

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

Decided and Entered: August 8, 2019

PM-108-19

In the Matter of RICHARD MICHAEL FIL,
an Attorney.

MEMORANDUM AND ORDER
ON MOTION

(Attorney Registration No. 4160610)

Calendar Date: July 29, 2019

Before: Garry, P.J., Egan Jr., Clark, Rumsey and Pritzker, JJ.

Richard Michael Fil, Westerly, Rhode Island, 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.

Richard Michael Fil was admitted to practice by this Court in 2003 and lists a business address in Westerly, Rhode Island with the Office of Court Administration. Fil has applied to this Court, by affidavit sworn to June 5, 2019, for leave to resign from the New York bar for nondisciplinary reasons (see Rules for Attorney Disciplinary Matters [22 NYCRR] § 1240.22 [a]). By July 23, 2019 correspondence, the Attorney Grievance Committee for the Third Judicial Department (hereinafter AGC) opposes Fil's application, contending that he omitted a material response in his affidavit submitted as part of his application to resign and, therefore, his affidavit 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 response, however, Fil has submitted a supplemental correspondence, dated July 27, 2019, in which he corrects the omission from his prior submission (see Matter of Friedman, 161 AD3d 1480, 1481 [2018]). Accordingly, with AGC voicing no other substantive objection to his application, and having determined that Fil is now eligible to resign for nondisciplinary reasons (compare Matter of Tierney, 148 AD3d 1457, 1458 [2017]; Matter of Bomba, 146 AD3d at 1227), we grant the application and accept his resignation.

Garry, P.J., Egan Jr., Clark, Rumsey and Pritzker, JJ., concur.

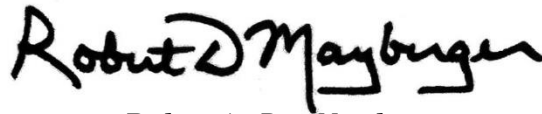
ORDERED that Richard Michael Fil's application for permission to resign is granted and his nondisciplinary resignation is accepted; and it is further

ORDERED that Richard Michael Fil'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 Richard Michael Fil 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 Fil 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 Richard Michael Fil 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, stylized 'R' and 'M'.

Robert D. Mayberger
Clerk of the Court