

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

Decided and Entered: November 16, 2017

D-200-17

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In the Matter of WALTER PATRICK  
TAMBOLINI, a Suspended Attorney.

MEMORANDUM AND ORDER  
ON MOTION

(Attorney Registration No. 2984631)

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Calendar Date: October 2, 2017

Before: McCarthy, J.P., Garry, Devine, Aarons and Pritzker, JJ.

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Monica A. Duffy, Attorney Grievance Committee for the Third  
Judicial Department, Albany (Anna E. Remet of counsel), for  
Attorney Grievance Committee for the Third Judicial Department.

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Per Curiam.

Respondent was admitted to practice by this Court in 1999.  
In 2005, he was admitted to practice in Nevada, where he lists a  
business address with the Office of Court Administration.

By January 2014 order, this Court indefinitely suspended  
respondent from the practice of law in New York for conduct  
prejudicial to the administration of justice arising from his  
noncompliance since 2009 with the attorney registration  
requirements of Judiciary Law § 468-a and Rules of the Chief  
Administrator of the Courts (22 NYCRR) § 118.1 (113 AD3d 1020,  
1054 [2014]; see Judiciary Law § 468-a [5]; Rules of Professional  
Conduct [22 NYCRR 1200.0] rule 8.4 [d]). By September 2014  
order, respondent was thereafter also suspended from the practice  
of law in Nevada for two years due to, among other things, his  
unauthorized practice of law while under administrative  
suspension and his failure to competently and diligently  
represent clients. Respondent then failed to notify this Court  
and the Attorney Grievance Committee for the Third Judicial  
Department (hereinafter AGC) within 30 days following the

imposition of the Nevada sanction as required by Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.13 (d).<sup>1</sup> Accordingly, AGC now moves, by order to show cause returnable October 2, 2017, for an order imposing discipline upon respondent in New York pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.13 and Rules of the Appellate Division, Third Department (22 NYCRR) § 806.13 on the basis of the discipline imposed in Nevada. To date, respondent has not responded to the motion or otherwise raised any of the available defenses (see Rules for Attorney Disciplinary Matters [22 NYCRR § 1240.13 [b]]); therefore, we grant the motion (see Matter of Lane, 130 AD3d 1361, 1362 [2015]; Matter of Halbfish, 78 AD3d 1320, 1321 [2010]).

Turning to the issue of the appropriate disciplinary sanction, we take note of the discipline imposed in Nevada and the presence of the numerous aggravating circumstances, including, among other things, respondent's failure to respond to the subject motion and his longstanding registration delinquency in this state. Consequently, under all the facts and circumstances presented, and in order to protect the public, maintain the honor and integrity of the profession and deter others from committing similar misconduct, and especially noting respondent's apparent disregard for his fate as an attorney in this state, we conclude that – consistent with the discipline imposed in Nevada – respondent should be suspended in this state for a period of two years (see e.g. Matter of McCabe, 144 AD3d 1264, 1265 [2016]). Additionally, we further direct that said suspension will take effect and commence at such time as respondent applies for and is granted reinstatement from his current indefinite suspension arising from his Judiciary Law § 468-a violation (see Matter of Lane, 130 AD3d at 1362; Matter of Chan, 126 AD3d 1111, 1112 [2015]).

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<sup>1</sup> AGC further advises that, in a May 2016 order of the United States Patent and Trademark Office, respondent was reciprocally suspended from practicing law for two years based upon his two-year suspension in Nevada.

McCarthy, J.P., Garry, Devine, Aarons and Pritzker, 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 suspended from the practice of  
law for a period of two years, effective at such time as he is  
reinstated following his current suspension, and until further  
order of this Court; and it is further

ORDERED that, for the period of suspension, respondent is  
commanded to continue 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 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, or to hold  
himself out in any way as an attorney and counselor-at-law in  
this State; and it is further

ORDERED that respondent shall comply with the provisions of  
the Rules for Attorney Disciplinary Matters regulating the  
conduct of suspended attorneys (see Rules for Attorney  
Disciplinary Matters [22 NYCRR] § 1240.15); and it is further

ORDERED that respondent 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, slightly slanted style.

Robert D. Mayberger  
Clerk of the Court