

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

Decided and Entered: June 18, 2020

PM-81-20

In the Matter of PERRY S.
REICH, a Disbarred Attorney.

MEMORANDUM AND ORDER
ON MOTION

(Attorney Registration No. 1088582)

Calendar Date: May 20, 2020

Before: Garry, P.J., Lynch, Mulvey, Aarons and Reynolds
Fitzgerald, JJ.

Monica A. Duffy, Attorney Grievance Committee for the
Third Judicial Department, Albany (Michael K. Creaser of
counsel), for the Attorney Grievance Committee for the Third
Judicial Department.

Eric Nelson, Staten Island, for respondent.

Per Curiam.

Respondent was admitted to practice by the Second
Department in 1975. He last listed a Queens business address
with the Office of Court Administration.

Upon finding respondent guilty of serious crimes within
the meaning of Judiciary Law § 90 (4) as the result of his
conviction following a jury trial of various federal felonies
stemming from his fabrication of a court order,¹ this Court, by

¹ Specifically, respondent was convicted following a jury
trial in the United States District Court for the Eastern
District of New York (United States v Reich, 420 F Supp 2d 75

September 2006 order, disbarred respondent and struck his name from the roll of attorneys (32 AD3d 1106 [2006]). Respondent now applies for reinstatement by motion made returnable in May 2019. The Attorney Grievance Committee for the Third Judicial Department (hereinafter AGC) opposed the motion, and we referred the application to a subcommittee of the Committee on Character and Fitness for a hearing and report (see Rules of App Div, 3d Dept [22 NYCRR] § 806.16 [a] [5]). Respondent appeared before the subcommittee in October 2019. The subcommittee issued a report in March 2020 unanimously recommending that respondent's application for reinstatement be denied. Respondent subsequently submitted an affidavit, counsel's affirmation and documentation in response to the subcommittee's recommendation.

At the outset, we find that respondent has met his threshold burden through his submission of the required documentation in support of his application, including proof that he has successfully completed the Multistate Professional Responsibility Examination within one year preceding his application (see Rules for Attorney Disciplinary Matters [22 NYCRR] § 1240.16 [b]; part 1240, appendix C). Nevertheless, upon our review of, among other things, respondent's application, his submissions to the Court, his testimony before the subcommittee and the adequacy of his responses to the subcommittee's requests for further information, we conclude that respondent has not demonstrated by clear and convincing evidence that he possesses the requisite character and general fitness to resume the practice of law in New York (see Rules for Attorney Disciplinary Matters [22 NYCRR] § 1240.16 [a]). Lacking this requisite showing, respondent's application for reinstatement must be denied (see Matter of Matter of Canton, 174 AD3d 1281, 1282 [2019]; Matter of Oswald, 135 AD3d 1154 [2016]; Matter of Koziol, 134 AD3d 1298, 1299 [2015]).

[ED NY 2006], affd 479 F3d 179 [2d Cir 2007], cert denied 552 US 819 [2007]) of corruptly obstructing a judicial proceeding (see 18 USC § 1512 [c] [2]), forging a judge's signature (see 18 USC § 505) and making a false statement to a federal officer (see 18 USC § 1001 [a] [2]).

Garry, P.J., Lynch, Mulvey, Aarons and Reynolds
Fitzgerald, J.J., concur.

ORDERED that respondent's motion for reinstatement 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