

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

Decided and Entered: August 3, 2017

D-154-17

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In the Matter of ATTORNEYS  
IN VIOLATION OF JUDICIARY  
LAW § 468-a.

COMMITTEE ON PROFESSIONAL  
STANDARDS, Now Known as  
ATTORNEY GRIEVANCE  
COMMITTEE FOR THE THIRD  
JUDICIAL DEPARTMENT,  
Petitioner;

MEMORANDUM AND ORDER  
ON MOTION

MARK ADAM GOLDSTEIN,  
Respondent.

(Attorney Registration No. 2181949)

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Calendar Date: June 5, 2017

Before: Garry, J.P., Egan Jr., Clark, Mulvey and Aarons, JJ.

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Monica A. Duffy, Attorney Grievance Committee for the Third  
Judicial Department, Albany, for petitioner.

Mark Adam Goldstein, Pittsburgh, Pennsylvania, respondent  
pro se.

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Per Curiam.

Respondent was admitted to practice by this Court in 1988  
and lists a business address in Pittsburgh, Pennsylvania with the  
Office of Court Administration. By 2009 order, this Court  
suspended respondent from the practice of law in New York due to  
conduct prejudicial to the administration of justice arising from  
his failure to comply with the attorney registration requirements

of Judiciary Law § 468-a and Rules of the Chief Administrator of the Courts (22 NYCRR) § 118.1 (65 AD3d 1447, 1458 [2009]; see Judiciary Law § 468-a [5]; Rules of Professional Conduct [22 NYCRR 1200.0] rule 8.4 [d]). Respondent now applies for reinstatement (see Uniform Rules for Attorney Disciplinary Matters [22 NYCRR] § 1240.16 [a]; Rules of App Div, 3d Dept [22 NYCRR] § 806.16 [a]) and, by correspondence from its Chief Attorney, petitioner opposes respondent's application.

In addition to other requirements (see Matter of Edelstein, 150 AD3d 1531 [2017]; Uniform Rules for Attorney Disciplinary Matters [22 NYCRR] § 1240.16 [a]), an applicant for reinstatement must, as a threshold matter, support his or her application with certain required documentation (see Uniform Rules for Attorney Disciplinary Matters [22 NYCRR] § 1240.16 [b]). Here, respondent failed to submit an affidavit sworn to before a notary public or other individual authorized to administer an oath, as has been consistently required by this Court and is now mandated by the Uniform Rules for Attorney Disciplinary Matters (see Matter of Attorneys in Violation of Judiciary Law § 468-a [Enriquez], \_\_\_ AD3d \_\_\_, 2017 NY Slip Op 05662 [2017]; Matter of Attorneys in Violation of Judiciary Law § 468-a [Smith], \_\_\_ AD3d \_\_\_, 2017 NY Slip Op 05672 [2017]; see e.g. Uniform Rules for Attorney Disciplinary Matters [22 NYCRR] appendix C).<sup>1</sup> Respondent's application must therefore be denied.

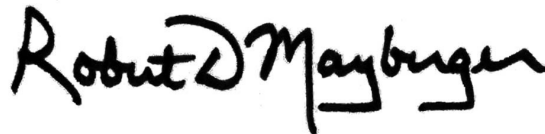
Garry, J.P., Egan Jr., Clark, Mulvey, and Aarons, JJ.,  
concur.

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<sup>1</sup> Petitioner avers that respondent has not responded to its correspondence notifying him of the deficiencies in his application. To the extent that petitioner's correspondence makes additional inquiries concerning other matters raised by respondent's application, we note only that applicants for reinstatement, like all attorneys, have an affirmative obligation to cooperate with grievance committee inquiries (see Uniform Rules for Attorney Disciplinary Matters [22 NYCRR] appendix C, ¶ 38; see also Matter of Croak, 148 AD3d 1451, 1452 [2017]).

ORDERED that the motion for reinstatement by respondent is denied.

ENTER:

A handwritten signature in black ink that reads "Robert D. Mayberger". The signature is written in a cursive, slightly slanted style.

Robert D. Mayberger  
Clerk of the Court