

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

Decided and Entered: March 24, 2022

PM-61-22

In the Matter of AUSTIN MAXWELL
BERRY, an Attorney.

MEMORANDUM AND ORDER
ON MOTION

(Attorney Registration No. 4487278)

Calendar Date: March 21, 2022

Before: Lynch, J.P., Clark, Aarons, Colangelo and Fisher, JJ.

Austin Maxwell Berry, Midland, Texas, 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.

Austin Maxwell Berry was admitted to practice by this Court in 2007 and lists a business address in Washington, DC with the Office of Court Administration. Berry 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) advises that it does not oppose Berry's application.

Upon reading Berry's affidavit sworn to February 22, 2022 and filed February 28, 2022, and upon reading the March 18, 2022 correspondence in response by the Chief Attorney for AGC, and having determined that Berry is eligible to resign for

nondisciplinary reasons, we grant his application and accept his resignation.

Lynch, J.P., Clark, Aarons, Colangelo and Fisher, JJ., concur.

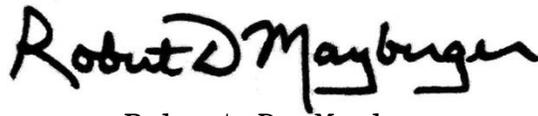
ORDERED that Austin Maxwell Berry's application for permission to resign is granted and his nondisciplinary resignation is accepted; and it is further

ORDERED that Austin Maxwell Berry'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 Austin Maxwell Berry 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 Berry 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 Austin Maxwell Berry 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