Kornblatt, 135 AD3d 189 (1st Dept 2015)

Kornblatt pled guilty, in the Eastern District of New York, to the federal felony of aiding and abetting in the preparation of a false tax return, for which he was sentenced to 18 months imprisonment and directed to pay \$6.1 million in restitution to the IRS. Kornblatt, who operated a tax preparation business, admitted making, signing and filing with the IRS false 1040 tax forms for clients. The Court found that this constituted a "serious crime," suspended him from the practice of law and directed that a sanctions hearing be conducted upon respondent's release from prison. (Deputy Chief Counsel Raymond Vallejo)

Matter of John J. O'Brien, 136 AD3d 95 (1st Dept 2015)

O'Brien was previously suspended by the Court, on an interim basis, as a result of his "serious crime" conviction in the Southern District of New York of Failing to File Income Tax Returns and Failing to Pay Income Taxes. Following O'Brien's release from prison, a Hearing Panel conducted a sanctions hearing and recommended that he be suspended for three years, retroactive to his interim suspension. The Court confirmed the Panel's recommendation but declined to adopt the Panel's recommendation that he be reinstated without further proceedings. The Court considered O'Brien's unblemished record, his cooperation and remorse and acceptance of responsibility. It, however, declined to grant his request to redact or seal that portion of the record relating to his mental health. (Deputy Chief Counsel Raymond Vallejo)

Matter of Edgar H. Paltzer, 136 AD3d 33 (1st Dept 2015)

Paltzer pled guilty, in the Southern District of New York, to conspiring with others to defraud

the IRS by evading federal income taxes and filing false tax returns. Paltzer admitted assisting taxpayers in evading their tax obligations by forming entities and opening bank accounts in Switzerland in the name of these entities without completing tax disclosure forms which would have disclosed to the IRS the taxpayers' interests in these Swiss accounts. The Court found that Paltzer was convicted of a "serious crime," ordered him suspended and remanded the case for a hearing on sanctions before a Hearing Panel upon his release from prison. (Deputy Chief Counsel Raymond Vallejo)

SUMMARY OF REPRESENTATIVE CASES

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

Interim Suspensions

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

The most serious misconduct that the Committee deals with involves the theft or misappropriation of money belonging to clients or held as a fiduciary. The Court has repeatedly stated that the intentional conversion of money that an attorney holds as a fiduciary or for a client requires disbarment, except when there are exceptional mitigating circumstances which are rarely found. Because such misconduct immediately threatens the public interest, the Committee's staff attorneys will seek an immediate suspension of an attorney if there is sufficient evidence to justify the motion. In addition, the Committee's staff will seek the suspension of an attorney who fails to cooperate in answering a complaint or does not comply with lawful demands for information or records. In 2015, the Court suspended 11 attorneys on an interim basis pending resolution of the charges against them in the following cases: *Matter of Keith A. Hawthorne*, 126 AD3d 65; *Matter of Luigi Rosabianca*, 127 AD3d 142; *Matter of Michael L. Silverman*, 128 AD3d 26; *Matter of Richard M. Roth*, 131 AD3d 314; *Matter of Yoorok Jung*, 132 AD3d 236; *Matter of Michal Durove*, 135 AD3d 176; *Matter of William Antwi*, 135 AD3d 185; *Matter of Daniel H. Kornblatt*, 135 AD3d 189; *Matter of Edward H. Paltzer*, 136 AD3d 33; *Matter of Michael D. Leopold*, ___ NYS3d ___, NY Slip Op. 09780; and, *Matter of Stanley L. Cohen*, ___ NYS3d ___, NY Slip Op. 09782.

Disbarments

In 2015, the First Department disbarred seven attorneys (two after formal charges, two following a petition for reciprocal discipline, one following a petition for serious crime, one following a petition to revoke the legal consultant license [reported in the First Department as a disbarment], and one following a petition to disbar after the attorney engaged in the

practice law while under a suspension): *Matter of Rafael A. Escalante*, 127 AD3d 37; *Matter of Luigi Rosabianca*, 131 AD3d 215; *Matter of Manuel Campos-Galvan*, 132 AD3d 102; *Matter of James C. Jones*, 132 AD3d 105; *Matter of John E. Fasciana*, 132 AD3d 144; *Matter of Richard B. Livingston*, 133 AD3d 1; and, *Neil L. Gross*, 133 AD3d 35.

