

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

Decided and Entered: January 10, 2019

PM-03-19

In the Matter of RICHARD PATRICK
RINALDO, an Attorney.

MEMORANDUM AND ORDER
ON MOTION

(Attorney Registration No. 4174033)

Calendar Date: November 19, 2018

Before: Egan Jr., J.P., Lynch, Clark, Devine and Aarons, JJ.

Monica A. Duffy, Attorney Grievance Committee for the
Third Judicial Department, Albany (Sarah A. Richards of
counsel), for Attorney Grievance Committee for the Third
Judicial Department.

Richard Patrick Rinaldo, Union, New Jersey, respondent
pro se.

Per Curiam.

Respondent was admitted to practice by this Court and in
New Jersey in 2003. In October 2015, respondent was censured by
the Supreme Court of New Jersey upon sustained allegations of,
among other misconduct, client neglect, the failure to
communicate and improper termination of representation. The
Attorney Grievance Committee for the Third Judicial Department
(hereinafter AGC) now moves to impose discipline upon respondent
pursuant to Rules for Attorney Discipline Matters (22 NYCRR) §
1240.13 and Rules of the Appellate Division, Third Department
(22 NYCRR) § 806.13 due to the discipline in New Jersey.
Respondent has submitted a reply requesting that he not be
disciplined any further beyond his New Jersey censure.

Respondent does not raise any of his available defenses to discipline for misconduct in a foreign jurisdiction (see Rules for Attorney Disciplinary Matters [22 NYCRR] § 1240.13 [b]).¹ Accordingly, we find that respondent's misconduct has been established and we turn our attention to the issue of the appropriate disciplinary sanction (see Matter of Colby, 156 AD3d 1215, 1216 [2017]; Matter of Aquia, 153 AD3d 1082, 1083 [2017]; see also Rules for Attorney Disciplinary Matters [22 NYCRR] § 1240.8 [b] [2]).

Respondent concedes his failures in monitoring his client's case and providing her with the appropriate status updates. Moreover, respondent acknowledges the impropriety in the manner in which he sought to withdraw and transfer her case to another attorney. However, he contends that his misconduct is mitigated by the actions of the attorney to whom he had sought to transfer his client's matter. We reject this argument. Although it appears that said attorney is not without blame, respondent should have been aware of the harm that his client could, and would, suffer as a result of the lack of attention to her case. Ultimately, respondent's indifference to the various warning signs of neglect played a substantial role in the dismissal of her case, a result that underlines the severity of his misconduct. Further, we reject respondent's contention that further discipline in this state only serves to cause him and his former client to relive a difficult experience, as the delay in these proceedings is of his own making due to his failure to report his New Jersey discipline in a timely fashion pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.13 (d). Noting the foregoing, we have considered respondent's lack of a prior disciplinary history before the misconduct underlying this proceeding (see ABA Standards for Imposing Lawyer Discipline § 9.32 [a]), as well as

¹ We note that respondent's misconduct in New Jersey warrants discipline in this state as the New Jersey Rules of Professional Conduct that respondent was found to have violated are analogous to Rules of Professional Conduct (22 NYCRR 1200.0) rules 1.3 (a), (b); 1.4 (a) (3), (4); and 1.16 (c). Accordingly, his actions undoubtedly constitute misconduct in this state (see generally Matter of Friedman, 166 AD3d 1208, 1208 [2018]).

his expressed remorse and acknowledgment of the severity of his misconduct (see ABA Standards for Imposing Lawyer Discipline § 9.32 [1]). Accordingly, for the reasons discussed above, and in order to protect the public, maintain the honor and integrity of the profession and deter others from committing similar misconduct, we find that respondent should be censured.

Egan Jr., J.P., Lynch, Clark, Devine and Aarons, 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 censured.

ENTER:

A handwritten signature in black ink that reads "Robert D. Mayberger". The signature is written in a cursive, flowing style with a large initial "R" and a distinct "D" in the middle.

Robert D. Mayberger
Clerk of the Court