

2020 ANNUAL REPORT



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

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

**Jorge Dopico
Chief Attorney**

TABLE OF CONTENTS

INTRODUCTION	1
COMMITTEE MEMBERS	1
THE DISCIPLINARY PROCESS.....	30
Complaints, Investigations, and Dismissals	30
Letters of Advisement [22 NYCRR 1240.2(i)]	31
Letters of Admonition [22 NYCRR 1240.2(b)]	32
Applications to the Appellate Division	32
Formal Disciplinary Proceedings [22 NYCRR 1240.7(d)(2)(vi)]	33
Collateral Estoppel	34
Interim Suspensions [22 NYCRR 1240.9]	34
Resignations [22 NYCRR 1240.10]	34
Diversion [22 NYCRR 1240.11]	35
Convictions [22 NYCRR 1240.12]	35
Reciprocal Discipline [22 NYCRR 1240.13]	35
Incapacity [22 NYCRR 1240.14]	36
Reinstatements [22 NYCRR 1240.16, 1240.17]	36
REPRESENTATIVE CASES.....	37
Interim Suspensions	37
Disbarments	38
Disciplinary Resignations	38
Suspensions as Discipline	38
Suspensions for Medical Disability	39
Public Censures	39
Reinstatements	39
Dishonored Check Investigations	39
Immigration Complaints	40
PUBLIC DISCIPLINE CASES	41
Appendix A: Committee Composition	60
Appendix B: Office of the Chief Attorney: Attorneys.....	62
Appendix C: Office of the Chief Attorney: Administrative Staff.....	63
Appendix D: ATTORNEY DISCIPLINE ACTIVITIES	64
Appendix E: Budget for Fiscal Year 2020-2021	66
Appendix F: Sample Complaint Form.....	67

INTRODUCTION

Complaints against attorneys, who are registered at an address in Manhattan or the Bronx, are investigated and resolved by the Attorney Grievance Committee for the Supreme Court, Appellate Division, First Judicial Department (AGC). The Chief Attorney of the AGC manages a staff of over 40 salaried lawyers and non-lawyers (staff). Together with a volunteer group of lawyers and non-lawyers (collectively referred to as Committee members or the Committee), the Chief Attorney's Office processed 4,823 matters in 2020, including 3,481 new complaints.

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

In 2020, two separate volunteer Committees, each with a Chair, Vice-Chair, and 19 other members, reviewed and approved staff's recommendations to dismiss, advise, admonish, or formally charge respondents. Each volunteer Committee operates independently and meets six times annually.

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

COMMITTEE MEMBERS

Robert J. Anello (Chair)

Mr. Anello has litigated in federal and state courts for more than thirty years. He focuses his practice on white collar criminal defense, securities and regulatory enforcement matters, complex civil litigation, internal investigations and reviews, and employment discrimination and sexual harassment. Mr. Anello is widely recognized for his skills as a criminal and civil trial and appellate attorney, his ability to negotiate effectively on behalf of his clients, and his efficiency and discretion in conducting investigations and reviews on

behalf of a wide variety of institutions. He has acted as independent, outside counsel and consultant in several matters, including to a Big Four accounting firm and a major global financial institution in connection with those firms' participation in SEC Look-Back Programs, which have included reviews of the firms' internal compliance programs. Mr. Anello is President Emeritus of the Federal Bar Council and is a Fellow of the American College of Trial Lawyers, the American Bar Foundation, and the New York State Bar Foundation. His achievements have been recognized by his clients and peers. He was honored with a Burton Award for Distinguished Legal Writing. Named a leading lawyer by *Chambers USA: America's Leading Lawyers for Business* in the area of Litigation: White Collar Crime & Government Investigations, Mr. Anello has been described as “a heavy hitter” and “someone you want to call when the stakes are really high.” He has been recognized in White Collar Criminal Defense and Securities Litigation by *The Legal 500 United States*, and identified as a “Litigation Star” by *Benchmark Litigation: The Definitive Guide to America's Leading Litigation Firms & Attorneys* in the areas of white-collar crime/enforcement/investigations and labor and employment. Mr. Anello has also been recognized in Thomson Reuters’ *Super Lawyers*. The *Who's Who Legal 100 Guide* has described him as, “thoroughly committed to his clients ... with a gold standard reputation.” Both *Who's Who Legal Investigations* and *Business Crime Defence - The International Who's Who of Business Lawyers* have recognized him as a leading defense lawyer, noting that he “stands out” for his “first class litigation skills,” and is “considered by peers to be utterly brilliant.” His white-collar practice involves representing defendants charged in a wide range of business crimes, FCPA investigations, regulatory and tax violations, and civil frauds. His clients include individuals and public and private companies such as financial institutions, Fortune 500 companies, defense contractors, and law firms. In addition to his trial and appellate work, Mr. Anello specializes in pretrial representation, internal investigations, and representation of professionals before ethics and licensing boards. Recently, he advised the Supervisory Board of VimpelCom Ltd. in one of the largest FCPA investigations in U.S. history. Mr. Anello is a co-author of the two-volume treatise: *White Collar Crime: Business and Regulatory Offenses*, Rev. Ed. (2019) and an author of the *White Collar Crime* column for the *New York Law Journal*. He is a frequent contributor to numerous other publications and a speaker on topics in the areas of white collar criminal law, securities law, professional ethics, and trial tactics. Mr. Anello is a regular contributor to *The Insider Blog* on Forbes.com. He also serves on the Litigation Advisory Board of Bloomberg BNA, one of the leading sources of legal, regulatory, and business information. He also is widely known for his dedication to organizations serving the legal community. Most recently, he has been appointed by the Supreme Court, Appellate Division, First Department as Chairperson of the AGC. Mr. Anello is the former

Chairman of the Audit Committee for the Association of the Bar of the City of New York and was a member of the Association's Nominating Committee. He also is the former Chairman of the Association's Committee on Professional Responsibility and was a member of many of its committees, including the Professional Ethics, Criminal Courts, and Judicial Committees. He was also named as a member of the Association's Ad Hoc Committee on Multi-disciplinary Practice and the Ad Hoc Committee Task Force on the Role of Lawyers in Corporate Governance. In addition to these roles, he is a member of numerous other bar associations, including the Association of Professional Responsibility Lawyers, New York Council of Defense Lawyers, the American Bar Association, the New York State Bar Association, where he was a member of the Association's House of Delegates, and the International Bar Association. Mr. Anello also serves on the Board of Trustees of The Supreme Court Historical Society and is a member and Secretary of the Foundation of the New York Organ Donor Network and former Chairman of the organization's Audit Committee.

Abigail T. Reardon (Chair)

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

Ricardo E. Oquendo (Vice-Chair)

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 31 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.

Milton L. Williams, Jr. (Vice-Chair)

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

Robert M. Abrahams

Mr. Abrahams is of counsel to Schulte Roth & Zabel, LLP. Mr. Abrahams concentrates his practice in complex commercial litigation, including securities, real estate, employment, derivative actions, trusts and estates, partnership disputes, defending claims brought against lawyers and law firms, and director and officer liability matters. For many years, he headed his firm's litigation department and was a member of the firm's executive committee. His many significant representations include a major interdealer broker in numerous regulatory investigations, arbitrations and civil litigations, including a five-month jury trial and related FINRA arbitration in which his clients recovered in excess of

\$140 million; 173 former Dewey LeBoeuf partners in the successful defense of a \$200-million claim; one of the largest law firms in the world in a \$100-million malpractice suit. Mr. Abrahams has tried more than 100 civil cases and arbitrations and he has recently served as an arbitrator appointed by the International Chamber of Commerce. He is listed in *Benchmark Litigation: The Definitive Guide to America's Leading Litigation Firms & Attorneys* ("National Star" in securities litigation), *Best Lawyers in America*, *The Legal 500 US*, *New York Super Lawyers*, *Who's Who in America* and *Who's Who in the World*. Mr. Abrahams is the author of the "Commercial Real Estate" chapter of *Business and Commercial Litigation in the Federal Courts* (Thomson West, 2010-2016) and the "Document Discovery" chapter of *Commercial Litigation in New York State Courts* (Thomson West and the New York County Lawyers' Association, 2011-2015). Mr. Abrahams is a member of the Disciplinary Committee for the First Department. He received his B.A. from Hobart College and his J.D., with distinction, from Hofstra University School of Law, where he was editor-in-chief of the *Hofstra Law Review*.

Marijo C. Adimey

Ms. Adimey is a partner with the law firm of Gair Gair Conason Rubinowitz Bloom Hershenhorn Steigman & Mackauf (GGCRBHS&M). She has devoted her entire legal career to litigating on behalf of those who have suffered immeasurable loss from a catastrophic injury or death of a loved one. Her empathetic approach to her clients, remarkable trial skills, and relentless pursuit of justice have made her one of the top women trial attorneys in the areas of personal injury, wrongful death, and medical malpractice. Recently named one of the "Top Women's Litigators" in New York by *Super Lawyers*, Ms. Adimey quickly become a formidable force of the GGCRBHS&M team after joining in 2014, obtaining several multi-million dollar verdicts and settlements on behalf of her clients. Her career began as an Assistant District Attorney in Bronx County, where she prosecuted cases on behalf of victims of horrific crimes. There, she became an experienced trial attorney, trying dozens of felony and misdemeanor trials to verdict. Prior to joining GGCRBHS&M, Ms. Adimey had the privilege of representing individuals who have had the unfortunate experience of being the victim of medical malpractice or who have suffered serious physical injury or death in an accident. She continued her zealous representation in 2014 when she joined GGCRBHS&M, whereat her exceptional advocacy and litigation skills paid off in 2017, when she became a partner of the firm. Since 2015, Ms. Adimey has been consistently recognized by her peers each year for inclusion in *The Best Lawyers in America* and *New York Magazine's* "Best Lawyers" in New York in the specialties of medical malpractice and personal injury. She holds an "AV" rating (highest rating) from the Martindale-Hubbell Law Directory, one of the oldest and best-known peer review

ratings in the United States for both legal and ethical standards. Her advocacy skills and dedication to her clients were recognized early in her career, when she was selected by her peers for inclusion in the *Super Lawyers 2013: Rising Stars*, an honor reserved for those lawyers who exhibit excellence in practice and published in *The New York Times*. She has since been selected as a “Super Lawyer” every year. She has been awarded the “Client Distinction Award” issued by Martindale-Hubbell, an honor made possible by the clients she served and awarded to less than 1% of the 900,000+ attorneys listed in Martindale-Hubbell. Ms. Adimey was appointed by the Administrative Judge for Civil Matters-First Judicial Department, as an attorney member of the Medical Malpractice Advisory Committee for the Supreme Court, New York County. She was also selected to serve a two-year term on the Judiciary Committee of the Association of the Bar of the City of New York, a committee which evaluates judges for appointment, reappointment, election or reelection to the bench on the city, state, and federal level, and makes recommendations for approval. For the past three years, Ms. Adimey has served as a board member of the New York State Trial Lawyers Association, where she also sits on the Medical Malpractice and Labor Law Committees. She is a lecturer for the New York State Bar Association, and is admitted to the New York and New Jersey Bar, as well as the SDNY, EDNY, NDNY, and the District of New Jersey.

Daniel R. Alonso

Mr. Alonso is currently a partner at Buckley, LLP, where he focuses his practice on white collar defense and internal investigations, regulatory enforcement defense, complex civil litigation, and anti-corruption compliance. Immediately before joining Buckley, he was Managing Director and General Counsel of the global compliance and risk management firm Exiger. Mr. Alonso is a graduate of Cornell University (1987) and New York University School of Law (1990) and served as law clerk to Judge Joseph W. Bellacosa of the New York Court of Appeals. He 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 a 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 the *Journal of Financial Compliance*. In 2012-13, Mr. Alonso co-chaired 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.

Peter A. Bellacosa

Mr. Bellacosa joined Phillips Lytle as a litigation partner resident in its New York City and Albany offices in June 2018. Prior to that, he was a partner in the litigation department of Kirkland & Ellis for over 21 years and began his career as an associate in the litigation department of Milbank Tweed Hadley & McCloy. He concentrates his practice in the areas of product liability, mass torts, class action defense, ERISA, securities, and commercial disputes. He also has extensive experience with criminal and regulatory investigations, as well as handling matters in state and federal trial and appellate courts, and in arbitrations. He has represented a diverse group of leading U.S. and international companies in complex, high-stakes disputes. Mr. Bellacosa has complemented his private law practice with significant *pro bono publico* service, including serving by appointment to highly sensitive public boards with wide-ranging duties and responsibilities by Governors Pataki and Patterson and the New York Court of Appeals. He has served on the Board of Trustees of the New York State Lawyers' Fund for Client Protection since 2009 and also serves as its Treasurer. He served as a Member of the Appellate Division, First Department Disciplinary Committee from 2008-2014 and was re-appointed to the Committee in 2020. He is a graduate of Georgetown University (1985) and St. John's University School of Law (1988) and is a member of the New York State Bar Association, Association of the Bar of the City of New York, and the American Bar Association.

Marjorie D. 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, mid-size and Fortune 500 Companies. She has been recognized by *Super Lawyers* as one of Metro New York's top fifty women lawyers. 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 presently serves as President of the Federal Bar Council Inn of Court and Secretary of the Federal Bar Council. She previously served as Secretary of the Columbia Law School Alumni Association and remains a board member. She has also been active in alumni affairs for Brown University. Ms. Berman currently serves on the board of Day One, an advocacy group committed to ending dating abuse and domestic violence among teens and young adults. Ms. Berman has an active mediation practice and has been appointed to the mediation panels for the Southern District of New York, the Eastern District of New York,

and the Commercial Division of New York Supreme Court.

Eleazar F. Bueno

Mr. Bueno is currently Chairperson of Manhattan Community Board 12, the JPD Foundation, and the Washington Heights & Inwood Chamber of Commerce. He is the Managing Partner at AAE Enterprises franchises, and is pursuing a B.A. and Master's Degree in Public Administration & Economics at CUNY Center for Worker Education.

John P. Buza

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

Rev. Reyn Cabinte

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

Miguelina M. Camilo

Ms. Camilo was born in the Dominican Republic and immigrated to the United States with her parents in the late 1980's. In 2012 she received her J.D. from New York Law School and thereafter began working with the law office of Murray Richman, a criminal defense attorney in the Bronx. There, Ms. Camilo learned how to deal with clients, and she gained a love for the courtroom. In July 2016, Ms. Camilo opened the Camilo Law Firm, P.C. She focused her practice on family and matrimonial matters and is on the 18B Family Assigned Counsel Plan. Throughout her career, she has taken great care to always give back. As an advocate for the Dominican community, Ms. Camilo is an active member of The Dominican Bar Association and she rose to be president of the organization in 2018. She was a member of the Bronx Connect family where she mentored at risk youth. She

volunteers as judge for the seventh and eighth grade Thurgood Marshall Mock trial Competition held every year at Bronx County Supreme Court, and she recently coached the seventh grade St. Simon Stock team. In February 2019, Ms. Camilo became the Bronx County Commissioner of Board of Elections. She oversees all Bronx election events and has led the County on important occasions such as early voting and the extension of absentee ballots due to COVID-19.

