

State of New York  
Supreme Court, Appellate Division  
Third Judicial Department

Decided and Entered: November 6, 2008

D-61-08

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In the Matter of DAVID  
GOODHART, an Attorney.

COMMITTEE ON PROFESSIONAL  
STANDARDS,

MEMORANDUM AND ORDER

Petitioner;

DAVID GOODHART,

Respondent.

(Attorney Registration No. 2087310)

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Calendar Date: September 15, 2008

Before: Peters, J.P., Rose, Kane, Malone Jr. and Stein, JJ.

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Mark S. Ochs, Committee on Professional Standards, Albany  
(Geoffrey E. Major of counsel), for petitioner.

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Per Curiam.

Respondent was admitted to practice by this Court in 1986. He was previously admitted in Florida in 1960, where he maintained an office for the practice of law until his disciplinary suspension in July 1993.

By order dated August 12, 1993, the Supreme Court of Florida granted respondent's uncontested petition to resign from the Florida bar pending disciplinary proceedings, without leave to apply for readmission. Respondent's resignation was tendered as a result of his July 1993 conviction of conspiracy to engage in racketeering in violation of 18 USC § 1962 (d), a federal felony. Respondent had conspired to act as an intermediary

between certain Florida Circuit Court judges and another criminal defense attorney, who was acting as an agent of the FBI, for the delivery of money in exchange for the issuance of favorable rulings to benefit the agent's clients.

Petitioner now moves for, among other things, an order of reciprocal discipline against respondent (see 22 NYCRR 806.19). Respondent has not replied to the motion.

We grant petitioner's motion to reciprocally discipline respondent pursuant to 22 NYCRR 806.19. Respondent's Florida resignation contained an admission of misconduct inasmuch as it specifically referenced his federal conviction and disciplinary suspension in that state. Furthermore, his resignation was tendered and accepted without leave to apply for readmission. Under these circumstances, we conclude that respondent's Florida resignation was tantamount to a disciplinary resignation and subjects him to reciprocal discipline in this state. Additionally, respondent failed to notify this Court of his 1993 federal conviction (see Judiciary Law § 90 [4] [c]), is delinquent in the payment of his biennial registration fees for the last nine reporting periods, and has defaulted in this proceeding thus waiving any available defenses to reciprocal discipline (see 22 NYCRR 806.19 [d]; Matter of Steinbach, 228 AD2d 88 [2008]; compare Matter of Moed, 196 AD2d 906 [1993]). We further conclude that respondent should be disbarred, effective immediately, given the nature and extent of his underlying misconduct and conviction of a federal felony.

Peters, J.P., Rose, Kane, Malone Jr. and Stein, JJ.,  
concur.

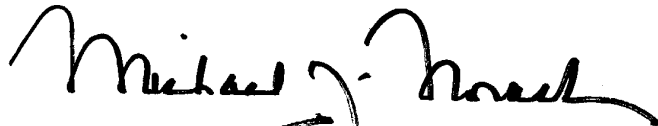
ORDERED that petitioner's motion for reciprocal discipline pursuant to 22 NYCRR 806.19 is granted; and it is further

ORDERED that respondent is disbarred and his name is stricken from the roll of attorneys and counselors-at-law of the State of New York, effective immediately; and it is further

ORDERED that respondent is commanded to desist and refrain from the practice of law in any form, either as principal or as agent, clerk or employee of another; and respondent is hereby forbidden to appear as an attorney or counselor-at-law before any court, judge, justice, board, commission or other public authority, or to give to another an opinion as to the law or its application, or any advice in relation thereto; and it is further

ORDERED that respondent shall comply with the provisions of this Court's rules regulating the conduct of disbarred attorneys (see 22 NYCRR 806.9).

ENTER:

A handwritten signature in black ink, appearing to read "Michael J. Novack". The signature is written in a cursive, flowing style with a large initial "M".

Michael J. Novack  
Clerk of the Court