

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

Decided and Entered: December 1, 2022

PM-211-22

In the Matter of DANIEL FARRELL
O'BRIEN, an Attorney.

MEMORANDUM AND ORDER
ON MOTION

(Attorney Registration No. 5640248)

Calendar Date: November 21, 2022

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

Daniel Farrell O'Brien, Boonton, New Jersey, 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

Daniel Farrell O'Brien was admitted to practice by this Court in 2018 and lists a business address in Newark, New Jersey with the Office of Court Administration. O'Brien now seeks 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) opposes the application by correspondence from its Chief Attorney.

As is noted by AGC, when O'Brien filed the present application with this Court, he was delinquent in his New York attorney registration requirements for the 2022-2023 biennial period (*see* Judiciary Law § 468-a; Rules of the Chief Admin of

Cts [22 NYCRR] § 118.1), and he remains delinquent in that obligation to date. Inasmuch as O'Brien is therefore subject to potential disciplinary action (*see* Judiciary Law § 468-a [5]; Rules of Professional Conduct [22 NYCRR 1200.0] rule 8.4 [d]; *see also Matter of Attorneys in Violation of Judiciary Law § 468-a*, 208 AD3d 1421, 1421-1422 [3d Dept 2022]), he is ineligible for nondisciplinary resignation and his application must be denied (*see Matter of Jin Hee Ahn*, 203 AD3d 1435, 1435 [3d Dept 2022]; *Matter of Bomba*, 146 AD3d 1226, 1226-1227 [3d Dept 2017]). Further, any future application by O'Brien must be supported by proof of his full satisfaction of the requirements of Judiciary Law § 468-a and Rules of the Chief Administrator of the Courts (22 NYCRR) § 118.1 (*see Matter of Frank*, 146 AD3d 1228, 1228-1229 [3d Dept 2017]).

Garry, P.J., Lynch, Aarons, Reynolds Fitzgerald and McShan, JJ., concur.

ORDERED that Daniel Farrell O'Brien's application for permission to resign 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