Hon. James M. Catterson

Hon. James M. Catterson is a partner in the complex commercial litigation practice of Arnold & Porter. He represents a wide variety of corporate entities, high net worth individuals and other major law firms in civil litigation in both state and federal court. Judge Catterson has prepared and argued many appeals before the United States Court of Appeals for the Second Circuit as well as the Supreme Court of the State of New York, Appellate Division for the First and Second Departments. Judge Catterson has been retained to provide extensive expert opinions in domestic and international litigation and arbitration. He has worked as a mediator and arbitrator for high value civil litigations and consults with other law firms on complex New York litigation issues. Prior to joining the firm, Judge Catterson served as 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. He is one of the most published judges in New York state history and carries a strong reputation for scholarly writing, having authored more than 250 signed opinions and dissents. Prior to his elevation to the Appellate Division, Judge Catterson presided over hundreds of civil jury trials of a wide range of classifications in the Tenth Judicial District of the New York State Supreme Court. Before his election to the Supreme Court, he 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 as well as arbitration on a wide range of municipal issues. He also served as an Assistant U.S. 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. Judge Catterson is a former adjunct professor for Cardozo Law School and Touro Law School. He received his J.D. from St. John's University School of Law and his B.A. from Colgate University.

Sylvia Fung Chin

Ms. Chin is partner/of counsel in the firm of White & Case, LLP. She has considerable experience in corporate and commercial financing with an emphasis on asset-based financing transactions. She graduated from New York University and Fordham University

School of Law. After graduation she clerked for Hon. Lawrence W. Pierce in the United States District Court of the Southern District of New York. She is an adjunct professor at Fordham University School of Law. She also serves as Chair of the First Judicial District of the NY Bar Foundation, President of the Asian American Law Fund of New York, a Board Chair of Stichting to Promote Women's World Banking, Vice-Chair of the ABA Business Law Section *Pro Bono* Committee, and a trustee of the Fordham Law Alumni Association. She is a member of the American Law Institute, the ABA Center on Human Rights Advisory Council, the ABA Legal Opinions Committee, the Tribar Opinions Committee, and the Association Advisory Board of the Working Group on Legal Opinions. She also served on the governing council of the ABA Business Law Section and as President of the American College of Commercial Finance Lawyers, President of the American College of Investment Counsel, President of the Asian American Bar Association of New York, President of the NAPABA Law Foundation, Board Secretary of Women's World Banking, Chair of the ABA Business Law Section Diversity and Inclusion Committee, Treasurer of the National Asian Pacific American Bar Association, a Director of the New York County Lawyers Association and was a representative to the NYSBA House of Delegates. Her awards include the Jean Allard Glass Cutter Award of the ABA Business Law Section, the CLEO Legacy Diversity Award, AABANY's Norman Lau Kee Trailblazer Award, Leonard F. Manning Achievement Award from Fordham Law Review, the NAPABA Northeast Region Trailblazers Award, the Fordham Law Women Distinguished Alumna Award and the Pace Law School AALSA Achievement Award. She has been listed in the *Guide to the World's Leading Structured Finance and Securitization Lawyers*, *Euromoney's Women in Business Law*, and *New York Metro Super Lawyers*.

Catherine A. Christian

After graduating from Dickinson School of Law in 1988, Ms. Christian began her legal career under Manhattan District Attorney Robert M. Morgenthau, in the office's Trial Division. She prosecuted a wide variety of crimes, including domestic violence and homicides. In 1995, she joined a private law firm and later served as a senior counsel for the New York State Commission of Investigation. She subsequently served as the Principal Law Clerk to the Honorable Rosalyn Richter. Ms. Christian was reappointed as an ADA in 1998 and assigned to the Office of the Special Narcotics Prosecutor (SNP), serving in various positions, first as Senior Trial Counsel in the Special Investigations Bureau where she conducted complex long term investigations of international drug trafficking organizations. She was ultimately promoted to the SNP's Executive Staff. In that capacity she served as counsel to the Trial Division and Chief of Alternative Sentencing. In 2014, District Attorney Cyrus R. Vance, Jr., appointed Ms. Christian as Director of Legal Staff

Training, and, subsequently, Chief of the Elder Abuse Unit. Ms. Christian is also a member of the office's Conviction Integrity Program. Ms. Christian is a member of the Appellate Division First Department's AGC and Character and Fitness Committee. In 2014, she was awarded a certificate of completion for the Executive Education Program at Harvard University's Kennedy School of Government. Ms. Christian is a past President of the New York County Lawyers' Association, one of the largest metropolitan bar associations in the United States.

Anta Cisse-Green

Ms. Cissé-Green is an Associate General Counsel and Director of Legal Operations at NYU Langone Health with primary responsibility for advising the Office of Development and Alumni Affairs on a variety of fundraising and tax-related legal matters. As Director of Legal Operations for NYU Langone, Ms. Cissé-Green develops and drives the Office of General Counsel's administrative priorities, and leads key departmental projects, including selection and implementation of technology and efficiency of legal operations. Ms. Cissé-Green received her J.D. from Brooklyn Law School, *summa cum laude*, and her LLM in Tax from NYU School of Law. Ms. Cissé-Green has been awarded various accolades and honors in connection with her work in the legal profession. In addition to being named as an honoree in *Crain's* 2019 Notable Women of Law, Ms. Cissé-Green has also been honored by the *New York Law Journal* as a "Lawyer Who Leads By Example," in recognition of her many years of commitment to providing *pro bono* legal services to underrepresented New Yorkers; named to the National Black Lawyers Top 100 Attorneys; and as a New York Metro Area Rising Star by *Super Lawyers* in the area of tax and estate planning. Ms. Cissé-Green is an active member of her community in her roles as President of the Metropolitan Black Bar Association, the largest unified association of Black and other minority lawyers, in the New York metropolitan area.

Susan M. Cofield

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

Robert Stephan Cohen

Mr. Cohen is a senior partner at Cohen Clair Lans Greifer Thorpe & Rottenstreich, LLP. His area of concentration is in complex family law matters. Prior to his present affiliation, he was a partner at Morrison Cohen, LLP, where he was also the Managing Partner and Chair of the firm's Executive Committee. He has been the lead lawyer in some of the most important equitable distribution and custody matters in New York and represents individuals in significant matters outside New York including in Connecticut, Florida, Georgia, Illinois, New Jersey, and jurisdictions outside the United States. He has lectured in the United States, Europe and Asia and has been, for the past 18 years, an adjunct professor at the University of Pennsylvania School of Law. He is the author of *Reconcilable Differences* published by Simon & Schuster and has been recognized by *The New York Times* as one of the most important divorce lawyers in the United States. He has been profiled by both *The New York Times* and the *Wall Street Journal*. In 2016, the Governor named Mr. Cohen Chairperson of the Judicial Screening Committee of the First Judicial Department, which Committee he has served on since 2012, and also designated him as a member of the State Judicial Screening Committee. In 2016, he was also appointed as Chairperson of the Supreme Court's Matrimonial Committee. Mr. Cohen is a member of The American College of Family Trial Lawyers and a Fellow of the American Academy of Matrimonial Lawyers. His biography appears annually in *The Best Lawyers in America*, *Who's Who in the World*, *Who's Who in America*, *Who's Who in American Law*, *Best Lawyers in New York* and *Super Lawyers*. He attended Alfred University where he is presently a trustee and Fordham University where he was an editor of the Law Review. He was an officer in the Judge Advocate General's Corp and has completed seven marathons.

William F. Dahill

William F. Dahill is a partner at Dunnington Bartholow & Miller, LLP, where he is a member of Dunnington's employment and litigation, arbitration, and mediation practice areas. Since 1991, Mr. Dahill has concentrated his practice on complex commercial litigation, and employment litigation and counseling. Areas of focus include securities industry litigation, payment processing disputes, asset purchases disputes, secured lending disputes, partnership disputes, shareholder disputes and construction litigation. Mr. Dahill appears regularly in federal and state courts in New York and Connecticut. Mr. Dahill is admitted to the New York State and Connecticut State bars, as well as to the bars of the Southern District of New York, Eastern District of New York, and the Courts of Appeals for the 2nd and 5th Circuits. He is an active member of the Professional Discipline Committee of the City Bar, the Network of Bar Leaders, and the Federal Bar Association of the Southern District of New York. Mr. Dahill received his J.D. from Fordham

University School of Law, *cum laude*, in 1991, where he served as Managing Editor of the Moot Court Board. Mr. Dahill received his B.A. in Architecture from Columbia University in 1984.

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 Norton Rose Fulbright's Public Finance Department of which he is now a part. In this capacity he has acted 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, and 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 by *New York Metro Super Lawyers* in the area of employment & labor from 2012-2020.

Peter G. Eikenberry

Mr. Eikenberry is a sole practitioner 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 LLB), 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, 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. Mr. Eikenberry was a volunteer lawyer in the Dilley, Texas U.S. Detention Center in summer 2014 and a NYCBA impartial observer at the Guantanamo Bay criminal proceedings in fall 2017. 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 co-authored 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 2015). He received the American Inns of Court Professionalism Award in 2016, and the Moritz College of Law Community Service Award at Ohio State University in 2017. He is President of Friends of Marcy Houses, Inc.

Virginia Goodman Futterman

Ms. Futterman is a senior partner at London Fischer, LLP, where she heads up a litigation team dedicated to defending complex and high-profile labor law/construction and premises liability matters involving large commercial and residential construction projects. She began her career as a litigator over 30 years ago as a first-year associate at Bower & Gardner, where she rose to equity partner before becoming a founding member of Bower, Sanger & Futterman. For almost 20 years, Ms. Futterman served as an appointed federal court mediator in the Southern and Eastern Districts of New York, with primary focus on EPL cases. Outside the legal area, Ms. Futterman currently serves as President of her Co-op board, continuing a long history of commitment, including 20 years as an active volunteer at New York Junior League.

Mark S. Gottlieb

With over 30 years of experience, Mark S. Gottlieb is an accomplished forensic accounting and business valuation specialist with expertise in record reconstruction and litigation support. Mr. Gottlieb is recognized for the meticulous preparation and comprehensive research he brings to all of his professional engagements. Since forming his company,

MSGCPA, Mr. Gottlieb has led a team of highly qualified professionals in conducting forensic accounting examinations, independent business and professional practice valuations, post transaction dispute resolution services, and a continuum of financial and economic analyses. He is frequently appointed by the court to provide these services, in addition to expert testimony. Mr. Gottlieb has also lectured extensively to many government agencies and professional organizations on accounting, tax, economic development, and valuation/appraisal issues. Previously, Mr. Gottlieb was employed by the international accounting and consulting firms of PriceWaterhouseCoopers (formerly Coopers & Lybrand) and Ernst & Young (formerly Ernst & Whinney).

Keisha-Ann G. Gray

Ms. Gray is a distinguished trial lawyer who has secured significant victories in federal and state courts (jury trial and otherwise) for organizations facing “bet the company,” high-reaching, reputational risk claims. She is also an award-winning partner in Proskauer’s renowned Labor & Employment Department. As important social change movements like Black Lives Matter, #MeToo and LGBTQ Pride continue to shape society and businesses, Ms. Gray is the go-to advisor when addressing issues related to discrimination, harassment and/or lack of diversity. With 20+ years in practice, Ms. Gray frequently speaks and trains on employment matters such as litigation/trial practice, conducting effective investigations (the trauma-based approach), diversity, equity and inclusion, and anti-discrimination/anti-harassment. Her “real talk” style of delivery provides clients with actionable and practical best practice solutions to today’s most challenging workplace issues. Prior to joining Proskauer, Ms. Gray served as an Assistant United States Attorney in the Eastern District of New York and federal law clerk in the US District Court for the District of Puerto Rico. The breadth of Ms. Gray’s experience and background in federal government, coupled with her tenure in private practice as a Big Law partner and employment litigator, gives her the unique ability to meaningfully connect with diverse groups of people. This skill enables her to advocate effectively and successfully (in and out of the courtroom) for her clients. As a result, Ms. Gray is also frequently called upon to conduct high-profile internal investigations. Because of her unique and varied skill set, clients routinely engage Ms. Gray to handle their most sensitive matters which, due to her involvement, often successfully result in non-public, confidential resolutions – precisely the mandate required by her clients. Ms. Gray also gives back to the community and profession by serving on the Board of the AGC for the NY Supreme Court Appellate Division, First Judicial Department, co-chairing the Federal Bar Council’s Employment Litigation Committee, and mentoring junior female layers and junior lawyers of color.

Jaipat S. Jain

Mr. Jain is a partner at Lazare Potter Giavocas & Moyle, LLP, in New York City. His practice focuses on mergers and acquisitions, privacy, and other transactional work. Mr. Jain also supervises litigations involving his clients. Immediately prior to practicing law, Mr. Jain was a business executive in New York City for a large international trading corporation. Mr. Jain acquired his primary degree in law from Delhi University, India, and LLM from Fordham University, New York, and is admitted in New York, India, and the Senior Courts of England and Wales (non-practicing solicitor).

Devika Kewalramani

Ms. Kewalramani is a partner at Moses & Singer, LLP. She chairs the firm's Legal Ethics & Law Firm practice, which advises law firms, lawyers, and legal departments on ethical and legal aspects of law practice. She also currently serves as the firm's General Counsel. Ms. Kewalramani represents law firms and attorneys in legal ethics, professional responsibility, law firm risk management, lawyer licensing and admissions matters, including escrow issues, conflicts of interest, structuring arrangements with non-lawyers, multijurisdictional practice, disqualification, lateral transition, law firm mergers and break-ups, partner disputes, ethics in alternate dispute resolution, reporting/disclosure issues, attorney advertising, law firm cyber security issues, social media use, legal fee disputes, and other professional ethics issues. She conducts ethics and risk management audits for law firm clients. Ms. Kewalramani has been appointed by the New York State Supreme Court, Appellate Division, as a volunteer member of the Committee for the First Judicial Department. She served as a member of the New York State Bar Association's Restarting the Economy Work Group in 2020, which worked to develop guidance for reopening law firms in New York State. Ms. Kewalramani was appointed a member of the New York Commission on Statewide Attorney Discipline in 2015 and co-chaired its Subcommittee on Transparency and Access. A frequent lecturer, panelist, and author on legal ethics, Ms. Kewalramani speaks to law firms, corporate legal departments, bar associations and professional groups on a variety of legal ethics matters. She has served as a faculty member of the Practising Law Institute and of Lawline.com. In 2014, 2015, 2016, 2017, 2018, 2019 and 2020 she achieved Super Lawyer status in the Metro Edition of *New York Super Lawyers*.