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 2015, the First Department invoked 22 NYCRR 603.4(g) to disbar six attorneys: *Matter of Gwen E. Snorteland*, 126 AD3d 90; *Matter of Dominic E. Ezeudu*, 127 AD3d 68; *Matter of Peter F. Anderson*, 131 AD3d 88; *Matter of Lawrence S. Cumberbatch*, 131 AD3d 91; *Matter of Salvatore V. Azzoline*, 132 AD3d 185; and, *Matter of Keith A. Hawthorne*, 136 AD3d 27.

In 2015, the First Department granted seven petitions to strike the names of attorneys convicted of felonies: *Matter of Marc E. Verzani*, 131 AD3d 49; *Matter of Barton Nachamie*, 131 AD3d 110; *Matter of Robert S. Bardey*, 133 AD3d 77; *Matter of Steven R. French*, 134 AD3d 27; *Matter of Dwane K. Smith*, 135 AD3d 102; *Matter of Jeff H. Galloway*, 135 AD3d 193; and, *Matter of Richard A. Kassel*, 136 AD3d 47.

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 2015, the First Department accepted resignations under 22 NYCRR 603.11 from ten attorneys and ordered their names stricken from the roll of attorneys: *Matter of Stephen R. Krawitz*, 124 AD3d 198; *Matter of Antonio Johnson*, 125 AD3d 123; *Matter of Samuel A. Ehrenfeld*, 131 AD3d 1; *Matter of Stuart A. Schlesinger*, 132 AD3d 174; *Matter of Richard M. Roth*, 133 AD3d 39; *Matter of Michael D. Leopold*, 135 AD3d 169; *Matter of Ross M. Abelow*, 135 AD3d 234; *Matter of Ronald J. Meltzer*, 136 AD3d 14; *Matter of Arthur Friedman*, 136 AD3d 50; and, *Matter of Theodore L. Freedman*, ___ NYS3d ___, NY Slip Op. 09781.

Suspensions as Discipline

A suspension can be ordered by the Court as discipline and also to protect the public. The Court imposes suspension for conviction of “serious crimes,” as defined in the Judiciary Law 90(4)(d), for reciprocal discipline and for misconduct. In 2015, the Court suspended 12

attorneys for periods ranging from three months to five years: *Matter of Kristan Peters*, 127 AD3d 103; *Matter of Leroi J. Andrews*, 128 AD3d 197; *Matter of Eamon Teague*, 131 AD3d 268; *Matter of Ismael Gonzalez*, 132 AD3d 1; *Matter of Denise J. Brown*, 133 AD3d 7; *Matter of Arturo S. Suarez-Silverio*, 134 AD3d 47; *Matter of Sandra D. Frelix*, 134 AD3d 58; *Matter of Robert S. Radman*, 135 AD3d 31; *Matter of John D. Horenstein*, 135 AD3d 104; *Matter of Rachel H. Nash*, 135 AD3d 159; *Matter of John J. O'Brien*, 136 AD3d 95; and, *Matter of Michael P. Benenati*, 136 AD3d 108.

Suspensions for Medical Disability

The Court's rules provide that an attorney may be suspended if judicially declared incompetent or the Court concludes that the attorney is incapacitated from continuing to practice law. Pursuant to 22 NYCRR 603.16, any pending disciplinary proceedings against the attorney shall be held in abeyance until the Court makes a determination of the attorney's capacity to continue the practice of law. In 2015, the Court suspended one attorney pursuant to 22 NYCRR 603.16: *Matter of Ivan S. Fisher*, 131 AD3d 113.

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 2015, the First Department issued public censures in five cases: *Matter of Ronald J. Brandmayr*, 126 AD3d 131; *Matter of John W. Dorris*, 127 AD3d 5; *Matter of Janet L. Langjahr*, 128 AD3d 213; *Matter of Richard A. Gilbert*, 131 AD3d 171; and, *Matter of John L. Weichsel*, 135 AD3d 156.

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 simply 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. 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. 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 2015, the Court granted 16 petitions for reinstatement and denied one.

