

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

Decided and Entered: March 28, 2019

PM-35-19

In the Matter of GRAHAM HOWARD
CLAYBROOK, an Attorney.

MEMORANDUM AND ORDER
ON MOTION

(Attorney Registration No. 4608865)

Calendar Date: March 25, 2019

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

Graham Howard Claybrook, Charlotte, North Carolina,
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.

Graham Howard Claybrook was admitted to practice by this Court in 2008 and lists a business address in Charlotte, North Carolina with the Office of Court Administration. Claybrook has applied to this Court, by affirmation dated January 24, 2019, for 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) took no position with respect to the application, but noted that Claybrook did not submit a sworn affidavit as required by Rules of the Appellate Division, Third Department (22 NYCRR) § 806.22 (a). AGC further pointed out that respondent omitted a material response in his submission and, therefore, his application to resign was not in

the proper form prescribed by Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.22 (a) (1) (see Rules for Attorney Disciplinary Matters [22 NYCRR] part 1240, appendix E).

In reply to AGC's opposition, however, Claybrook has submitted a supplemental affidavit, sworn to March 22, 2019, in which he corrects the irregularities in his prior submission. Accordingly, with no other substantive objection to the application before us, and having determined that Claybrook is eligible to resign for nondisciplinary reasons, we grant the application and accept his resignation.

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

ORDERED that Graham Howard Claybrook's application for permission to resign is granted and his nondisciplinary resignation is accepted; and it is further

ORDERED that Graham Howard Claybrook's name is hereby stricken from the roll of attorneys and counselors-at-law of the State of New York, effective immediately, and until further order of this Court (see generally Rules for Attorney Disciplinary Matters [22 NYCRR] § 1240.22 [b]); and it is further

ORDERED that Graham Howard Claybrook 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 Claybrook 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 Graham Howard Claybrook shall, within 30 days of the date of this decision, surrender to the Office of Court Administration any Attorney Secure Pass issued to him.

ENTER:

A handwritten signature in black ink that reads "Robert D. Mayberger". The signature is written in a cursive style with a large, prominent "R" and "M".

Robert D. Mayberger
Clerk of the Court