

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

Decided and Entered: October 5, 2023

PM-238-23

In the Matter of ATTORNEYS IN
VIOLATION OF JUDICIARY
LAW § 468-a.

MEMORANDUM AND ORDER
ON MOTION

Calendar Date: September 25, 2023

Before: Lynch, J.P., Clark, Aarons and Powers, JJ.

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

Per Curiam.

The Attorney Grievance Committee for the Third Judicial Department (hereinafter AGC) moves pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.9 (a) (5) and Rules of the Appellate Division, Third Department (22 NYCRR) § 806.9 for an order suspending respondent attorneys – all of whom either last listed a registration address within this Judicial Department or were admitted to practice by this Court (*see generally* Rules for Atty Disciplinary Matters [22 NYCRR] § 1240.7 [a] [2]) – upon the ground that they have failed to fulfill their respective attorney registration obligations for at least one biennial registration period (*see* Judiciary Law § 468-a; Rules of Chief Admr of Cts [22 NYCRR] § 118.1) and remain delinquent in such obligation to date. Respondents were noticed of the application pursuant to the terms of an order to show cause which was marked returnable September 25, 2023 and is supported by affirmation of AGC's counsel with exhibits (*see generally* Judiciary Law § 90 [6]).

Judiciary Law § 468-a and Rules of the Chief Administrator of the Courts (22 NYCRR) § 118.1 each require that attorneys admitted to practice in New York file a

registration statement with the Office of Court Administration (hereinafter OCA) on a biennial basis. This obligation extends to all attorneys admitted in New York, regardless of where they work or reside, and even applies to attorneys who have been suspended or who have retired from the practice of law altogether (*see* Rules of Chief Admr of Cts [22 NYCRR] § 118.1 [a]-[c], [g]). After an attorney's initial registration upon admission to the bar, the obligation to register is triggered by the attorney's birthdate every other year thereafter, and an attorney has a 30-day grace period following his or her birthdate in which to satisfy the obligation (*see* Judiciary Law § 468-a [2]; Rules of Chief Admr of Cts [22 NYCRR] § 118.1 [a]-[c]). Since the registration requirement applies "for as long as the attorney remains duly admitted to the New York bar" (Rules of Chief Admr of Cts [22 NYCRR] § 118.1 [a]-[c]), it may only be terminated by the attorney's death, disbarment or formal resignation upon order of the Appellate Division (*see generally* Rules for Atty Disciplinary Matters [22 NYCRR] § 1240.22 [a]).¹

The failure to duly register as an attorney "shall constitute conduct prejudicial to the administration of justice and shall be referred to the appropriate appellate division . . . for disciplinary action" (Judiciary Law § 468-a [5]; *see Benjamin v Koeppe*, 85 NY2d 549, 555-556 [1995]; Rules of Chief Admr of Cts [22 NYCRR] § 118.1 [h]). To be sure, the Rules of Professional Conduct explicitly define "conduct that is prejudicial to the administration of justice" as attorney misconduct (*see* Rules of Professional Conduct [22 NYCRR 1200.0] rule 8.4 [d]), and this Court has repeatedly and consistently held that an attorney's failure to comply with his or her registration requirements is professional misconduct warranting the imposition of discipline (*see Matter of Attorneys in Violation of Judiciary Law § 468-a*, 172 AD3d 1706, 1707 [3d Dept 2019]; *Matter of Attorneys in Violation of Judiciary Law § 468-a*, 65 AD3d 1447, 1447-1448 [3d Dept 2009]; *Matter of Arms*, 251 AD2d 743, 743-744 [3d Dept 1998]; *Matter of Ryan*, 238 AD2d 713, 713-714 [3d Dept 1997]; *Matter of Farley*, 205 AD2d 874, 874-875 [3d Dept 1994]).