Dishonored Check Investigations

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

Immigration Complaints

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

2015

Appendix A: Committee Assignments

Ernest J. Collazo, Chair
Policy Committee

Ralph C. Dawson
Haliburton Fales, 2d (Special Counsel)
Charlotte Moses Fischman (Special Counsel)
Robert L. Haig (Special Counsel)
Brian C. McK. Henderson
Myron Kirschbaum (Special Counsel)
Alan Levine
Hon. Eugene Nardelli
Karla G. Sanchez
Carla A. Kerr Stearns
Hon. Joseph P. Sullivan (Special Counsel)
Stephen L. Weiner (Special Counsel)

Hearing Panel Members

Panel I

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

Panel III

Eugene P. Souther, Chair
Robert J. Anello
Michael I. Bernstein
Giorgio Caputo*
Gary D. Friedman
Maria D. Melendez
Anne C. Vladeck
Natica von Althann*

Panel II

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

Panel IV

Gonzalo S. Zeballos, Chair
Richard M. Kenny
Danielle C. Lesser
Edward M. Spiro
William St. Louis
Sheea T. Sybblis
Ronald J. Sylvestri, Jr.*

Panel V

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

Panel VII

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

Panel IX

John L. Warden, Chair
Daniel R. Alonso
Joyce M. Bove*
Hon. James M. Catterson
Daniel D. Chu
James W. Harbison, Jr.
Barbara A. Ryan

Panel VI

David M. Rubin, Chair
David Buksbaum*
Paul F. Doyle
Nicholas A. Gravante, Jr.
Daniel F. Murphy, Jr.
Fredric S. Newman
Richard R. Zayas

Panel VIII

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

*Public Member

2015

Appendix B: Office of the Chief Counsel: Attorneys

Jorge Dopico
Chief Counsel

Deputy Chief Counsel

Angela Christmas
Naomi F. Goldstein
Vitaly Lipkansky
Raymond Vallejo

Special Trial Counsel

Jeremy S. Garber

Staff Attorneys

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

2015

Appendix C: Office of the Chief Counsel: Staff

Investigators

George Cebisch, Chief
Anthony Rodriguez
Leonard Zarrillo

Paralegals

Nancy De Leon, Assistant Office Manager
Joel Peterson
Rebeca V. Taub

Office Manager

Marcy Sterling

Accountant

Martin Schwinger

Computer Personnel

Michelle Y. Wang, LAN Administrator
Mark Hernandez
Charles A. Sauer

Administrative Assistants

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

Appendix D: Bar Mediators

Association of the Bar of the City of New York

Mark Arisohn, Esq.	John Madden, Jr. Esq.
Vivien Berger, Esq.	Jeffrey Margolis, Esq.
Susan Briggs, Esq.	Morton Newburgh, Esq.
David Brodsky, Esq.	Michele Peterson, Esq.
Glen Dornfeld, Esq.	David Rubin, Esq.
Michael Graff, Esq.	Peter Scarpato, Esq.
Arthur Felsenfeld, Esq.	Jeffrey Slonim, Esq.
Paul Huck, Esq.	Harvey Strickon, Esq.
Chris Hyman, Esq.	Richard Supple, Esq.
Andrew Kaiser, Esq.	Rick Weil, Esq.
Hal Lieberman, Esq.	Jeremy Weintraub, Esq.

Bronx County Bar Association

Daniel Cassidy, Esq.	Richard Copeland, Esq.
Daniel Chavez, Esq.	Robert Wolff, Esq.

New York County Lawyers' Association

John Cannistraci, Esq.	Alan Goldberg, Esq.
Faith Colish, Esq.	Edward Morris, Jr., Esq.
Klaus Eppler, Esq.	Joseph Russell, Esq.

Appendix E: Annual Report to OCA

UCS-176 Rev. 01/03

ATTORNEY DISCIPLINE ACTIVITIES

PERIOD COVERED: ANNUAL 2015

FIRST JUDICIAL DISTRICT

FIRST DEPARTMENT

I. MATTERS PROCESSED:

A.	Matters Pending at Start of Period	<u>1012</u>	
B.	New Matters During Period	<u>2709</u>	
C.	Closed Matters Reactivated During Period	<u>72</u>	
D.	Total Matters to be Processed During Period (A+B+C)		<u>3793</u>
E.	Total Matters Disposed of During Period		<u>3146</u>
F.	Matters Pending at End of Period		<u>647</u>

