

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

Decided and Entered: May 25, 2023

PM-107-23

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In the Matter of DIANE YVONNE  
SMOYER, an Attorney.

MEMORANDUM AND ORDER  
ON MOTION

(Attorney Registration No. 2729184)

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Calendar Date: May 15, 2023

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

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*Diane Yvonne Smoyer*, Arlington, Virginia, pro se.

*Monica A. Duffy*, Attorney Grievance Committee for the Third Judicial Department, Albany, for Attorney Grievance Committee for the Third Judicial Department.

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Per Curiam.

Diane Yvonne Smoyer was admitted to practice by this Court in 1996 and lists a business address in Washington, DC with the Office of Court Administration. Smoyer 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 Smoyer's application.

Upon reading Smoyer's affidavit sworn to April 11, 2023 and filed April 17, 2023 and upon reading the May 12, 2023 correspondence in response by the Chief Attorney for AGC, and having determined that Smoyer is eligible to resign for nondisciplinary reasons, we grant her application and accept her resignation.

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

ORDERED that Diane Yvonne Smoyer's application for permission to resign is granted and her nondisciplinary resignation is accepted; and it is further

ORDERED that Diane Yvonne Smoyer'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 Diane Yvonne Smoyer 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 Smoyer 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 herself out in any way as an attorney and counselor-at-law in this State; and it is further

ORDERED that Diane Yvonne Smoyer shall, within 30 days of the date of this decision, surrender to the Office of Court Administration any Attorney Secure Pass issued to her.

ENTER:

A handwritten signature in black ink, reading "Robert D. Mayberger". The signature is written in a cursive, flowing style with a large, stylized "R" and "M".

Robert D. Mayberger  
Clerk of the Court