AGC has put forth uncontroverted evidence of respondents' misconduct in the form of documentary proof that each respondent has failed to fulfill his or her attorney registration obligations and remains delinquent in that obligation to date (*see* Rules for Atty Disciplinary Matters [22 NYCRR] § 1240.9 [a] [5]). Accordingly, AGC's motion is hereby granted and the respondents listed on the schedule attached hereto are suspended,

¹ We further observe that, over and above the biennial registration requirement, every New York attorney also has an affirmative duty to keep OCA apprised of his or her up-to-date contact information (*see* Rules of Chief Admr of Cts [22 NYCRR] § 118.1 [f]).

effective immediately and until further order of this Court (*see* Rules for Atty Disciplinary Matters [22 NYCRR] § 1240.16; Rules of App Div, 3d Dept [22 NYCRR] § 806.16 [c]).

Lynch, J.P., Clark, Aarons and Powers, JJ., concur.

ORDERED that the motion of the Attorney Grievance Committee for the Third Judicial Department is granted; and it is further

ORDERED that the respondents listed on the schedule attached hereto are suspended from the practice of law, effective immediately, and until further order of this Court; and it is further

ORDERED that, for the period of suspension, respondents are commanded to desist and refrain from the practice of law in any form in the State of New York, either as a principal or as an agent, clerk or employee of another; and respondents are 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 him- or herself out in any way as an attorney and counselor-at-law in this State; and it is further

ORDERED that respondents shall comply with the provisions of the Rules for Attorney Disciplinary Matters regulating the conduct of suspended attorneys and shall duly certify to the same in his or her affidavit of compliance (*see* Rules for Atty Disciplinary Matters [22 NYCRR] § 1240.15); and it is further

ORDERED that this Memorandum and Order on Motion shall be deemed served upon respondents by (1) its continuous publication on this Court's website, (2) weekly publication on this Court's Twitter account for a period not to exceed 30 days, (3) email delivery of the motion papers to "any and all email addresses on file" for each respondent with the Office of Court Administration, and (4) first-class mail to the last-known home address of each respondent without an email address on file with the Office of Court Administration.

SCHEDULE

<u>NAME</u>	<u>REG ID</u>
ALJALUDI, ZAK AHMAD	4732004
AQUILLA, THOMAS TRACY	3892627
AUSTIN, ORMAND R.	1814565
BARBER, KATHRYN M.	2385490
BENSON, ANDREA	1504588
BERMAN, CLAIRE SYLVIA	2220069
BRAMSON, ROBERT S.	1957281
CAREY, GERARD MARTIN JR.	1744333
CASUSCELLI, JAMES JOSEPH	1375518
CHAN, MYLENE	4025474
CLAVEL, ANNE SOLOMON	1101385
COVITZ, MORTON R.	1968114
DIAMOND, HAROLD N.	1672153
EADY, RICHARD W.	1370774
ENDERS, JOHN BRIAN	2332674
FOSTER, SUSAN MORGAN	2244366
GOLDWASER, REUBEN	1142553
GRONDA, DANIEL AMO	2981363

SCHEDULE

<u>NAME</u>	<u>REG ID</u>
HANDLER, WILLIAM L.	1795780
HANNA, JOSEPH JOHN JR.	4449369
HAUS, RONALD ROBERT	1614353
JUNG, DAVID FREDERICK	1032432
LEE, SUN M.	4640587
MARTIN, JOHN LOUIS	2358091
MCCONNELL, KIMBERLY A.	2907137
MCDOWELL, BO YEON	4304465
MONE, CHARLES K.	4125506
MOYA, LEON GUANZON JR.	2079291
MYERS, NANCY LEPPERT	2108397
NZE NWOSU, ANTHONY EMEKA	4069514
PARNHAM, GEORGE JOSEPH	4942686
PILLER, TODD BARRY	1213537
RAMOS MORA, MANUEL M.	1879014
REIKEN, SAMUEL N.	2071744
ROACH, DAVID A.	1605013
ROGERS, ANDREW J.	1987817

SCHEDULE

<u>NAME</u>	<u>REG ID</u>
ROTMAN, SCOTT RANDALL	2762391
SALONGA, ROMEO L.	2054310
SCHNEIDER, GEORGE LEO	2200681
SIBLEY, EDWARD	1983311
SIMON, MELVIN	1767557
SQUITIERI, GENEROSO GEORGE	2185130
SUSMAN, MORTON LEE	2339786
ZISMAN, ITZHAK	2432375