II. MATTERS DISPOSED OF BY COMMITTEE:

	Cases ²	Matters	
A.	Rejected as Failing to State a Complaint	<u>301</u>	<u>361</u>
B.	Referred to Other Disciplinary Committees	<u>308</u>	<u>316</u>
C.	Referred to Other Agencies	<u>109</u>	<u>117</u>
D.	Dismissed or Withdrawn	<u>1830</u>	<u>2073</u>
E.	Dismissed through Mediation	<u>37</u>	<u>37</u>
F.	Letter of Caution	<u>n/a</u>	<u>n/a</u>
G.	Letter of Admonition	<u>89</u>	<u>99</u>
H.	Reprimand (after hearing)	<u>1</u>	<u>1</u>
I.	Referred to Appellate Division (Disc. Proc.)	<u>136</u>	<u>186</u>
	Total Disposed of During Period	<u>2811</u>	<u>3190</u>

III. CASES PROCESSED IN ALL COURTS:

A.	Cases Pending at Start of Period		<u>49</u>
	1. Disciplinary Proceedings	<u>38</u>	
	2. Other	<u>11</u>	
B.	Cases Received During Period		<u>389</u>
	1. Disciplinary Proceedings	<u>88</u>	
	2. Other	<u>300</u>	
C.	Total to be Processed During Period		<u>437</u>

ATTORNEY DISCIPLINE ACTIVITIES (01/15-12/15)

D.	Cases Closed		
	1. Disbarred	20	
	2. Disciplinary Resignations	10	
	3. Suspended ^③	24	
	4. Censured	5	
	5. Privately Censured ^④	3	
	6. Remanded to Disciplinary Committee	11	
	7. Discontinued ^⑤	11	
	8. Dismissed	2	
	9. Reinstatements Granted ^⑥	149	
	10. Reinstatements Denied ^⑦	2	
	11. Non-Disciplinary Resignations	65	
	12. All Other Dispositions	64	
	13. Total Closed		366
A.	Total Cases Pending at End of Period		46
	1. Disciplinary Proceedings	33	
	2. Other	13	

- ① “Matter” includes complaints, inquiries (excluding telephone inquiries) and *Sua Sponte* investigations.
- ② 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.
- ③ Includes (12) definite, (11)interim and (1) indefinite suspensions.
- ④ Reported as “Privately Reprimanded” in the First Department.
- ⑤ Reported as “Withdrawn” in the First Department.
- ⑥ Includes (16) disciplinary reinstatements, (130) 468-a reinstatements and (3) non-disciplinary reinstatements.
- ⑦ Includes (1) disciplinary reinstatement and (1) 468-a reinstatement.

Appendix F: Budget for Fiscal Year 2015-2016

Departmental Disciplinary Committee Budget
Fiscal Year April, 2015 - March, 2016

	<u>Allocation</u>
Personal Service Total:	\$ 3,821,336.00
<u>Non-Personal Service:</u>	
Office Supplies	28,260.00
EDP Supplies	2,589.00
Legal Reference - General	14,894.00
Miscellaneous Supplies and Materials	4,805.00
Travel General	-
Rentals of Equipment	27,037.00
Repairs of Equipment	4,943.00
Repairs of Structure	-
Real Estate Rentals	-
Conferences/Training	-
Postage and Shipping	20,184.00
Printing General	2,682.00
Telephones	4,264.00
EDP Telecommunication Charges	-
Information Technology Services	-
Building and Property Services	5,031.00
Subscriptions	-
Other General Services	9,346.00
Records Management Services	34,140.00
Professional Services - Expert Witnesses	-
Professional Services - Interpreters	-
Transcript Costs - General	57,313.00
Computer Assisted Legal Research	-
Other Court Services	12,423.00
Professional Services Per Diem Court Reporters	-
Equipment - New/Replacement	-
	-
Non-Personal Service Total:	\$ 227,911.00
TOTAL BUDGET FISCAL YEAR 2015-2016	\$ 4,049,247.00

Appendix G: Sample Complaint Form

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

**Jorge Dopico
Chief Counsel**

DATE: _____

ATTORNEY COMPLAINED OF:

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

Address: _____ **Apt. No.** _____

City State Zip Code

Telephone: Home: () _____ **Office: ()** _____
Cell : () _____ **Email Address:** _____

YOUR NAME/INFORMATION (Complainant):

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

Address: _____ **Apt. No.** _____

City State Zip Code

Telephone: Home: () _____ **Office: ()** _____
Cell : () _____ **Email Address:** _____

Complaints to other agencies:

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

If so, name of agency: _____

Action taken by agency: _____

Court action against attorney complained of:

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

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

1. PLEASE SEND AN ORIGINAL AND ONE COPY OF YOUR COMPLAINT WITH ENCLOSURES. Please do not send original documents in your enclosures because we will not return them.

