

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

Decided and Entered: November 27, 2019

PM-209-19

In the Matter of MAX THOMAS
LINDSEY, an Attorney.

MEMORANDUM AND ORDER
ON MOTION

(Attorney Registration No. 5414305)

Calendar Date: November 18, 2019

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

Max Thomas Lindsey, Washburn, Wisconsin, pro se.

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

Per Curiam.

Max Thomas Lindsey was admitted to practice by this Court
in 2016 and lists a business address in the City of Albany with
the Office of Court Administration. Lindsey presently seeks
leave to resign from the New York bar for nondisciplinary
reasons (see Rules for Attorney Disciplinary Matters [22 NYCRR]
§ 1240.22 [a]). The Attorney Grievance Committee for the Third
Judicial Department (hereinafter AGC) opposes the application by
correspondence from its Chief Attorney.

As is noted by AGC, Lindsey is presently delinquent in his
New York attorney registration requirements, having failed to
register for the biennial period beginning in 2018 (see
Judiciary Law § 468-a; Rules of the Chief Admin of Cts [22
NYCRR] § 118.1). Inasmuch as Lindsey is therefore subject to
potential disciplinary action (see Judiciary Law § 468-a [5];

Rules of Professional Conduct [22 NYCRR 1200.0] rule 8.4 [d]; see also Matter of Attorneys in Violation of Judiciary Law § 468-a, 172 AD3d 1706 [2019]), he is ineligible for nondisciplinary resignation and his application must therefore be denied (see Matter of Cluff, 148 AD3d 1346, 1346 [2017]; Matter of Bomba, 146 AD3d 1226, 1226-1227 [2017]). Further, any future application by Lindsey must be supported by proof of his full satisfaction of the requirements of Judiciary Law § 468-a and Rules of the Chief Administrator of the Courts (22 NYCRR) § 118.1 (see Matter of Frank, 146 AD3d 1228, 1228-1229 [2017]).

Garry, P.J., Clark, Mulvey, Aarons and Pritzker, JJ.,
concur.

ORDERED that Max Thomas Lindsey's application for permission to resign 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