

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

Decided and Entered: May 30, 2024

PM-109-24

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In the Matter of PAUL SAUL HAAR,  
a Suspended Attorney.

MEMORANDUM AND ORDER  
ON MOTION

(Attorney Registration No. 2340149)

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Calendar Date: April 22, 2024

Before: Egan Jr., J.P., Clark, Ceresia, Fisher and McShan, JJ.

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*Monica A. Duffy, Attorney Grievance Committee for the Third Judicial Department, Albany (Michael K. Creaser of counsel), for Attorney Grievance Committee for the Third Judicial Department.*

*Scalise & Hamilton, PC, Scarsdale (Deborah A. Scalise of counsel), for respondent.*

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Per Curiam.

Respondent was admitted to practice by this Court in 1990 after being admitted in the District of Columbia in 1983 and in Maryland in 1989. By January 26, 2023 order, this Court suspended respondent for a 30-day term upon sustained charges in 1997 by the District of Columbia Court of Appeals that he had negligently misappropriated client funds (*Matter of Haar*, 212 AD3d 1072 [3d Dept 2023]). Respondent remains suspended to date pursuant to our order. Respondent has since been disciplined again by the District of Columbia Court of Appeals, having been suspended for a 90-day term in September 2023 upon a negotiated disposition resolving multiple complaints by respondent's immigration clients. Now, by order to show cause initially marked returnable April 8, 2024 but adjourned upon respondent's request, the Attorney Grievance Committee for the Third Judicial Department (hereinafter AGC) seeks to impose discipline upon respondent

due to the latest finding of misconduct against him in the District of Columbia (*see* Rules for Atty Disciplinary Matters [22 NYCRR] § 1240.13; Rules of App Div, 3d Dept [22 NYCRR] § 806.13), and respondent has filed a response.

We may discipline an attorney for misconduct committed in a foreign jurisdiction and, in defense, the attorney may assert that the procedure in the foreign jurisdiction lacked due process, that there was an infirmity of proof establishing the misconduct or that the misconduct for which the attorney was disciplined in the foreign jurisdiction does not constitute misconduct in New York (*see* Rules for Atty Disciplinary Matters [22 NYCRR] § 1240.13 [b]). Here, respondent entered into a form of negotiated discipline in the District of Columbia, wherein he voluntarily admitted to several facts, rule violations and to the imposition of a 180-day suspension, 90 days of which were stayed, as well as other conditions, including refunds to two clients, and the negotiated discipline was ultimately approved by the District of Columbia Court of Appeals. In his response to AGC's motion, respondent does not deny that his misconduct in the District of Columbia, as established by the District of Columbia Court of Appeals proceeding (*see* District of Columbia Rules of Professional Conduct rules 1.1 [a], [b]; 1.2 [a]; 1.3 [c]; 1.4 [b]; 1.5 [a]; 1.16 [d]; 8.1 [b]) would constitute rule violations in this state if committed here (*see* New York Rules of Professional Conduct [22 NYCRR 1200.00] rules 1.1 [a], [b]; 1.2 [a]; 1.3 [a]; 1.4 [b]; 1.5 [a]; 1.16 [e]; 8.4 [d]). Accordingly, we grant AGC's motion and proceed to a determination of the appropriate sanction.

We are not required to impose the same discipline that was imposed by the foreign tribunal, but we are instead charged with crafting a sanction that protects the public, maintains the honor and integrity of the profession or deters others from engaging in similar misconduct (*see Matter of Jenkins*, 222 AD3d 1319, 1320 [3d Dept 2023]). As respondent seeks to have the same discipline imposed in this matter as was levied in the District of Columbia and seeks that it be imposed nunc pro tunc, a request which AGC opposes, we acknowledge that we have imposed nunc pro tunc suspensions in situations where certain circumstances warranted it (*see e.g. Matter of Chechelnitsky*, 192 AD3d 1453, 1454-1455 [3d Dept 2021]; *Matter of Donohue*, 171 AD3d 1295, 1296 [3d Dept 2019]). We also take note of the aggravating factors cited by AGC, including respondent's prior history of discipline, in the District of Columbia (*see In re Haar II*, 698 A2d 412, 425 [DC Ct Appeals 1997]), which prompted his discipline in this state (*see Matter of Haar*, 212 AD3d at 1075; *see also* ABA Standards for Imposing Lawyer Sanctions standard 9.22 [a]). AGC notes the particular vulnerability of the implicated clients who had retained respondent on immigration matters (*see* ABA Standards for Imposing Lawyer Sanctions standard 9.22 [h]), respondent's selfish motives regarding

fees (*see* ABA Standards for Imposing Lawyer Sanctions standard 9.22 [b]), his pattern of misconduct and multiple offenses (*see* ABA Standards for Imposing Lawyer Sanctions standard 9.22 [c], [d]) and his substantial experience in the practice of law (*see* ABA Standards for Imposing Lawyer Sanctions standard 9.22 [i]), among other factors. In mitigation, respondent cites, among other things, certain medical issues (*see* ABA Standards for Imposing Lawyer Sanctions standard 9.32 [c], [h]) and age, his compliance with the conditions of the District of Columbia Court of Appeals suspension order, including refunding sums to the clients, his remorse (*see* ABA Standards for Imposing Lawyer Sanctions standard 9.32 [l]), his lengthy career, which he has dedicated to immigration and pro bono matters (*see* ABA Standards for Imposing Lawyer Sanctions standard 9.32 [g]) and changes he has made to his law office to avoid future similar issues (*see* ABA Standards for Imposing Lawyer Sanctions standard 9.32 [d]).

Given the totality of the circumstances, we find it appropriate to suspend respondent for 90 days, but make such suspension immediately effective. As such, respondent may reapply for reinstatement no earlier than August 28, 2024.

Egan Jr., J.P., Clark, Ceresia, Fisher and McShan, JJ., concur.

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

ORDERED that respondent is suspended from the practice of law for a period of 90 days, effective immediately, and until further order of this Court (*see generally* Rules for Atty Disciplinary Matters [22 NYCRR] § 1240.16); and it is further

ORDERED that, for the period of suspension, respondent 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 respondent 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 respondent 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 affidavit of compliance (*see* Rules for Atty Disciplinary Matters [22 NYCRR] § 1240.15).

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