Amy L. Legow

Ms. Legow graduated with honors from Tufts University in 1980 with a B.A. in Social Psychology. After graduating from Cardozo Law School in 1983, she spent two years as an associate at the O'Melveny & Myers Law Firm in LA. Upon returning to New York in

1985, Ms. Legow joined the Manhattan District Attorney's Office, where she was assigned to the Special Narcotics Prosecutor's Office. There, Ms. Legow specialized in long term investigations, rising to the position of Senior Investigative Counsel. Ms. Legow left the District Attorney's Office in 1994, after which she served as a real estate manager from 1996-1997. In 1997, she became the Principal Court Attorney to the Honorable Leslie Crocker Snyder, where she remained until 1999, at which point Ms. Legow joined the New York State Organized Crime Task Force as Investigative Counsel. As an expert in long term investigations and electronic surveillance, she spent 12 years at the Organized Crime Task Force, from 2008-2011 as its counsel. In 2011, Ms. Legow was appointed to the position of Chief of the Investigations Bureau at the Richmond County District Attorney's Office, where she remained until retiring in 2016. Currently, Ms. Legow serves on the New York Board of the American Jewish Committee, and on the Board of the Tri-State Maxed Out Women's PAC.

Danielle C. Lesser

Ms. Lesser is the Chair of Morrison Cohen, LLP's Business Litigation Department and a member of its executive committee. She is an experienced trial attorney and litigates in state and federal courts and in arbitrations. Ms. Lesser is a frequent speaker on panels and involved in programs which support women in the law. She is involved in many bar association committees and is Vice Chair of the Judiciary Committee of the New York City Bar Association. Ms. Lesser graduated *cum laude* from Cornell University and from Fordham University School of Law.

Lisa A. Linsky

Ms. Linsky is a partner in the international law firm McDermott Will & Emery, LLP, and a resident in the New York City office. As a member of the Trial Group, Lisa focuses her practice on complex litigation, including sexual assault, abuse and harassment investigations, commercial products liability, trusts and estates, and LGBT civil rights litigation. Ms. Linsky came to McDermott with extensive trial and public speaking experience. She was formerly with the Westchester County District Attorney's Office, where she ran the Special Prosecutions Division, which included Child Abuse, Elder Abuse and Sex Crimes Bureaus. She is a skilled and effective investigator and trial attorney, and has trained countless attorneys, judges, mandated reporters, victims' advocates, members of the public and others on issues such as criminal and civil sex offense and misconduct investigations, diversity and inclusion, civil rights issues and other topics related to her professional skills. In 2015, Lisa co-led a team of McDermott lawyers that submitted an *amicus* brief to the United States Supreme Court in the Obergefell consolidated marriage

cases. The brief has been referred to by a member of the media as the “Animus Amicus” and was submitted on behalf of McDermott client, The Mattachine Society of Washington, D.C. The partnership between the Mattachine Society and McDermott entails “archive activism,” and the rescue of historic governmental documents which establish a paper trail of animus and discrimination exhibited against LGBT Americans dating back to the 1940s. Ms. Linsky was McDermott’s first Partner-in-Charge of Firmwide Diversity, and created and chaired the Firmwide Lesbian, Gay, Bisexual and Transgender (LGBT) Diversity and Inclusion Committee from 2006-2014 and remains an active member of the Committee. For seven years, Lisa was also a member and Officer of the Board of Directors for Lambda Legal, the leading LGBT civil rights legal organization in the United States and is now a member of Lambda Legal’s National Leadership Council. In 2014 Lisa became a member of the Board of Directors for the LGBT Community Center of NYC and is now a member of the Executive Committee. She co-chairs the Center’s annual which has raised hundreds of thousands of dollars for the organization. Ms. Linsky is the recipient of the New York City Bar Association’s 2019 Diversity & Inclusion Champion Award for her work supporting diversity and inclusion both within her firm and in the broader community. She also received the 2019 City & State of New York “Above & Beyond” Award for her leadership in the LGBT civil rights work.

Arthur M. Luxenberg

Mr. Luxenberg is a founding partner of the plaintiff’s law firm Weitz & Luxenberg, trailblazers in the practice of mass torts law. The firm has secured over \$17 billion in verdicts and settlements for more than 56,000 clients representing all 50 states in such diverse litigations as asbestos/mesothelioma, defective medicines and medical devices, environmental torts, and consumer fraud. Among many peer distinctions, he was named as the Best Lawyers 2013 Mass Tort Litigation (Plaintiff’s) Lawyer of the Year in New York City. Mr. Luxenberg is a graduate of Yeshiva University’s Benjamin N. Cardozo School of Law and was feted as Alumnus of the Year in 2014. An appellate law innovator who opened New York State to the application of mass torts actions, he is an active member and officer of the New York State Trial Lawyers Association, the Association of Trial Lawyers of the City of New York, the Jewish Lawyers Guild, and the Public Justice Foundation. He is admitted to practice in New York State, New York District Courts (Eastern and Southern Districts), United States District Court, and the United States Court of Appeals. He has served on both the Departmental Disciplinary and Judicial Screening Committees of the Supreme Court, Appellate Division of the First Judicial Department. Philanthropy is an essential ingredient of Mr. Luxenberg’s life, and, as such, he serves as Chairman of both the United Soup Kitchens humanitarian organization, and the Souls to

Soles Charitable Trust. He was formerly the President of the North Shore Hebrew Academy in Great Neck, New York and serves on the executive board of Yeshiva University. Additionally, he created, curated, and produced the *Days of Shame* exhibit and symposium, in conjunction with the Jewish Lawyers Guild, which commemorated the infamous 1933 German edict which disbarred all German Jewish attorneys and judges, granting surviving jurists a deserved measure of justice and dignity.

Eve Rachel Markewich

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

Charles G. Moerdler

Mr. Moerdler co-chairs Stroock & Stroock & Lavan'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 service as a board member of the Metropolitan Transportation Authority, the New York State Dormitory 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. His varied practice includes representation of a renowned international art and collectibles auction house and one of the world's preeminent contemporary artists. His international practice portfolio includes representation of Austria's largest bank in international litigation and service as board chairman of its U.S. subsidiary. He also has acted 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, the Uniformed Sanitationmen's

Association, and the Patrolmen's Benevolent Association. Mr. Moerdler is the Vice Chair of the Character & Fitness Committee. Mr. Moerdler was admitted to the New York Bar in 1956. He holds an LLB from Fordham Law School and a B.A. from Long Island University.

Scott E. Mollen

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

Christopher Morel

Mr. Morel is a litigation associate at Cravath Swaine & Moore, LLP. He received his B.A. degree *magna cum laude* in 2015 from Fordham University, where he majored in Political Science and was elected to Phi Beta Kappa. At Columbia, from which he received his J.D. in 2018, Mr. Morel was a Stone Scholar, an articles editor of the *Law Review*, the President of the Latino/a Law Students Association, an editor of the LaLSA Moot Court, and a teaching fellow for Professor Olatunde Johnson. Following his graduation, from August 2018 to August 2019, he served as a law clerk to the Hon. Margo K. Brodie, United States District Court for the Eastern District of New York (Brooklyn, NY). From September 2019 to September 2020, he served as a law clerk to the Hon. Julio M. Fuentes, United States Court of Appeals for the Third Circuit (Newark, NJ).

Elliot Moskowitz

Mr. Moskowitz is a partner in Davis Polk's Litigation Department, representing major financial institutions and creditors in connection with complex bankruptcies and

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

Chibogu Nneka Nzekwu

Ms. Nzekwu graduated *cum laude* from Hofstra Law in 2016. While at Hofstra, she served as Historian of the Black Law Students Association. She was also a member of the Hofstra Trial Advocacy Association, competing in the St. John's Civil Rights Mock Trial Competition, as well as the American Association for Justice Student Trial Advocacy Competition. As a Hofstra Child and Family Law Fellow, she worked on a variety of family law issues. Ms. Nzekwu began her career as an Assistant Corporation Counsel in the Bronx Tort office where she handled a variety of negligence claims against the City and its agencies. While working in Bronx Tort she received a Division Chief award for her work. She currently works in the Special Litigation Unit at the NYC Law Department handling cases in state and federal court. While in the Special Litigation Unit, she received two additional Division Chief awards for her trial work. Ms. Nzekwu is a member of *Delta Gamma* Fraternity and volunteers to lead weekly dinner party discussions through her church. She also volunteers with the NYC COVID-19 relief projects distributing facial masks in Riverside Park and working at the vaccine distribution sites. Ms. Nzekwu also chairs the Innovation and Strategy Committee at the NYC Law Department.

Vianny M. Paulino-Pichardo

Ms. Paulino-Pichardo is an experienced commercial litigator with over 10 years' experience litigating claims in federal and state courts as well as mediation and arbitration. As a former shareholder of a mid-size New York law firm, she litigated insurance coverage claims exclusively on behalf of policyholders. She was a member of the firm's Cyber Insurance Recovery Practice Group as well as the firm's Women's Initiative Group and the Diversity Committee. Prior to joining the firm, Ms. Paulino-Pichardo was an associate in the corporate group of a large international law firm where her practice focused on large corporate transactions and litigation matters. Ms. Paulino-Pichardo has been recognized by *Super Lawyers* as a New York Metro Rising Star for Insurance Coverage since 2015. She recently received the 2018 Hispanic National Bar Association's Top Lawyers under 40

award and Fordham LALSA's 2017 Andrew A. Rivera Alumni Achievement Award. Ms. Paulino-Pichardo has held various high-profile leadership roles including President of The Dominican Bar Association representing the interests of Latino lawyers, judges, and law students in the United States and founder of The DBA's Women's Committee, Las Mariposas. She is also a past member of the Latino Justice PRLDEF's Líderes Board. She is currently a member of the Mayor's Advisory Committee on the Judiciary.

Virginia A. Reilly

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

Lee S. Richards, III

Lee Richards is a partner at Perkins Coie, LLP. He concentrates his practice in white collar criminal defense, securities enforcement defense, regulatory proceedings, internal investigations, and complex commercial litigations. He regularly represents investment banks, hedge funds, public companies, investment advisers, corporate officers and directors, and other professionals in investigations and proceedings by the DOJ, SEC, FINRA, and other governmental entities and SROs. Prior to joining Perkins Coie, Mr. Richards was a founding partner at Richards Kibbe & Orbe. Before founding that firm, he was an Assistant United States Attorney for the Southern District of New York, where he handled major prosecutions of insider trading and securities fraud, including the first successful criminal prosecution of an insider trading case in U.S. history. Mr. Richards is frequently recognized as one of the top white-collar lawyers in New York by *Chambers*, *Legal 500*, and others. He received the prestigious American Inns of Court Professionalism Award for the Second Circuit and the *New York Law Journal's* Lifetime Achievement Award and was also named a Litigation Trailblazer by the *National Law Journal*.

Michael Roberts

Mr. Roberts is a partner of Roberts & Roberts, a law firm which he started with his father

upon graduation from law school. Mr. Roberts represents clients in state and federal matters with a focus on commercial litigation, employment litigation, landlord and tenant practice, and transactional real estate. Mr. Roberts is a graduate of Cardozo Law School (1979) and Columbia University.

Darren Rosenblum

Professor Darren Rosenblum will join the Faculty of Law of McGill University as a full professor in August 2021. He is currently a professor at the Elisabeth Haub School of Law at Pace University, where he teaches contracts, corporations, and international business transactions, and serves as Faculty Director of the Institute for International and Commercial Law. In 2018, he was a Wainwright Senior Fellow at McGill's Faculty of Law, during which he taught a course on sexuality, gender and the law. His scholarship focuses on corporate governance, diversity initiatives, and remedies for sex inequality. Previously, Professor Rosenblum clerked in the U.S. District Court of Puerto Rico (1996–1998), after which he practiced international arbitration at Clifford Chance, and at Skadden (1998–2004). He has presented his pioneering work on corporate board quotas in English, French, Spanish, and Portuguese. Notably, as a Fulbright Research Scholar in France, he performed a qualitative study on the French quota for women on corporate boards, which he presented before the French National Assembly in 2011. He has served as a visiting professor at Sciences Po Law School in Paris, Brooklyn Law School, American University, and Seattle University.

Joanna Rotgers

Ms. Rotgers is a Senior Assistant General Counsel serving the Marsh operating company of Marsh & McLennan Companies, Inc. She works in MMC's New York headquarters handling the company's large and complex litigation docket, with a focus on defending against professional liability/errors and omissions claims in the US, Canada, and other geographies globally. Ms. Rotgers has more than 15 years of experience including working in private practice as a commercial litigator. Ms. Rotgers also serves on the New York City Bar's Professional Discipline Committee. She holds a J.D. from the University of Iowa and a B.A. from Loyola University Chicago.

Joshua Silber

Mr. Silber is a founding partner of Abend & Silber, PLLC, in Manhattan specializing in civil litigation with a focus on personal injury, medical malpractice, and child sexual abuse cases. He has obtained many substantial verdicts and settlements for his clients in nearly 25 years representing plaintiffs in civil cases. Mr. Silber has been named to the NY Super

Lawyers list as one of the top attorneys in New York in each year from 2011 through the current year. He is a dean of the New York State Trial Lawyer's Institute and an executive board member of the New York State Trial Lawyers Association where he has co-chaired the Judiciary Committee for many years. He has frequently lectured on legal ethics, personal injury, and trial practice in New York and across the country. Mr. Silber is a member of the Bronx County Bar Association. He received a bachelor's degree from the State University of New York College at Brockport in 1993 and is a member of the Brockport Foundation Board of Directors which oversees the investment and financial management of the college's endowment. Mr. Silber received his law degree, with honors, from the University of Miami in 1996. He is admitted to practice law in New York, New Jersey and Florida, as well as the United States District Courts in the Eastern and Southern Districts of New York, the Southern District of Florida, and the District of New Jersey.

Joe Tarver

Mr. Tarver is Vice President of Operations and Risk Management at Educational Alliance, a non-profit agency that has been serving communities in Lower Manhattan for over 130 years. Before joining Educational Alliance, he held a variety of positions in the non-profit, public, and private sectors. In New York City, these include Bend the Arc: A Jewish Partnership for Justice, where he was a Managing Director of Operations; the Office of the New York City Comptroller, where he worked with the Deputy Comptroller of Public Affairs and managed the Division of Community and Government Relations; New York States' LGBT civil rights organization Empire State Pride Agenda, where he was Communications Director and later Managing Director of Operations; and Organic, an internet professional services firm, where he was a Business Development Manager. In Washington, DC, Mr. Tarver was Director of the Office of White House Liaison at the U.S. Department of State, Assistant to the Deputy Director of the 1992 Clinton Gore Presidential Transition, and a member of Senior Finance Staff on the 1992 Clinton-Gore Presidential Campaign. He worked at public affairs companies, Cassidy & Associates and Arnold & Porter Consulting, and was Legislative Assistant to Congressman Solomon P. Ortiz in the U.S. House of Representatives. Mr. Tarver has a M. Philosophy from University of Glasgow, Scotland, and a B. Architecture and B.S. in Architectural Engineering from University of Texas at Austin.

