

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

Decided and Entered: July 7, 2011

D-31-11

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In the Matter of FREDERICK J.  
NERONI, an Attorney.

COMMITTEE ON PROFESSIONAL  
STANDARDS,

MEMORANDUM AND ORDER

Petitioner;

FREDERICK J. NERONI,  
Respondent.

(Attorney Registration No. 1431634)

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Calendar Date: June 1, 2011

Before: Mercure, J.P., Peters, Spain, Kavanagh and McCarthy, JJ.

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Peter M. Torncello, Committee on Professional Standards,  
Albany (Steven D. Zayas of counsel), for petitioner.

Neroni Law Office, Delhi (Tatiana Neroni of counsel), for  
respondent.

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Per Curiam.

Respondent was admitted to practice by this Court in 1974.  
He maintains an office for the practice of law in the Town of  
Delhi, Delaware County.

By confidential order dated March 31, 2011, this Court  
found that respondent engaged in fraudulent conduct prejudicial  
to the administration of justice adversely reflecting on his  
fitness as a lawyer and counseled a client to engage in conduct  
he knew to be fraudulent and contrary to a disciplinary rule, in

violation of former Code of Professional Responsibility DR 1-102 (a) (4), (5) and (7) and DR 7-102 (a) (7) and (8) (22 NYCRR 1200.3 [a] [4], [5], [7]; 1200.33 [a] [7], [8]) (see Rules of Professional Conduct [22 NYCRR 1200.0] rules 1.2 [d]; 3.4 [a] [6]; 8.4 [c], [d], [h])).<sup>1</sup>

Respondent's misconduct was set forth in Mokay v Mokay (67 AD3d 1210 [2009]), wherein this Court affirmed a Supreme Court order that granted partial summary judgement against respondent, a defendant in that action, on certain causes of action alleging fraud, collusion and violation of Judiciary Law § 487.<sup>2</sup> Specifically, respondent devised a plan with his client that would circumvent, in part, the intended purpose of a judgment of Supreme Court that respondent had participated in constructing.

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<sup>1</sup> The alleged professional misconduct occurred prior to the April 1, 2009 effective date of the Rules of Professional Conduct.

<sup>2</sup> Judiciary Law § 487 states:

"An attorney or counselor who:

1. Is guilty of any deceit or collusion, or consents to any deceit or collusion, with intent to deceive the court or any party; or,
  
2. Wilfully delays his [or her] client's suit with a view to his [or her] own gain; or, wilfully receives any money or allowance for or on account of any money which he [or she] has not laid out, or becomes answerable for,

Is guilty of a misdemeanor, and in addition to the punishment prescribed therefor by the penal law, he [or she] forfeits to the party injured treble damages, to be recovered in a civil action."

Respondent then "prepared the documents he had advised would successfully accomplish the nefarious goal" (id. at 1213).

We have considered respondent's submission in mitigation and note his continued denial of wrongdoing. We are also mindful of respondent's disciplinary history, which includes a six-month suspension as a result of his federal conviction for filing a false tax return (Matter of Neroni, 186 AD2d 860 [1992]),<sup>3</sup> as well as a 2002 letter of admonition and a 2006 letter of caution.

We consider respondent's intentional and fraudulent conduct in circumventing a court order as very serious professional misconduct. Under the circumstances presented and in order to protect the public, deter similar misconduct and preserve the reputation of the bar, we conclude that respondent should be disbarred.

Mercure, J.P., Peters, Spain, Kavanagh and McCarthy, JJ., concur.

ORDERED that respondent is disbarred and his name is stricken from the roll of attorneys and counselors-at-law of the State of New York, effective immediately; and it is further

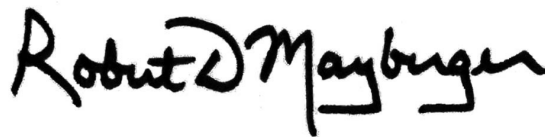
ORDERED that respondent is commanded to desist and refrain from the practice of law in any form, either as principal or as agent, clerk or employee of another; and respondent is hereby forbidden to appear as an attorney or counselor-at-law before any court, judge, justice, board, commission or other public authority, or to give to another an opinion as to the law or its application, or any advice in relation thereto; and it is further

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<sup>3</sup> Respondent was thereafter reinstated (Matter of Neroni, 198 AD2d 715 [1983]).

ORDERED that respondent shall comply with the provisions of this Court's rules regulating the conduct of disbarred attorneys (see 22 NYCRR 806.9).

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