

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

Decided and Entered: March 2, 2023

PM-43-23

In the Matter of GARY JOHN SMITH,
an Attorney.

MEMORANDUM AND ORDER
ON MOTION

(Attorney Registration No. 2995314)

Calendar Date: February 27, 2023

Before: Garry, P.J., Clark, Aarons, Fisher and McShan, JJ.

Gary John Smith, San Francisco, California, 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.

Gary John Smith was admitted to practice by this Court in 1999 and lists a business address in San Francisco, California with the Office of Court Administration. Smith 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 Smith's application.

Upon reading Smith's affidavit sworn to February 7, 2023 and filed February 17, 2023 and upon reading the February 23, 2023 correspondence in response by the Chief Attorney for AGC, and having determined that Smith is eligible to resign for nondisciplinary reasons, we grant his application and accept his resignation.

Garry, P.J., Clark, Aarons, Fisher and McShan, JJ., concur.

ORDERED that Gary John Smith's application for permission to resign is granted and his nondisciplinary resignation is accepted; and it is further

ORDERED that Gary John Smith'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 Gary John Smith 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 Smith 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 Gary John Smith 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, slightly slanted style.

Robert D. Mayberger
Clerk of the Court