Hon. Milton A. Tingling

Justice Tingling received his Bachelor of Arts degree from Brown University. He received his J.D., *cum laude*, from North Carolina Central University School of Law in 1982, the same year his father, the Honorable Milton F. Tingling, was elected to Civil Court. After

law school, he returned to New York, where he was admitted to the Bar in 1983 and clerked for three Harlem Judges. Thereafter, Justice Tingling established a solo practice at 271 West 125th Street, Harlem New York. In 1996, he became the first Black ever elected to a judgeship from the 7th Municipal Court District. The District, which encompasses Harlem and Washington Heights, is the largest non-county-wide District in the State. His assignments included presiding in both Criminal and Civil Court. In 2000, he became the first North Carolina Central University School of Law Graduate elected to New York State Supreme Court. His most famous decision was striking down Mayor Bloomberg's so-called soda ban law. His best decision was permanently enjoining the statewide policy of shackling youths being transported to Family Courts. Justice Tingling re-established the Special Election Court in Harlem in 2001 and presided over every primary and election for the next 13 years. In November 2014, he was re-elected to Supreme Court. In December 2014, he retired to accept an appointment by the New York State Appellate Division, First Department, as New York County Clerk, Commissioner of Jurors and Clerk of the Supreme Court. New York State has 62 counties and is 230 years old. He is the only Black County Clerk and the first Black Commissioner of Jurors in the history of New York State. Justice Tingling is Chair of the Boards of The West Harlem Development Corporation and The Community League of The Heights, both of which are not-for-profit community-based organizations. He also sits on the boards of The Greater Harlem Chamber of Commerce, The New York Theological Seminary, Not On My Watch (an organization dedicated to fighting sex and human trafficking) and The Board of Visitors of NCCU School of Law. He is a member of the New York County Lawyers Association, the New York City Bar Association, and The Metropolitan Black Bar Association. Justice Tingling is the founder of "The Initiative," a volunteer project in collaboration with the New York County Lawyers Association. "The Initiative" educates, facilitates, and assists formerly incarcerated individuals in obtaining Certificates of Relief and Certificates of Good Conduct. The project also educates the formerly incarcerated on voting rights and registers eligible individuals to vote. With the election of his daughter, Aija Tingling (NCCU School of Law), to the Civil Court of the City of New York, the Tinglings became the first three-generation family of Black Judges in the nation.

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). Ms. Vladeck is a Fellow of the American College of Trial Lawyers and is on the Board of the Arthur Ashe Institute for Urban Health.

Terel R. Watson

Mr. Watson was born and raised in New York City, residing primarily in Queens. After graduating from the New York City College of Technology, he became an academic counselor there. In 2013, Mr. Watson enrolled at Cardozo Law School, where he focused his studies on constitutional law and civil rights. Mr. Watson was a member of the Moot Court Honor Society, he won Best Oralist honors as a member of their International Law Moot Court team, and he interned for the now-retired Judge Ronald L. Ellis, of the Southern District of New York. Mr. Watson has served as an Assistant District Attorney with the New York County District Attorney's Office since 2016, save for a brief 4-month stint with a civil litigation firm on Wall Street. He has investigated and tried various violent and "white-collar" felonies in New York Supreme Court and has a passion for community development and education. As a member of the New York County District Attorney's Office, Mr. Watson frequently delivers presentations to adults and youths in the community regarding career advice and nuances in criminal justice reforms. Currently, Mr. Watson sits on numerous boards at the New York City College of Technology. He chairs the Alumni Association Board of Directors at his alma mater and advises their Law and Paralegal Studies program. He currently resides in Brooklyn, New York, and enjoys spending his time on the golf course.

Tina M. Wells

Ms. Wells joined the law firm of Trolman Glaser Corley & Lichtman, PC, in 2002, where she is a partner and manages all aspects of personal injury, labor law, nursing home liability and automobile accident cases from inception to completion, including investigation, discovery, depositions, court appearances, settlement and/or trial. She attends mediations and arbitrations, she prepares and writes appeals, and she presents oral arguments in the Appellate Division. Prior to joining TGC&L, she was an associate with the law firms of Yoeli & Gottlieb, PC (1999-2002), and Gordon & Silber, PC (1996-1999). Ms. Wells is admitted in New York, Massachusetts, U.S. District Court, Eastern District of New York and U.S. District Court, Southern District of New York. She was President of the Bronx Bar Association (2018-2019) and is currently Chairperson of the Board (2019-2021). She is also a member of the New York State Trial Lawyers and Brooklyn Women's Bar

Associations. Ms. Wells received her B.A. from Syracuse University in 1992 and her J.D. from Western New England, College of School of Law in 1996.

Judith E. White

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

Toby R. Winer

Ms. Winer is currently a financial consultant. In this capacity, she has held CFO and senior administrative positions for multiple organizations including the ACLU, Yeshiva University, International Planned Parenthood/Western Hemisphere Region, and Al Jazeera America. Prior to consulting, Ms. Winer was the Executive Vice President and CFO of Pace University. Before joining Pace, she held key financial leadership roles at the

University of California, Vanderbilt University, and Comp-U-Card International, Inc. where she successfully transitioned the firm from a privately-held to a publicly-traded company. She began her career as a senior consultant for the Management Advisory Services Division at Price Waterhouse & Co. Ms. Winer is a Certified Public Accountant and received her MBA from Columbia University Graduate School of Business and her B.A. in Mathematics at Carnegie Mellon University.

Mark C. Zauderer

Mr. Zauderer, a prominent New York trial and appellate lawyer, has represented major corporations, prominent individuals, and a presidential cabinet secretary in significant business, financial, and commercial litigation in federal and state courts throughout the United States. Subject matters have included contracts, business torts, securities, real estate, legal malpractice, shareholder rights, limited partnerships, defamation and fiduciary relationships in business, law firm and estate matters. Mr. Zauderer frequently serves as an arbitrator and private mediator of significant disputes and is a member of the national roster of commercial arbitrators of the American Arbitration Association and its International Centre for Dispute Resolution. He is a past President of the Federal Bar Council and is a member of the Board of Editors of the New York Law Journal. In 2003, Mr. Zauderer was appointed by Chief Judge Judith S. Kaye to chair New York's Commission on the Jury, a blue-ribbon panel of lawyers and judges charged with finding ways to improve New York's jury system. He also served as a member of the Chief Judge's Commercial Courts Task Force, which implemented the establishment of the New York State Court System's Commercial Division and as a member of the Office of Court Administration's Program on the Profession and the Courts, which drafted New York's current sanctions rules. Mr. Zauderer is a past chair of the Commercial and Federal Litigation Section of the New York State Bar Association, served as a delegate to its House of Delegates, served as a member of the Special Committee on Cameras in the Courts, and chaired the Association's Steering Committee on Commerce and Industry. He also served as a member of the Committee on the Judiciary, the Committee on Professional Responsibility, and the Committee on State Courts of Superior Jurisdiction of the Association of the Bar of the City of New York. Mr. Zauderer currently serves as a member of the New York Governor's Judicial Screening Committee for the Appellate Division, First Department, and a member of the Chief Administrative Judge's Advisory Committee on Civil Practice. In 2016, Mr. Zauderer delivered the commencement address at Touro Law School and was awarded an honorary Doctor of Laws. In 2012, Mr. Zauderer was appointed by Chief Judge Jonathan Lippman as a member of the Task Force on Commercial Litigation in the 21st Century. In 2013, he was appointed by Chief Judge Lippman as a member of the permanent Advisory

Committee of the Commercial Division. In 2015, Mr. Zauderer was appointed a member of the Chief Judge's Commission on Statewide Attorney Discipline, which made recommendations for the revisions of New York's attorney discipline system. In 2015, he was honored by the *New York Law Journal* with its award for "Lawyers Who Lead By Example" for his contributions to public service. In 2004, Mr. Zauderer served as a member of a four-person delegation to the Chief Justice of the Supreme Court of the Organization of Eastern Caribbean States to advise on the establishment of a commercial court. Mr. Zauderer is listed in *Who's Who in the World*, *Who's Who America*, *New York Super Lawyers* and *New York Magazine's* "The New York Areas Best Lawyers". In 2007, he was awarded the Eliphalet Nott Medal for distinction in field by the Union College Board of Trustees.

THE DISCIPLINARY PROCESS

Complaints, Investigations, and Dismissals

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

All complaints are date-stamped, numbered, and entered into the AGC’s database system, which generates a printout of the respondent’s disciplinary history. Each matter is screened by a staff attorney (screening attorney), who makes a preliminary recommendation regarding jurisdiction to determine if the complaint should be referred to another public agency or grievance committee. If it appears that there is no misconduct, but there has been a breakdown in communication between the lawyer and the client, the AGC may refer the matter for mediation to a mediation panel of the New York County Lawyers’ Association, the Association of the Bar of the City of New York, or the Bronx County Bar Association.

The screening attorney may also recommend rejection of a complaint for any one of several reasons, *e.g.*, the complaint lacks merit, seeks legal advice, is an attempt to collect a debt, or involves a fee dispute. A mandatory mediation/arbitration program exists to deal with fee disputes in civil and matrimonial matters, where the amount in dispute is between \$1,000 and \$50,000.

If the complaint involves the same substantial and material allegations that will be decided in pending litigation, the AGC may defer the matter pending resolution of the litigation, which may result in a judgment binding on the respondent. If the complaint alleges serious misconduct by an attorney, such as conversion of client funds, the AGC will immediately pursue an investigation.

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

complaints involving the same respondent.

The Chief Attorney approves all “first screening” dismissal recommendations made by the screening attorney. If a matter is not dismissed following the initial screening, a paralegal forwards the complaint to the respondent for an answer to the allegations. Thereafter, the paralegal may forward the answer to the complainant for a reply. The paralegal then prepares a summary of the allegations and defenses and refers the file to the initial screening attorney who performs a “second screening” or further evaluation of the complaint, answer, and reply. On second screening, the screening attorney may recommend dismissal of the complaint for a variety of reasons or may recommend referral of the matter to a fee dispute arbitrator or a mediator.

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

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

Letters of Advisement [22 NYCRR 1240.2(i)]

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

Letters of Admonition [22 NYCRR 1240.2(b)]

The Committee issues a Letter of Admonition (Admonition) when an investigation reveals that a respondent has violated New York's Rules of Professional Conduct (Rules¹), but not seriously enough to warrant a formal disciplinary proceeding, pursuant to 22 NYCRR 1240.7(d)(2)(v). For example, an Admonition may be issued if a respondent neglected only one legal matter and there were mitigating factors, whereas formal disciplinary proceedings would likely be commenced if multiple issues of neglect are alleged.

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

Applications to the Appellate Division

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

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

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

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

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

A staff attorney's recommendation that formal proceedings be filed against a respondent must be based on a demonstration of professional misconduct reviewed by a deputy chief attorney and approved by the Chief Attorney and the Committee members. Upon approval, the AGC serves the respondent with a petition in which it requests that the Court sustain the charges or, if there are factual or legal issues in dispute, to appoint a Referee to hear the charges.³ Within 20 days after service of the respondent's answer or, if applicable, a reply, the AGC must file with the Court a "Statement of Disputed and Undisputed Facts." The respondent has 20 days to respond. In the alternative, within 30 days after service of the answer or, if applicable, a reply, the parties may file a Joint Stipulation of Disputed and Undisputed Facts or a statement that the pleadings raise no issue of fact requiring a hearing, pursuant to 22 NYCRR 1240.8(a)(2). At any time after the filing of the petition, the parties may file a joint motion with the Court requesting the imposition of "Discipline by Consent," to avoid a hearing, pursuant to 22 NYCRR 1240.8(a)(5). The motion must outline the agreed upon discipline to be imposed, which may include monetary restitution authorized by Judiciary Law 90(6-a), and the respondent's affidavit conditionally admitting the acts of professional misconduct.

Under the Court's rules, respondents have the right to appear, to be represented by counsel, to cross-examine staff witnesses, and to present their own witnesses and exhibits. The proceedings before the Referee are transcribed, and are conducted in two separate parts, liability hearing and sanction (mitigation and aggravation evidence) hearing. A Referee cannot proceed with a sanction hearing until the Referee indicates that at least one charge will be sustained. A Referee makes a finding on the charges shortly after the end of the liability hearing. The Referee usually asks the parties to submit memoranda regarding liability and sanction. When the hearing (liability and sanction) is concluded, the Referee

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

is required to file with the Court a written “Report and Recommendation” containing findings of facts, conclusions of law, charges sustained or dismissed, and a recommendation as to sanction (Referee’s Report). The AGC or the respondent may file a motion with the Court to confirm or disaffirm the Referee’s Report. *See* NYCRR 1240.8(b).

Collateral Estoppel

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

Interim Suspensions [22 NYCRR 1240.9]

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

Resignations [22 NYCRR 1240.10]

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

Diversion [22 NYCRR 1240.11]

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

Convictions [22 NYCRR 1240.12]

If an attorney is found guilty of any crime, the attorney must notify the grievance committee having jurisdiction within 30 days, pursuant to 22 NYCRR 1240.7(a)(2). The AGC must file a motion directly with the Court when an attorney has been convicted of a felony or “serious crime.” An attorney who is convicted of a felony in New York, or an analogous felony in another state or federal jurisdiction, ceases to be an attorney by operation of law, pursuant to Judiciary Law 90(4-a), and the AGC must apply to the Court to have the attorney’s name stricken from the roll of attorneys in New York. In cases where the Court, on the AGC’s motion, has determined that a lawyer has been convicted of a crime which is not analogous to a New York felony, but is a serious crime under New York’s Judiciary Law 90(4)(d), the Court assigns the case to a Referee to hear the matter. Thereafter, the AGC or the respondent files a motion with the Court to confirm or disaffirm the Referee’s Report. Serious crime cases result in the same range of sanctions imposed in other formal disciplinary proceedings.

Reciprocal Discipline [22 NYCRR 1240.13]

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

Incapacity [22 NYCRR 1240.14]

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

Upon application by the AGC that includes a judicial determination that an attorney is in need of involuntary care or treatment in a facility for the mentally disabled, or is the subject of an order of incapacity, retention, commitment or treatment pursuant to the Mental Hygiene Law, the Court may enter an order immediately suspending the attorney from the practice of law.

Reinstatements [22 NYCRR 1240.16, 1240.17]

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

REPRESENTATIVE CASES

Although the AGC, in conjunction with the Committee, engages in multiple functions in a confidential manner that do not result in public discipline, many matters become public when the Court acts on motions made by the AGC. In 2020, the Court publicly disciplined 49 lawyers as follows: eight disbarments, three resignations by attorneys facing charges (equivalent to disbarment), 28 suspensions, and 10 public censures.

