

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

Decided and Entered: August 2, 2018

D-93-18

In the Matter of RYAN YU, an
Attorney.

MEMORANDUM AND ORDER
ON MOTION

(Attorney Registration No. 4844270)

Calendar Date: June 4, 2018

Before: Egan Jr., J.P., Lynch, Devine, Mulvey and Pritzker, JJ.

Monica A. Duffy, Attorney Grievance Committee for the Third
Judicial Department, Albany (Alison M. Coan of counsel), for
Attorney Grievance Committee for the Third Judicial Department.

Per Curiam.

Respondent was admitted to practice by this Court in 2010.
He presently lists a business address in Los Angeles, California
with the Office of Court Administration.

Respondent, a Canadian citizen, is the subject of an
investigation by the Attorney Grievance Committee for the Third
Judicial Department (hereinafter AGC) with respect to 19 separate
complaints of professional misconduct stemming from, among other
things, his former immigration practice in California. Following
receipt of the complaints concerning respondent's alleged
misconduct, AGC made repeated unsuccessful attempts to gain his
cooperation in the investigation. In 2015, respondent's own
nonimmigrant visa was revoked on the basis of his violation of
the terms thereof and respondent appears to have subsequently
self-deported to Canada. He defaulted in responding to AGC's
notice to appear for a sworn examination and failed to comply
with lawful demands for his information and records. Now, by
order to show cause returnable June 4, 2018, AGC moves for an

order suspending respondent from the practice of law during the pendency of its investigation (see Rules for Attorney Disciplinary Matters [22 NYCRR] § 1240.9 [a] [1], [3], [5]). To date, respondent has not responded to the motion, which was duly sent to his last known addresses in Canada and was not returned as undeliverable.

AGC has submitted sufficient evidence establishing respondent's default in responding to AGC's notice of examination, as well as his failure to cooperate by producing his records, despite several requests to do so. AGC also submitted proof that respondent failed to update his attorney registration information so as to provide a current address at which he could be reached (see Rules of Chief Admin of Cts [22 NYCRR] § 118.1 [f], [h]). Accordingly, we find that respondent's conduct immediately threatens the public interest (see Rules for Attorney Disciplinary Matters [22 NYCRR] § 1240.16 [a]) and clearly imperils the effectiveness of the attorney disciplinary system. Consequently, we grant AGC's motion and suspend respondent from the practice of law during the pendency of AGC's investigation and until further order of this Court (see Rules for Attorney Disciplinary Matters [22 NYCRR] § 1240.9 [a]; see also Matter of Battaglia, 159 AD3d 1269 [2018]; Matter of DiStefano, 154 AD3d 1055 [2017]; Matter of Humphrey, 151 AD3d 1539 [2017]).

Egan Jr., J.P., Lynch, Devine, Mulvey and Pritzker, JJ., concur.

ORDERED that the motion of the Attorney Grievance Committee for the Third Judicial Department is granted; and it is further

ORDERED that respondent is suspended from the practice of law, effective immediately, and until further order of this Court (see generally Rules for Attorney Disciplinary Matters [22 NYCRR] § 1240.9); and it is further

ORDERED that, for the period of the suspension, respondent is commanded to desist and refrain from the practice of law in any form in the State of New York, either as principal or as

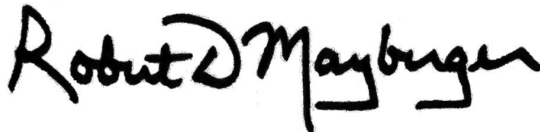
agent, clerk or employee of another; and respondent is hereby forbidden to appear as an attorney or counselor-at-law before any court, judge, justice, board, commission or other public authority, or to give to another an opinion as to the law or its application, or any advice in relation thereto, or to hold himself out in any way as an attorney and counselor-at-law in this State; and it is further

ORDERED that respondent shall comply with the provisions of the Rules for Attorney Disciplinary Matters regulating the conduct of suspended attorneys (see Rules for Attorney Disciplinary Matters [22 NYCRR] § 1240.15); and it is further

ORDERED that, within 20 days from the date of this decision, respondent may submit a request, in writing, to this Court for a postsuspension hearing (see Rules for Attorney Disciplinary Matters [22 NYCRR] § 1240.9 [c]); and it is further

ORDERED that respondent's failure to respond to or appear for further investigatory or disciplinary proceedings within six months from the date of this decision may result in his disbarment by the Court without further notice (see Rules for Attorney Disciplinary Matters [22 NYCRR] § 1240.9 [b]).

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