The Court also suspended 1367 attorneys after the AGC filed a motion to suspend the attorneys who failed to re-register and pay biennial registration fees.⁴

Interim Suspensions

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

The most serious misconduct involves the theft or misappropriation of money belonging to clients. The Court has repeatedly stated that the intentional conversion of money that an attorney holds as a fiduciary or for a client requires disbarment, except in rare cases where there are exceptional mitigating circumstances. In such cases, the AGC will seek an immediate suspension of an attorney if there is sufficient evidence to justify the motion because such misconduct immediately threatens the public interest. In addition, the AGC will seek the suspension of an attorney who fails to cooperate in answering a complaint or does not comply with lawful demands for information or records. In 2020, the Court suspended 11 attorneys on an interim basis pending resolution of the charges against them in the following cases: *Matter of Dennis A. Schuman*, 183 AD3d 32; *Matter of Melvin W. Hoffman*, 183 AD3d 61; *Matter of Marina Trubitsky*, 183 AD3d 146; *Matter of Ignacio M. Foncillas*, 184 AD3d 263; *Matter of Albert O. Grant*, 184 AD3d 315; *Matter of Ra'Shaun J. Kelley*, 184 AD3d 321; *Matter of Mark D. Weissman*, 184 AD3d 348; *Matter of Lawrence A. Doris*, 186 AD3d 23; *Matter of Craig F. Meltzer*, 189 AD3d 80; *Matter of Paul W. Frietary*, 190 AD3d 7; and *Matter of Marc A. Seedorf*, 190 AD3d 74.

⁴ [Mass Suspension Final List 03172020.pdf \(nycourts.gov\)](#)

Disbarments

In 2020, the Court disbarred eight attorneys. In *Matter of Scott A. Felicetti*, 180 AD3d 176, the attorney was disbarred after formal charges, and in *Matter of Wesley L. Clarke*, 190 AD3d 57, the attorney was disbarred following a petition for reciprocal discipline. Three interim suspended attorneys received disbarments, pursuant to 22 NYCRR 1240.9(b), when they failed to write to the AGC or Court to request a hearing or reinstatement within six months of the interim suspension: *Matter of Donald R. Dunn*, 182 AD3d 129; *Matter of Alexander L. Shapiro*, 184 AD3d 352; and *Matter of Mychel K. Russell-Ward*, 187 AD3d 64. The Court also issued a disbarment in the *Matter of Steven R. Donziger*, 186 AD3d 27, following an interim suspension based on 22 NYCRR 1240.9(a)(5). Finally, the Court granted two motions to strike the names of attorneys convicted of felonies: *Matter of Hilton M. Wiener*, 183 AD3d 269, and *Matter of Steven M. Etkind*, 184 AD3d 46.

Disciplinary Resignations

An attorney is permitted to resign from the bar during an investigation by the AGC, or after the filing of charges, if the attorney submits an affidavit, pursuant to 22 NYCRR 1240.10, acknowledging that the attorney knows the nature of the potential charges and cannot defend against them. A resignation is the equivalent of disbarment. In 2020, the Court accepted three resignations under 22 NYCRR 1240.10, and ordered their names stricken from the roll of attorneys: *Matter of James F. Van Doren*, 183 AD3d 151; *Matter of Mark T. Pilon*, 184 AD3d 49; and *Matter of John D. Roesser*, 186 AD3d 6.

Suspensions as Discipline

A suspension can be ordered by the Court as discipline and to protect the public. The Court imposes suspension for conviction of “serious crimes,” as defined in Judiciary Law 90(4)(d), for reciprocal discipline, and for misconduct. In 2020, the Court suspended 16 attorneys for periods ranging from two months to five years: *Matter of Youras Ziankovich*, 180 AD3d 140; *Matter of Gaytri D. Kachroo*, 180 AD3d 183; *Matter of Joanne Cassidy*, 181 AD3d 51; *Matter of John B. Walker*, 181 AD3d 62; *Matter of Robert E. Rothman*, 183 AD3d 37; *Matter of Eli K. Cherkasky*, 183 AD3d 42; *Matter of Martin F. McMahon*, 183 AD3d 139; *Matter of Jessica M. McHale*, 184 AD3d 19; *Matter of Claude Castro*, 184 AD3d 272; *Matter of Andrew J. Spinnell*, 185 AD3d 1; *Matter of Steven S. Sieratzki*, 186 AD3d 85; *Matter of Laurence M. Savedoff*, 187 AD3d 28; *Matter of Lori Vinciguerra*, 188 AD3d 56; *Matter of Robert F. Garnsey*, 190 AD3d 22; *Matter of William S. Winters*, 190 AD3d 27; and *Matter of Seth E. Denenberg*, 192 AD3d 76.

Suspensions for Medical Disability

The Court's rules provide that an attorney may be suspended if judicially declared incompetent or if the Court concludes that the attorney is incapacitated from continuing to practice law. Pursuant to 22 NYCRR 1240.14(b), any pending disciplinary proceedings against the attorney shall be held in abeyance after the Court makes a determination of the attorney's incapacity to continue the practice of law. In 2020, the Court suspended one attorney on these grounds: *Matter of Pamela J. Sackerman*, 184 AD3d 53.

Public Censures

The least severe form of public discipline that the Court may impose is a censure (*see* 22 NYCRR 1240.2[c]). In 2020, the Court issued public censures in ten cases: *Matter of John W. Dorris*, 182 AD3d 133; *Matter of Marc R. Mauser*, 184 AD3d 223; *Matter of Douglas M. Breakstone*, 184 AD3d 267; *Matter of James Valvano*, 186 AD3d 1; *Matter of Nicholas J. Fortuna*, 190 AD3d 70; *Matter of Daniel Moskowitz*, 191 AD3d 107; *Matter of Alec Nolan*, 191 AD3d 145; *Matter of Amy L. Nussbaum-Gell*, 192 AD3d 1; *Matter of Aaron M. Schlossberg*, 192 AD3d 8; and *Matter of Traci L. Bransford Marquis*, 192 AD3d 83.

Reinstatements

Judiciary Law 90 and rule 22 NYCRR 1240.16 permit attorneys to apply for reinstatement to the practice of law after a period of suspension, or seven years after disbarment. Attorneys who are suspended for six months or less, may file an application for reinstatement pursuant to 22 NYCRR 1240.16(d). An attorney who has been suspended for a period of more than six months may apply to the Court for reinstatement upon the expiration of the period of suspension. An attorney who has been disbarred, or stricken from the roll of attorneys, may not apply for reinstatement until the expiration of seven years from the effective date of disbarment. In 2020, the Court granted eight petitions for reinstatement. The Court denied two reinstatement petitions.

Finally, the Court granted 86 reinstatements following suspensions for failure to re-register and pay biennial registration fees, and one non-disciplinary reinstatement.

Dishonored Check Investigations

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

presentations about proper escrow management at Continuing Legal Education courses.

Immigration Complaints

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

PUBLIC DISCIPLINE CASES

Several of the cases prosecuted by staff attorneys which became a matter of public discipline in 2020 are reviewed below:

Matter of Steven S. Sieratzki, 186 AD3d 85 (1st Dept 2020)

(Two-year suspension.) On August 27, 2020, the Court suspended Sieratzki from the practice of law for two years. Sieratzki admitted to violating rules 8.4(c) and 8.4(h) by failing to file tax returns for seven years, and by notarizing six documents after his notary license expired. After a hearing, the Court affirmed the Referee's finding that Sieratzki also violated rule 1.15(b)(1): he used his escrow account as a personal account into which he placed his then girlfriend's monthly trust distributions and made disbursements therefrom to pay for her household expenses. The Court further affirmed the Referee's finding that Sieratzki maintained a legal fee in his escrow account over a five-year period in order to shield his monies from tax authorities in violation of rule 8.4(c). The Court found that the "sheer magnitude" of Sieratzki's misconduct outweighed his mitigating evidence, which was not sufficiently compelling to warrant a lesser sanction than the two years recommended by the Referee. The Court further ordered that any application for reinstatement should include documentary proof that Sieratzki is up-to-date in his tax filings and payment obligations or that he has entered into payment agreements with tax authorities for any outstanding tax debts. (Staff Attorneys Sinan Aydiner and Denice M. Szekely)

Matter of Douglas M. Breakstone, 184 AD3d 267 (1st Dept 2020)

(Public censure.) The Court censured Breakstone, an attorney already suspended for his failure to pay biennial dues, in response to the AGC's motion for reciprocal discipline pursuant to 22 NYCRR 1240.13. The Court based the censure on the Superior Court of Connecticut's formal reprimand of Breakstone for failure to hold and safeguard client funds in an attorney escrow account, as well as his failure to ensure prompt delivery of estate funds to a former client. (Staff Attorney Sean A. Brandveen)

Matter of Seth E. Denenberg, 192 AD3d 76 (1st Dept 2020)

(Three-month suspension.) The Court suspended Denenberg for three months due to his verbal abuse of opposing counsel in a landlord-tenant matter. Specifically, the Court confirmed a Referee's prior findings that Denenberg violated Rules 3.3(f)(2) and 8.4(h) based, in pertinent part, on an incident in a courthouse hallway where he repeatedly called an opposing female attorney a "bitch" after she informed him that she was not ready to have a case called because she needed to first confer with her supervisor. The Court

disaffirmed the Referee’s recommendation that Denenberg should be censured and found that a three-month suspension was more appropriate given his failure to take full responsibility for his behavior and his prior receipt of an admonition for similar misconduct. The Court additionally ordered Denenberg to participate in counseling for a period of up to one year, as determined and monitored by the New York City Bar Association’s Lawyer Assistance Program. The training must include anger management, diversity, inclusion, and elimination of bias, in addition to that mandated by the New York State CLE requirements. (Staff Attorney Sean A. Brandveen)

Matter of Hilton M. Wiener, 183 AD3d 269 (1st Dept 2020)

(Disbarment.) Wiener pled guilty to grand theft in the third degree, a felony under Florida Statutes Annotated sections 812.014(1)(a) and (b) and 812.014(2)(c)(3). He entered his plea before the Circuit Court of the Seventeenth Judicial District, Broward County, Florida, based on his knowing misappropriation of at least \$10,000 from his employer. Wiener pled guilty pursuant to a deferred prosecution agreement which provided that, if he successfully completed a year-long pre-trial intervention program and paid \$20,000 in restitution, his plea would be vacated, and the case dismissed. Wiener, however, was arrested for driving while under the influence of alcohol, and subsequently removed from the pre-trial intervention program. The Florida court elected to “withhold adjudication” and sentenced Wiener to a one-year probation; six months later, Wiener received an early release from the probation. Despite Wiener’s arguments to the contrary, this Court found that his entry of the guilty plea to the Florida crime of grand theft in the third degree constituted a conviction for purposes of his automatic disbarment under Judiciary Law 90(4), and that his Florida felony was “essentially similar” to the New York felony of grand larceny in the third degree. Accordingly, the Court ordered Wiener disbarred *nunc pro tunc* to the date of his entry of the guilty plea. (Staff Attorney Sean A. Brandveen)

Matter of Joanne Cassidy, 181 AD3d 51 (1st Dept 2020)

(Three-year suspension.) The AGC alleged in a petition that Cassidy misused four attorney escrow accounts to aid her clients in shielding their funds from creditors and tax authorities, counseled her clients to engage in fraudulent conduct, falsely testified at an examination under oath before the AGC and at a hearing before the Referee, and submitted a fabricated ledger in an effort to conceal her misconduct. In connection with her *pro bono* representation of a construction company, two of its officers, and an employee, Cassidy opened four attorney escrow accounts. The AGC’s audit of one such account revealed that it served as an operating account for the construction company. At her initial deposition before the AGC, Cassidy candidly admitted that she opened this account at the request of

the company's president because of the company's problems with creditors, including one that had levied and collected \$50,000 from a company bank account. At her second deposition, and at the hearing before the Referee, Cassidy contradicted her prior testimony and provided several alternative, innocuous reasons for her use of the account for the company's benefit, which the Referee rejected. With respect to her similar use of two other escrow accounts, the Referee found Cassidy's claim "far-fetched" that she intended to assist the vice president and an employee with their respective tax problems by pooling their funds for an offer of compromise to the IRS, since she was aware that they had received notices of tax liens and levies and had significant credit card debt, and that the employee was subjected to a wage garnishment. The Referee found that Cassidy engaged in dishonest conduct by using the escrow accounts to assist her clients in evading their creditors, counseled them to engage in fraudulent and illegal conduct, and gave false testimony before the AGC and the Referee. The Referee also found that Cassidy attempted to legitimize the fraudulent transactions in a fabricated ledger created after the fact, and advanced personal funds to the vice president and employee while representing them in legal matters which included litigation. The Referee recommended a six-month suspension based on certain mitigating factors, including the fact that she did not commingle funds or personally benefit from her misconduct. The Court rejected the Referee's sanction recommendation of six months as "too lenient" in light of her lack of remorse, and the absence of significant mitigation, and agreed with the AGC's recommendation that Cassidy be suspended for three years. (Staff Attorney Kevin P. Culley)

Matter of Nicholas J. Fortuna, 190 AD3d 70 (1st Dept 2020)

(Public censure.) The Court granted the joint motion of the AGC and Fortuna and publicly censured him for negligent misappropriation and commingling business funds with client funds in his Citibank escrow account. Fortuna admitted that he briefly used his escrow account to hold and disburse business funds while he refinanced a Citibank line of credit loan. He admitted that he misused his escrow account out of an unwarranted concern that Citibank might unilaterally withdraw said funds to satisfy the loan if they were kept in his business account. Fortuna also failed to maintain required bookkeeping records. The AGC and Fortuna stipulated that Fortuna's conduct was the result of poor judgment, not venal intent. Moreover, he had no prior discipline, he expressed sincere remorse for his misconduct, he fully cooperated with the AGC's investigation, he took extensive remedial measures to correct his failure to maintain proper bookkeeping records, he demonstrated good character and reputation, and he documented *pro bono* work and service to the community. (Staff Attorney Kevin P. Culley)

Matter of Dennis A. Schuman, 183 AD3d 32 (1st Dept 2020)

(Interim suspension.) The Court interinely suspended Schuman from the practice of law, pursuant to 22 NYCRR 1240.9(a)(2) and (a)(5), based upon his admissions under oath and uncontroverted bank records showing that he deliberately misappropriated and converted to his personal use approximately \$63,000 in settlement funds owed to a litigation financing company, a workers' compensation carrier, and clients. (Staff Attorney Kevin P. Culley)

Matter of Robert F. Garnsey, 190 AD3d 22 (1st Dept 2020)

(Two-year suspension.) The Court granted the joint motion of the AGC and Garnsey, resulting in Garnsey's two-year suspension, mainly for unauthorized practice. The unauthorized practice occurred after Garnsey was suspended in January 2017 by dint of a mass suspension, which extended to scores of attorneys who failed to file attorney registration statements and pay biennial registration fees in violation of Judiciary Law 468-a. The *New York Law Journal* served as the vehicle by which Garnsey and other such delinquent attorneys enjoyed required notice. When notified of the AGC's investigation into his unauthorized practice, Garnsey immediately ceased his (part-time) legal practice. Garnsey, who had no disciplinary history, claimed ignorance of his suspension but fully accepted responsibility for not following up on the Office of Court Administration's delinquency notices over the years. At the time of the joint discipline-by-consent motion, Garnsey had both paid up his outstanding registration fees and earned all the CLE credits he owed. Garnsey's suspension was effective *nunc pro tunc* from the date the AGC contacted him, and he ended his unauthorized practice. (Staff Attorney Kevin M. Doyle)

Matter of Aaron M. Schlossberg, 192 AD3d 8 (1st Dept 2020)

(Public censure.) A motion for discipline by consent, which centered on Schlossberg's highly-publicized tirade against people speaking Spanish in a midtown Manhattan food establishment, brought Schlossberg a censure for conduct reflecting adversely on his fitness as a lawyer. His expletive-studded tirade extended to bilingual customers and a worker who (on the clock) had no choice but to endure it. The tirade included not only insulting ethnic stereotypes but also Schlossberg's threats to summon Immigration and Customs Enforcement, who would deport workers who, in Schlossberg's apparent estimate, must have been undocumented. Owing to smartphone recording and the internet, Schlossberg was quickly identified as an attorney, his tirade was viewed by hundreds of thousands, and the incident drew broad attention in print and broadcast media. The sanction of censure reflected Schlossberg's lack of disciplinary history and the absence of manifest bigotry in his actual practice as a lawyer. It also reflected cooperation with the AGC in the

form of, *inter alia*, turning over his own, more damning recording of the incident. (The Court granted Schlossberg's application to seal that more inculpatory recording, given the threats of violence that Schlossberg had already garnered.) (Staff Attorney Kevin M. Doyle)

Matter of Steven R. Donziger, 186 AD3d 27 (1st Dept 2020)

(Disbarment.) The First Department disbarred Donziger on August 13, 2020. The saga that led to the disbarment began in 1993, when Donziger filed suit on behalf of indigenous Ecuadoreans against the Chevron Corporation, whose predecessor, Texaco, allegedly destroyed the environment in the Lago Agrio region of Ecuador. The litigation took place in Ecuador, and in 2011, Donziger obtained an \$18 billion judgment for his clients, later reduced to \$9.5 billion. Chevron, whose assets are in the U.S., immediately filed a civil RICO suit in the U.S. District Court, Southern District of New York, accusing Donziger of bribing an Ecuadorian judge, ghostwriting the damages judgment, and fixing scientific studies. On March 14, 2014, based on overwhelming evidence, including Donziger's admissions at the bench trial, entries he made in a notebook he kept in Ecuador, statements he made in outtakes from the documentary film about the Ecuadorian litigation, and the testimony of over 30 witnesses, Southern District Judge Lewis Kaplan issued an exhaustive decision of more than 300 pages in *Chevron Corp v Donziger*, in which he found that the judgment was invalid because Donziger secured it through egregious misconduct including extortion, wire fraud, money laundering, judicial bribery, witness tampering, and arranging for an expert report to be ghostwritten. The Second Circuit Court of Appeals unanimously affirmed Judge Kaplan's ruling. The U.S. Supreme Court declined certiorari. On July 10, 2018, based on Judge Kaplan's findings, pursuant to the doctrine of collateral estoppel, the First Department found Donziger guilty of professional misconduct, immediately suspended him, and referred the matter for a hearing on sanction. Donziger testified and called 15 character witnesses. In post-hearing memoranda, the AGC argued that Donziger should be disbarred; Donziger argued for a private reprimand. The Referee recommended that he be reinstated to the practice of law. Not surprisingly, Donziger moved to confirm the Referee's report and recommendation, and the AGC cross-moved to disaffirm. In its decision to grant the AGC's motion and disbar Donziger, the First Department took the unusual step of taking the Referee to task for being too dismissive of the severity of Donziger's misconduct, for failing to address Donziger's civil contempt finding for post-trial discovery violations, and for failing to recognize, or even discuss, the relevant precedent. The Court denied Donziger's motion to reargue. (Deputy Chief Attorney Naomi F. Goldstein and Special *Pro Bono* Counsel George A. Davidson)

Matter of Daniel Moskowitz, 191 AD3d 107 (1st Dept 2020)

(Public censure.) In early 2008, Moskowitz's older sister, Leah Larsen, received a two-and-a-half-year suspension from the practice of law from the First Department; she was never reinstated. In December 2019, our Court accepted her resignation filed pursuant to 22 NYCRR 1240.10 and struck her name from the roll of attorneys. In her affidavit, Larsen attested that she could not defend against allegations that, under the pretense of acting as a paralegal for Moskowitz, she operated an immigration law practice under his name from 2011 until 2018, when the AGC received complaints against her and Moskowitz. Moskowitz created the circumstances which allowed his sister to practice law, but he was unaware of what was happening, because, as he acknowledged, he chose to bury his head in the sand. Moskowitz became concerned that his ample workload as assigned counsel in Queens Family Court would be substantially reduced, and in 2011, he opened an office for the practice of immigration law in Larsen's former Manhattan office. Larsen was familiar with immigration law, and the idea was to come to Manhattan regularly and supervise Larsen, who would act as his paralegal. However, Moskowitz's workload in Queens did not diminish, and he rarely ever came to the Manhattan office. Meanwhile, Larsen ran the office by affixing Moskowitz's signature to notices of appearance and filing applications in Immigration Court and with the Board of Immigration Appeals; she also hired *per diem* attorneys to appear at hearings. Moskowitz did not receive any portion of the fees Larsen collected. He did not authorize, nor was he aware of, any of the filings. Nevertheless, knowingly or not, Moskowitz aided Larsen in the unauthorized practice of law, in violation of PRC 5.5(b). Moskowitz's genuine remorse for his lack of vigilance, his lack of prior discipline, and a pile of glowing character letters from colleagues and judges, served as mitigating factors. The Court thus granted the parties' motion for discipline by consent and publicly censured Moskowitz. (Deputy Chief Attorney Naomi F. Goldstein)

Mychel K. Russell-Ward, 187 AD3d 64 (1st Dept 2020)

(Disbarment.) In August 2019, the AGC moved to immediately suspend Russell-Ward for failing to cooperate with its investigation of a complaint which alleged that she sent disturbing emails to the New York City Bar Association; the emails raised questions about her mental health. She untimely submitted an inadequate response in opposition to the AGC's motion, and by order dated November 14, 2019, the Court suspended Russell-Ward [179 AD3d 11 (1st Dept 2019)]. The Court disbarred Russell-Ward after she failed to respond to, or appear for, further investigatory or disciplinary proceedings within six months from her interim suspension. (Deputy Chief Attorney Naomi F. Goldstein)

Matter of Pamela J. Sackerman, 184 AD3d 53 (1st Dept 2020)

(Suspension for medical disability.) The First Department admitted Sackerman to the practice law in 1991. She was also admitted in New Jersey. By order dated November 1, 2019, and with Sackerman's consent, the Supreme Court of New Jersey transferred her to disability inactive status, based on mental infirmity. By order dated May 14, 2020, the First Department suspended Sackerman indefinitely, based on the New Jersey order and based on her affidavit which explained that New Jersey transferred her to disability status when her medical doctor affirmed in a letter to the New Jersey Court that she suffered from a psychological condition which rendered her incapable of practicing. (Deputy Chief Attorney Naomi F. Goldstein)

Matter of Andrew J. Spinnell, 185 AD3d 1 (1st Dept 2020)

(One-year suspension.) Spinnell was admitted to practice in 1983. In 2018 the AGC served Spinnell with a Notice and Statement of Charges alleging a pattern of misconduct which included converting and/or misappropriating client funds in at least 10 client matters, commingling approximately \$100,000 of personal funds into his Interest on Lawyer Account, filing inaccurate closing statements with the Office of Court Administration, falsely affirming in his attorney registration statements that he was compliant with RPC 1.15, and entering into an improper loan agreement with a client. Following a hearing, the court-appointed Referee sustained 42 of the 43 charges before her. The Referee determined that the conversion was nonvenal and recommended a two-year suspension. After considering the mitigating factors, including Spinnell's cooperation with the AGC, and aggravating factors, including his two prior admonitions, on July 30, 2020, the Court suspended Spinnell for one year, and denied his motion to reargue. (Deputy Chief Attorney Naomi F. Goldstein)

Matter of Marina Trubitsky, 183 AD3d 146 (1st Dept 2020)

(Interim suspension.) On March 26, 2020, the Court interimly suspended Trubitsky from the practice of law, pursuant to 22 NYCRR 1240.9(a)(3), based on her failure to cooperate with the AGC's investigation of more than twenty complaints of professional misconduct. Since 2017, Trubitsky repeatedly failed to comply with attempts to take her deposition, which was adjourned at her request for various reasons including five changes of counsel and alleged medical issues. Despite warning Trubitsky that the AGC would seek her interim suspension if she did not appear for a rescheduled deposition on July 11, 2019, she traveled to Russia for medical treatment on the eve of the deposition without providing advance notice or an expected return date. Trubitsky's dilatory tactics demonstrated a

willful failure to appear before the AGC for a deposition as directed by a judicial subpoena, which warranted her interim suspension. (Staff Attorney Kelley A. Latham)

Matter of Amy L. Nussbaum Gell, 192 AD3d 1 (1st Dept 2020)

(Public censure.) On December 22, 2020, the Court publicly censured Gell, an attorney practicing immigration law, based on the Second Circuit, Court of Appeals (Second Circuit) order which imposed public reprimand. The Court previously censured Gell, in February 2012, as reciprocal discipline for her failure to comply with the scheduling orders of the Second Circuit, which publicly reprimanded her. In 2019, the Second Circuit again found that Gell engaged in a pattern of untimely filings, and she defaulted on numerous petitions for review. By order dated May 29, 2020, the Second Circuit publicly reprimanded Gell, based in part, on her extenuating mitigation, including compelling testimony from two retired immigration judges, and her voluntary withdrawal from the Second Circuit bar. This Court imposed a reciprocal discipline which publicly censured Gell and directed her to participate in a two-year monitoring program with a third party. (Staff Attorney Jun H. Lee)

Matter of Traci L. Bransford Marquis, 192 AD3d 83 (1st Dept 2020)

(Public censure.) On December 29, 2020, pursuant to Judiciary Law 90(2) and 22 NYCRR 1240.13, the Court imposed reciprocal discipline on Bransford Marquis in the form of a public censure. The Court's imposition of discipline in this matter was premised upon a February 26, 2020 order from the Virginia Circuit Court, which suspended Bransford Marquis from the practice of law in Virginia for a period of 30 days, effective immediately, based on, *inter alia*, her neglecting a matter and practicing law when her bar membership status precluded her from doing so. Based on its precedent, and consistent with the AGC's recommendation, the Court found that a departure from Virginia's sanction was warranted, and, therefore, a public censure is appropriate. (Staff Attorney Thomas M. Lee)

Matter of John W. Dorris, 182 AD3d 133 (1st Dept 2020)

(Public censure.) Respondent engaged in consensual sexual conduct with a matrimonial client during a representation in Arizona and received a public reprimand in that state, the equivalent of a public censure in New York, but the Committee had recommended a one-year suspension based on its view of the precedent here. The Court, however, reciprocally censured respondent based on the public reprimand issued by the Arizona Supreme Court due to the significant mitigation that he offered, i.e., his grief over the death of his fiancée by suicide shortly before his misconduct, his cooperation with the Arizona authorities, his

remorse, the lack of harm to the client, and his character evidence. (Deputy Chief Attorney Vitaly Lipkansky)

Matter of John D. Horenstein, 2020 NY Slip Op 72553 (1st Dept 2020)

(Reinstatement.) Horenstein was suspended for three years in 2015, retroactive to his 2012 interim suspension, for misappropriation of funds from a client of his law firm by way of false billing. He applied for reinstatement in 2019 and, after a hearing before a Court-appointed Referee, the AGC agreed that Horenstein had met his burden to prove, by clear and convincing evidence, that he merited reinstatement. The Referee agreed as well and so recommended to the Court. The Court confirmed the Referee's recommendation and ordered that Horenstein be reinstated with the *caveat* that he is required to report biannually to the AGC that he is current in his tax obligations and that he is satisfying his CLE requirements. (Deputy Chief Attorney Vitaly Lipkansky)

Matter of Melvin Hoffman, 183 AD3d 61 (1st Dept 2020)

(Interim suspension.) On March 12, 2020, the Court granted the AGC's motion to immediately suspend Hoffman from the practice of law, pursuant to 22 NYCRR 1240.9(a)(3). The motion for interim suspension was based on Hoffman's failure to answer three complaints and uncontroverted evidence which immediately threatens the public. The Court found that Hoffman was notified of the three complaints over a year and a half by virtue of the AGC's numerous attempts to contact Hoffman in multiple locations, by letters, phone calls, and personal service of papers. The Court further found that Hoffman had ample opportunity to respond to the complaints, but willfully failed to comply or assert any explanation for his noncompliance. (Staff Attorney Norma I. Lopez)

Matter of Eli K. Cherkasky, 183 AD3d 42 (1st Dept 2020)

(Two-month suspension.) Eli Cherkasky, a former assistant district attorney, became heavily intoxicated and assaulted a woman in a bar. His behavior resulted in his conviction for criminal obstruction of breathing or blood circulation, assault in the third degree (two misdemeanors), and harassment in the second degree [N.Y. R. Prof. Conduct 8.4(d), (h) (22 NYCRR 1200.0)]. The Court gave Cherkasky a two-month suspension. (Staff Attorney Norma I. Melendez)

Matter of Craig F. Meltzer, 189 AD3d 80 (1st Dept 2020)

(Interim suspension.) The Court immediately suspended Meltzer from the practice of law based upon his admissions under oath that he commingled his wife's money with client funds in order to cover shortfalls in his escrow account, failed to comply with the

Committee's lawful demands for bookkeeping records and other documents, and uncontroverted evidence of professional misconduct, which immediately threatened the public. Meltzer, *pro se*, did not submit a response to the motion. (Staff Attorney Norma I. Melendez)

Matter of John D. Roesser, 186 AD3d 6 (1st Dept 2020)

(Disciplinary resignation.) The Court accepted Roesser's resignation, pursuant to 22 NYCRR 1240.10, based on his acknowledgement that he was the subject of an investigation by the Committee involving allegations that, beginning in February 2018, he misapplied and misappropriated \$99,652.17 which belonged to his late client, Lawrence Gilbert, as his share of a post-arbitration settlement in a shareholder's lawsuit. Roesser acknowledged that he could not successfully defend against the allegations under investigation. (Staff Attorney Norma I. Melendez)

Matter of Donald R. Dunn, 182 AD3d 129 (1st Dept 2020)

(Disbarment.) The Court interimly suspended Dunn on June 11, 2019, for failing to cooperate with the AGC's investigation of two complaints alleging neglect [174 AD3d 175 (1st Dept 2019)]. During the suspension, he continued to practice law and appear in court. On July 18, 2019, Dunn appeared before Bronx Family Court Part 40 and was informed that he was suspended from the practice of law. He then left Part 40 and proceeded to Part 28, where Dunn engaged in settlement negotiations with opposing counsel, without informing her of his suspension. Dunn attempted to appear on the record in Part 28, but the Support Magistrate stopped him, having learned from Part 40 that Dunn was on his way to her court. Over a month later, as the AGC investigated Dunn's unauthorized practice of law, he expressed shock over his suspension, and claimed that he never received the AGC's suspension motion and/or the suspension order. The AGC provided him with a copy of the motion and order and directed him to submit an answer for the underlying two complaints. The AGC never heard from Dunn again. As more than six months have elapsed since this Court's June 11, 2019 suspension order, and Dunn has neither responded to, nor appeared for, further investigatory or disciplinary proceedings, he is disbarred pursuant to 22 NYCRR 1240.9(b). (Staff Attorney Kathy W. Parrino)

Matter of Marc R. Mauser, 184 AD3d 223 (1st Dept 2020)

(Public censure.) The Court publicly censured Mauser pursuant to discipline by consent for neglecting a client's personal injury case. After negotiating a settlement, Mauser and his team, whom he failed to supervise, neglected to file the necessary paperwork to collect the settlement, which delayed collection of the settlement funds for about two and a half

years. Mauser also ignored the client's attempts to communicate with him, despite numerous emails to Mauser and messages to his team that she wanted to speak with him personally. Mauser maintained that he lacked a venal or selfish motive and that after he negotiated the settlement amount, he reasonably believed that his involvement in the case was essentially over because the remaining work was purely administrative and typically performed by junior associates and paralegals. Nevertheless, he admitted that he neglected his client's case, failed to comply with a client's request for information, and failed to supervise his legal and nonlegal staff. (Staff Attorney Kathy W. Parrino)

Matter of Alexander L. Shapiro, 184 AD3d 352 (1st Dept 2020)

(Disbarment.) In 2019, the Court interimly suspended Shapiro for failing to cooperate with the AGC's investigation of fraudulent billing practices while he was employed by Quinn Emanuel [177 AD3d 28 (1st Dept 2019)]. The Court disbarred Shapiro after he failed to respond to, or appear for, further investigatory or disciplinary proceedings within six months from his interim suspension. (Staff Attorney Kathy W. Parrino)

Matter of Emily A. Tran, 2020 NY Slip Op 71083

(Reinstatement.) The Court reinstated Tran to the practice of law after a one-year suspension for helping her former employer to engage in the unauthorized practice of law during the former employer's interim suspension. (Staff Attorney Kathy W. Parrino)

Matter of Lori Vinciguerra, 188 AD3d 56 (1st Dept 2020)

(Three-and-a-half-year suspension.) The Court suspended Lori Vinciguerra for three and a half years pursuant to discipline by consent for practicing law while she was administratively suspended. Vinciguerra was originally suspended on October 21, 2010, as part of a mass suspension proceeding for failure to file attorney registration statements and pay biennial registration fees in violation of Judiciary Law 468-a. From 2004 to 2018, Vinciguerra failed to file attorney registration statements and pay the required fees until she was terminated from her position as Senior Managing Counsel and Director at Pershing, LLC, a subsidiary of BNY Mellon. She also engaged in conduct which adversely reflected on her fitness as a lawyer, in violation of RPC 8.4(h). In her 2018 sworn affidavit which supported her reinstatement motion, she incorrectly stated that she was in full compliance with her CLE requirements and that she had CLE certificates evidencing at least 24 credits for every biennial registration period since 2002, without first verifying the accuracy thereof. She also failed to promptly comply with the AGC's request for a list of her employers since 2002. (Staff Attorney Kathy W. Parrino)

Matter of William S. Winters, 190 AD3d 27 (1st Dept 2020)

(Five-year suspension.) In 2015, Winters received a temporary suspension in New Jersey for failure to cooperate with the Office of Attorney Ethics' investigation of his escrow account. Pursuant to reciprocal discipline, this Court also interimly suspended him. On January 30, 2020, the New Jersey Supreme Court suspended Winters for a minimum of five years for negligent misappropriation and for engaging in dishonest fee schemes while representing clients in property tax appeals. Winters admitted to commingling and failure to maintain the required bookkeeping records, and he refused to cooperate with disciplinary authorities. This Court reciprocally disciplined Winters and imposed a five-year suspension. (Staff Attorney Kathy W. Parrino)

Matter of Scott A. Felicetti, 180 AD3d 176 (1st Dept 2020)

(Disbarment.) The Court disbarred Felicetti based on findings that he, *inter alia*, intentionally converted client funds, neglected client matters, and failed to accede to a client's demand that he turn over her settlement funds to her. (Staff Attorney Orlando Reyes)

Matter of Jessica M. McHale, 184 AD3d 19 (1st Dept 2020)

(Five-year suspension.) The Court suspended the interimly-suspended McHale for five years as reciprocal discipline, based upon The Supreme Court of Florida's order which disbarred her, with leave to seek readmission after five years. McHale's actions, which are considered misconduct in the States of New York and Florida, included permitting non-attorneys throughout the USA to handle client matters without supervision, and charge legal fees in her name. This resulted in, *inter alia*, multiple neglect of client matters and failure to earn collected legal fees in jurisdictions where McHale was not admitted to practice law. (Staff Attorney Orlando Reyes)

Matter of Claude Castro, 184 AD3d 272 (1st Dept 2020)

(Four-year suspension.) The AGC served Castro with charges alleging, *inter alia*, that he converted and/or misappropriated client funds, failed to cooperate with the AGC's investigation, and engaged in the unauthorized practice of law while under interim suspension, in violation of 22 NYCRR part 1200.0, rules 1.15(a), 1.15(b), 5.5(a), 8.4(c), 8.4(d), and 8.4(h). Castro denied most of the material facts alleged by the AGC, denied the charges, and asserted affirmative defenses. The Referee who presided over Castro's liability hearing found that Castro misappropriated client funds, which he failed to maintain in a special account. However, the Referee did not sustain the charge of intentional conversion, as he concluded that Castro did not act with venal intent when he

misappropriated the funds, but rather attributed it to poor management of his firm. The Referee recommended a four-year suspension, which the AGC asked the Court to confirm. The Court granted the AGC's motion and suspended Castro for four years, retroactive to the date of his interim suspension, October 31, 2017. (Staff Attorney Yvette A. Rosario)

Matter of Lawrence A. Doris, 186 AD3d 23 (1st Dept 2020)

(Interim suspension.) The AGC sought an order pursuant to 22 NYCRR 1240.9(a)(1) and (3), immediately suspending Doris from the practice of law based upon his failure to comply with a court-ordered subpoena and his willful failure to cooperate with the AGC's investigation into allegations of professional misconduct. The Court found that Doris' failure to answer complaints and to appear at a deposition as directed by a judicial subpoena, constituted professional misconduct which immediately threatened the public interest. The Court granted the AGC's motion and suspended Doris from the practice of law in the State of New York until such time as disciplinary matters pending before the AGC have been concluded, and until further order of the Court. (Staff Attorney Yvette A. Rosario)

Matter of Paul Friery, 190 AD3d 7 (1st Dept 2020)

(Interim suspension.) The AGC sought an order, pursuant to 22 NYCRR 1240.9(a)(1), (3), and (5), immediately suspending Friery from the practice of law based upon his failure to cooperate with the AGC's investigation of five complaints against him, uncontroverted evidence of professional misconduct, and his failure to register with the Office of Court Administration and pay required fees. The Court granted the motion and suspended Friery from the practice of law in the State of New York until such time as disciplinary matters pending before the AGC have been concluded, and until further order of the Court. (Staff Attorney Yvette A. Rosario)

Matter of Gaytri Kachroo, 180 AD3d 183 (1st Dept 2020)

(Three-year suspension.) The AGC sought an order, pursuant to Judiciary Law 90(2) and 22 NYCRR 1240.13, imposing reciprocal discipline on Kachroo, who resigned from the Massachusetts's bar as a disciplinary sanction. The Supreme Judicial Court of the Commonwealth of Massachusetts' issued the order on October 26, 2018 and removed Kachroo's name from the roll of attorneys. The AGC requested that this Court sanction Kachroo as it deemed appropriate under the circumstances. Kachroo, who opposed the imposition of reciprocal discipline, emphasized that her discipline in Massachusetts was the result of settlement: had the matter been litigated, the sanction would have been no greater than an admonition or censure for inadequate record keeping, and she could have

continued to practice law. After considering all of the circumstances, including Kachroo's mitigating evidence, this Court found it appropriate to sanction Kachroo by means of a three-year suspension, effective February 14, 2020, and until further order of the Court. (Staff Attorney Yvette A. Rosario)

Matter of Ra'Shaun Kelley, 184 AD3d 321 (1st Dept 2020)

(Interim suspension.) The AGC sought an order pursuant to 22 NYCRR 1240.9(a)(3) and Judiciary Law 468-a, immediately suspending Kelley from the practice of law, when he failed to comply with an investigation into allegations of professional misconduct and failed to comply with the Office of Court Administration's biennial registration and fee requirements for the 2018-2019 registration cycle. Kelley, *pro se*, did not submit a response to this motion. The Court granted the AGC's motion and suspended Kelley until further order of the Court. (Staff Attorney Yvette A. Rosario)

Matter of Alec Nolan, 191 AD3d 145 (1st Dept 2020)

(Public censure.) Nolan admitted to the charges that he violated 22 NYCRR 1200.0 8.4(c) and 8.4(d) by fabricating two doctors' notes and forging a doctor's signature on one of them. He also consented to receive a public censure in a joint motion with the AGC for discipline by consent [22 NYCRR 1240.8(a)(5)]. In light of Nolan's admitted misconduct, the mitigating factors, the absence of aggravating factors, and relevant case law, the Court granted the parties' joint motion and publicly censured Nolan. (Staff Attorney Yvette A. Rosario)

Matter of Albert O. Grant, 184 AD3d 315 (1st Dept 2020)

(Interim suspension.) On June 18, 2020, the Court immediately suspended Grant from the practice of law pursuant to NYCRR 1240.9(a)(3) and (5) until further order of the Court based on his failure to comply with a lawful demand of the Committee and other uncontroverted evidence of professional misconduct which demonstrated that he intentionally converted and/or misappropriated client funds maintained in his Interest on Lawyer Account (IOLA). Grant was engaged to serve as the closing attorney in the sale of property owned by a limited liability company (LLC) in which his client, an attorney whom Grant had known since law school, was managing agent. The sale closed on January 10, 2018 after which, on January 11, 2018, Grant deposited \$3,541,331.75, representing the proceeds of the sale, into his IOLA. Between January 12, 2018 and February 2, 2018, Grant made several withdrawals from his IOLA, all unrelated to the real estate closing, and without permission or authority of the client, including a wire transfer to a foreign bank of \$150,000 which he described as "inadvertent." Grant sent the client two checks totaling the

full payout on February 19, 2018, with instructions for the client not to deposit the second check until February 23, 2018. When the client attempted to deposit the second check, a stop payment order had been placed upon it. Grant failed to follow through with promises to send a replacement check. On May 29, 2018, the client and the LLC commenced an action in the United States District Court for the Southern District of New York (SDNY) against Grant, alleging that he willfully misappropriated the net sale proceeds from the sale of the LLC's property, constituting conversion. On December 13, 2018, Grant consented to the entry of a default judgment and permanent injunction against him, in which he admitted to all facts in the SDNY complaint. In imposing the interim suspension, the Court found that in addition to the uncontroverted evidence that Grant intentionally converted and/or misappropriated client funds, Grant's "failure to cooperate with the Committee by not turning over bank records or providing a fully responsive answer to the complaint, despite being accorded many opportunities... evinces a shocking disregard for the judicial system and can only be interpreted as a deliberate and willful attempt to impede the Committee's investigation." (Staff Attorney Denice M. Szekely)

Matter of Ziankovich, 180 AD3d 140 (1st Dept 2020)

(Six-month suspension.) On January 16, 2020, the Court granted the AGC's motion for reciprocal discipline against Ziankovich and suspended him from the practice of law for a period of six months, pursuant to 22 NYCRR 1240.13. The discipline was based upon a February 1, 2019 order of the Colorado Supreme Court (CO Supreme Court) affirming the October 31, 2018 order of the Presiding Disciplinary Justice of the CO Supreme Court suspending Ziankovich for one year and one day, with three months to be actually served, and the remaining period stayed upon completion of probation. The CO Supreme Court's order of suspension was based upon a finding that Ziankovich charged unreasonable fees, charged a nonrefundable retainer fee, failed to promptly return unearned fees, and misrepresented the filing date of a client's application in an immigration matter. The Court found that Ziankovich's misconduct in Colorado would constitute misconduct in New York in violation of rules 1.5(a), 1.5(d), 1.16(e), and 8.4(c). While generally the Court gives significant weight to the sanction imposed by the jurisdiction in which the charges were initially brought, "the policy of this Court is not to stay suspensions." Thus, the Court did not follow the CO Supreme Court's imposition of a stayed suspension, but suspended Ziankovich for a period of six months instead. (Staff Attorney Denice M. Szekely)

Matter of Wesley L. Clarke, 190 AD3d 57 (1st Dept 2020)

(Disbarment.) Clarke consented to being disbarred in Washington, D.C., acknowledging that if disciplinary proceedings were brought against him, he could not successfully defend

himself. Specifically, Clarke was charged with the misappropriation of estate funds, false representations to the probate court about fees he had collected, and the submission of false billing to both a client and the Office of the Auditor Master. Clarke opposed the AGC's motion for reciprocal discipline, arguing, *inter alia*, that he did not receive due process in the D.C. proceeding because there was no hearing and, if there had been, he would have been exonerated. The Court rejected Clarke's arguments and, finding that disbarment was commensurate with the discipline imposed in D.C. and was in accord with the Court's precedent involving comparable misconduct, struck his name from the roll of attorneys in New York. (Deputy Chief Attorney Raymond Vallejo)

Matter of Steven M. Etkind, 184 AD3d 46 (1st Dept 2020)

(Disbarment.) Etkind pled guilty to the felonies of conspiracy to defraud the United States, in violation of 18 USC 371, and tax evasion, in violation of 26 USC 7201; he entered his plea in the United States District Court for the Southern District of New York. Etkind received a 37-month prison sentence and was ordered to pay \$1.2 million in restitution to the IRS. Etkind's conviction stemmed from his participation in a complex tax evasion scheme whereby he embezzled over \$3 million from a client's estate. The Court found that Etkind's federal convictions were "essentially similar" to the New York felonies of offering a false instrument for filing and scheme to defraud, resulting in his automatic disbarment. (Deputy Chief Attorney Raymond Vallejo)

Matter of Ignacio M. Foncillas, 184 AD3d 263 (1st Dept 2020)

(Interim suspension.) Foncillas pled guilty to the federal felony of operating an unlicensed money-transmitting business, in violation of 18 USC 1960; he entered his plea in the United States District Court for the Southern District of New York. Foncillas used his company's bank accounts to transfer funds on behalf of others between the United States and Mexico. He was sentenced to time served, 550 hours of community service and a \$7,500 fine. The Court deemed the conviction to be a "serious crime," suspended Foncillas from the practice of law, and remanded the matter for a hearing on sanctions. (Deputy Chief Attorney Raymond Vallejo)

Matter of Martin F. McMahan, 183 AD3d 139 (1st Dept 2020)

(Sixty-day suspension.) Virginia suspended McMahan for sixty days after finding that he signed the names of three Virginia attorneys to pleadings without their permission and without indicating that the attorneys themselves were not signing the pleadings. Virginia further found that McMahan presented the signatures in a way which deliberately attempted to deceive the reader into believing that the other attorneys had signed the

pleadings. This Court, pursuant to reciprocal discipline, suspended McMahon for sixty days. (Deputy Chief Attorney Raymond Vallejo)

Matter of Mark T. Pilon, 184 AD3d 49 (1st Dept 2020)

(Disciplinary resignation.) After Oregon convicted Pilon for unlawful use of a weapon, assault in the fourth degree, and menacing and criminal mischief in connection with a domestic violence incident, Pilon submitted his resignation as an attorney in New York, stating that he resigned of his own free will. The Court, which had previously accepted resignations of attorneys who pled guilty to federal felonies, accepted Pilon's resignation and struck his name from the roll of attorneys in New York. (Deputy Chief Attorney Raymond Vallejo)

Matter of Robert E. Rothman, 183 AD3d 37 (1st Dept 2020)

(Three-year suspension.) New Jersey suspended Rothman for three years because he pled guilty to one count of Sherman Act conspiracy, in violation of 15 USC 1. Specifically, Rothman and his cohorts submitted non-competitive and collusive bids at public auctions for tax liens to suppress and eliminate competition in the bidding process in various New Jersey municipalities. Rothman and his co-conspirators' combination and conspiracy were in unreasonable restraint of interstate trade and commerce. This Court, pursuant to reciprocal discipline, suspended Rothman for three years. (Deputy Chief Attorney Raymond Vallejo)

Matter of Laurence M. Savedoff, 187 AD3d 28 (1st Dept 2020)

(Two-year suspension.) Savedoff pled guilty to the federal felony of misprision of a felony, in violation of 18 USC 4; he entered his plea in the United States District Court for the Western District of New York. Savedoff received a four-month prison sentence, followed by one year of supervised release. Savedoff represented a mortgage bank in eight real estate transactions involving loans insured by the Federal Housing Administration. When he learned that his codefendants were scheming to fraudulently obtain FHA-insured mortgages on behalf of unqualified borrowers, he signed legal documents knowing that the information was false. The Court, pursuant to a motion for discipline by consent, suspended Savedoff for two years. (Deputy Chief Attorney Raymond Vallejo)

Matter of Marc A. Seedorf, 190 AD3d 74 (1st Dept 2020)

(Interim suspension.) In the United States District Court for the Southern District of New York, Seedorf pled guilty to the felony of tax evasion, in violation of 26 USC 7201. Seedorf

admitted that from 2009 through October 2019, he willfully evaded payment of his federal income taxes, by various means; primarily by failing to file personal tax returns. He received a six-month prison sentence with three years' supervised release, and a \$55,000 fine. The Court deemed Seedorf's conviction to be a "serious crime" as defined by Judiciary Law Section 90(4)(d) and ordered his immediate suspension from the practice of law pending a hearing on the issue of sanction. (Deputy Chief Attorney Raymond Vallejo)

Matter of James Valvano, 186 AD3d 1 (1st Dept 2020)

(Public censure.) The New Jersey Supreme Court publicly censured Valvano for professional misconduct involving the unauthorized practice of law (practicing while ineligible), criminal conduct, and conduct involving dishonesty, fraud, deceit, or misrepresentation. In mitigation, New Jersey noted Valvano's involvement in charitable and community activities and the fact that he had no prior discipline in any jurisdiction. This Court, pursuant to reciprocal discipline, publicly censured Valvano in New York. (Deputy Chief Attorney Raymond Vallejo)

Matter of James F. Van Doren, 183 AD3d 151 (1st Dept 2020)

(Disciplinary resignation.) Van Doren pled guilty to money laundering in violation of 18 USC 1957; he entered his plea in the United States District Court for the Western District of Arkansas. Van Doren aided a co-defendant to conceal funds from the co-defendant's creditors so that the funds could later be directed back to the co-defendant for his personal use. Van Doren subsequently submitted his resignation to the New York Bar. The Court, which has previously accepted resignations of attorneys who have been convicted of crimes, accepted Van Doren's resignation and struck his name from the roll of attorneys in New York. (Deputy Chief Attorney Raymond Vallejo)

Matter of John B. Walker, 181 AD3d 62 (1st Dept 2020)

(Four-month suspension.) Following an evening of drinking at a restaurant bar with a woman he met through an on-line dating site, Walker and his date went back to his apartment. The two began to kiss while seated on Walker's couch, when, as the victim testified, Walker grabbed her by the neck, choked her, threw her on the floor, and kicked her ribcage. Walker was subsequently arrested and ultimately pled guilty to the class "A" misdemeanor of reckless assault in the third degree, for which he was sentenced to a one-year conditional discharge. The Court considered evidence in mitigation such as Walker's acceptance of responsibility and his remorse. Despite the Referee's recommendation of a public censure, the Court ordered Walker suspended for four (4) months in order to

maintain the honor and integrity of the profession and to deter others from committing similar misconduct. (Deputy Chief Attorney Raymond Vallejo)

Matter of Mark D. Weissman, 184 AD3d 348 (1st Dept 2020)

(Interim suspension.) Weissman pled guilty to the federal felony of conspiracy to obstruct an official proceeding, in violation of 18 USC 1512; he entered his plea in the United States District Court for the Eastern District of New York. His sentence included four years' probation, 300 hours of community service, and a \$45,000 fine. Weissman's conviction stemmed from his efforts to persuade a relative, convicted of securities fraud, to make a monetary payment to a convicted codefendant, thereby impeding the execution and enforcement of a multi-million dollar restitution judgment that was entered against both of them in the criminal securities action. The Court deemed the conviction to be a "serious crime," suspended Weissman from the practice of law, and remanded the matter for a hearing on sanctions. (Deputy Chief Attorney Raymond Vallejo)

2020

Appendix A: Committee Composition

Committee Members from January 1, 2020 through September 30, 2020

Committee 1

Abigail T. Reardon
Milton L. Williams, Jr.
Robert M. Abrahams
Daniel R. Alonso
Eleazar F. Bueno*
John P. Buza
William F. Dahill
Peter G. Eikenberry
Keisha-Ann G. Gray
Danielle C. Lesser
Lisa A. Linsky
Arthur M. Luxenberg
Eve Rachel Markewich
Scott E. Mollen
Virginia A. Reilly
Lee S. Richards III
Darren Rosenblum
Joe Tarver*
Hon. Milton A. Tingling
Judith E. White
Toby R. Winer*

Committee 2

Robert J. Anello, Chair
Ricardo E. Oquendo, Vice-Chair
Marjorie E. Berman
Rev. Reyn Cabinte*
Hon. James M. Catterson
Sylvia F. Chin
Catherine A. Christian
Susan M. Cofield*
Robert Stephan Cohen
Ralph C. Dawson
Virginia Goodman Futterman
Mark S. Gottlieb*
Jaipat S. Jain
Amy L. Legow
Charles G. Moerdler
Elliot Moskowitz
Michael Roberts
Joanna Rotgers
Anne C. Vladeck
Tina M. Wells
Mark C. Zauderer

Committee Members from October 1, 2020 through December 31, 2020

Committee 1

Abigail T. Reardon, Chair
Milton L. Williams, Jr., Vice-Chair
Robert M. Abrahams
Marijo C. Adimey
Peter A. Bellacosa
Eleazar F. Bueno*
John P. Buza
Miguelina M. Camilo
Anta Cisse-Green
William F. Dahill
Keish-Ann G. Gray
Arthur M. Luxenberg
Eve Rachel Markewich
Scott E. Mollen
Virginia A. Reilly
Darren Rosenblum
Joshua Silber
Joe Tarver*
Hon. Milton A. Tingling
Judith E. White
Toby R. Winer*

Committee 2

Robert J. Anello, Chair
Ricardo E. Oquendo, Vice-Chair
Rev. Reyn Cabinte*
Sylvia F. Chin
Catherine A. Christian
Susan M. Cofield*
Robert Stephan Cohen
Virginia Goodman Futterman
Mark S. Gottlieb*
Jaipat S. Jain
Devika Kewalramani
Amy L. Legow
Christopher Morel
Elliot Moskowitz
Chibogu Nneka Nzekwu
Vianny M. Paulino-Pichardo
Michael Roberts
Joanna Rotgers
Terel R. Watson
Tina M. Wells
Mark C. Zauderer

2020

Appendix B: Office of the Chief Attorney: Attorneys

Chief Attorney

Jorge Dopico

Deputy Chief Attorneys

Angela Christmas

Naomi F. Goldstein

Vitaly Lipkansky

Raymond Vallejo

Staff Attorneys

Sinan Aydiner (Jan.)

Daniel Baek

Sean A. Brandveen

Kevin P. Culley

Kevin M. Doyle

Peter M. Hertzog

Kelly A. Latham

Jun H. Lee

Thomas M. Lee

Norma I. Lopez

Norma I. Melendez

Elisabeth Palladino

Kathy W. Parrino

Orlando Reyes

Yvette A. Rosario

Remi E. Shea

Denice M. Szekely

2020

Appendix C: Office of the Chief Attorney: Administrative Staff

Investigators

Nancy K. De Leon, Chief
Robert F. Murphy
Anthony Rodriguez

Paralegals

Joel A. Peterson, Chief
Tennille Millhouse
Reginald E. Thomas, Investigator/Paralegal

Office Manager

Marcy Sterling

Computer Personnel

Michelle Y. Wang, LAN Admin. (Jan. – Jun.)
Mark Hernandez, Data Entry

Accountant

Martin Schwinger

Administrative Assistants

Lauren Cahill
Monique R. Hudson-Nlemchi
Donna M. Killian
Lokhmattie Mahabeer
Tina M. Nardelli
Celina M. Nelson
Michael J. Ramirez
Sharon Ramirez
Natasha S. Solomon
Leonard Zarrillo

Appendix D: ATTORNEY DISCIPLINE ACTIVITIES

5S-176 Rev. 01/03

ATTORNEY DISCIPLINE ACTIVITIES

PERIOD COVERED: 2020

FIRST JUDICIAL DISTRICT - FIRST DEPARTMENT

I. MATTERS PROCESSED ①

A. Matters Pending at Start of Period	1326	
B. New Matters During Period ⑥	3481	
C. Closed Matters Reactivated During Period	16	
D. Total Matters To Be Processed During Period (A+B+C)		4823
E. Total Matters Disposed Of During Period		(3444)
F. Matters Pending at End of Period		1379

II. MATTERS DISPOSED OF BY COMMITTEE

	<u>Cases</u> ②	<u>Matters</u>
A. Rejected As Failing to State a Complaint	763	816
B. Referred To Other Disciplinary Committees	178	181
C. Referred To Other Agencies	91	221
D. Dismissed or Withdrawn	484	526
E. Dismissed Through Mediation	3	3
F. Letter of Advisement	75	80
G. Letter of Admonition	34	40
H. Reprimand (after hearing)	0	0
I. Referred to Appellate Division (Disciplinary Proceeding) ⑥	1497	1577
Total Disposed of During Period ("Matters" same as I.,E. above)	3125	3444

III. CASES PROCESSED IN ALL COURTS

A. Cases Pending at Start of Period		44
1. Disciplinary Proceedings	27	
2. Other	17	
B. Cases Received at Start of Period		267
1. Disciplinary Proceedings	59	
2. Other	208	
C. Total to be Processed During Period		311

ATTORNEY DISCIPLINE ACTIVITIES (2020)

D. Cases Closed

- 1. Disbarred
- 2. Disciplinary Resignations
- 3. Suspended **③**
- 4. Censured
- 5. Privately Censured **④**
- 6. Remanded to Grievance Committee
- 7. Withdrawn
- 8. Dismissed
- 9. Reinstatements Granted **⑤**
- 10. Reinstatements Denied
- 11. Non-Disciplinary Resignations
- 12. All Other Dispositions
- 13. Total Closed**

8	
3	
29	
10	
1	
8	
5	
1	
95	
2	
54	
65	
281	(281)

E. Total Cases Pending at End of Period

- 1. Disciplinary Proceedings
- 2. Other

	30
19	
11	

- ① Matters include complaints, inquiries (excluding telephone inquiries), and *sua sponte* investigations.
- ② Cases refers to the number of respondent attorneys. Since some attorneys are the subject of multiple complaints, the number of matters may exceed the number of cases.
- ③ Includes: (16) definite, (11) interim, (1) indefinite and (1) order suspending 1367 attorneys from the practice of law for failure to pay registration fees.
- ④ Reported as "Private Reprimand" until September 2016, now "Admonition by Court Order."
- ⑤ Includes (86) reinstatements following suspensions for failing to register (468-a default), (8) disciplinary reinstatement and (1) non-disciplinary reinstatements.
- ⑥ Includes 1367 attorneys suspended from the practice of law for failure to pay registration fees.

Appendix E: Budget for Fiscal Year 2020-2021

Attorney Grievance Committee Budget
Fiscal Year April, 2020 – March, 2021

	<u>Allocation</u>
Personal Service Total:	\$4,263,020
Non-Personal Service	
Office Supplies	15,600
EDP Supplies	2,340
Postage	14,950
Legal Reference & Subscriptions	9,100
Miscellaneous Supplies and Materials	2,340
Travel	500
Equipment Rentals	21,600
Equipment Repairs	3,770
Printing	3,780
Telephones	3,225
Building and Property Services	4,680
Records Management Services	15,298
Professional Services – Expert Witnesses	750
Other Court Appointed Services	28,700
Other General Services	10,000
Professional Services Per Diem Interpreters	150
Transcript Costs	49,000
Non-Personal Service Total:	\$185,783
TOTAL BUDGET FISCAL YEAR 2020-2021	\$4,448,803

Appendix F: Sample Complaint Form

(Rev. 7.30.2020)

ATTORNEY GRIEVANCE COMMITTEE

Supreme Court, Appellate Division

First Judicial Department

180 Maiden Lane, 17th Floor

New York, New York 10038

(212) 401-0800

JORGE DOPICO

Chief Attorney

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

Background Information

Today's Date: _____

Your Full Name: (Mr. Ms. Mrs.) _____

Address: _____

City: _____ State: _____ Zip Code: _____

Cell Phone: _____ Business/Home Phone: _____

Email Address: _____

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

If Yes:

Lawyer's Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Business Phone: _____ Cell Phone: _____

Attorney Information

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

Address: _____

City: _____ State: _____ Zip Code: _____

Business Phone: _____ Cell Phone: _____

Email Address: _____

Date(s) of Representation/Incident: _____

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

If yes, name of case (if applicable): _____

Name of Court: _____

Index Number of Case (if known): _____

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

If yes, name of agency: _____

Action taken by agency, if any: _____

Details of Complaint

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

Complainant’s Signature (Required): _____