

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

Decided and Entered: December 19, 2024

PM-258-24

In the Matter of MICHAEL J. TOOHEY,
an Attorney.

MEMORANDUM AND ORDER
ON MOTION

(Attorney Registration No. 1311984)

Calendar Date: December 9, 2024

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

Michael J. Toohey, Saratoga Springs, pro se.

Monica A. Duffy, Attorney Grievance Committee for the Third Judicial Department, Albany (*Alison M. Coan* of counsel), for Attorney Grievance Committee for the Third Judicial Department.

Per Curiam.

Michael J. Toohey was admitted to practice by this Court in 1976 and lists a business address in Saratoga County with the Office of Court Administration. Toohey now seeks leave to resign from the New York bar for nondisciplinary reasons (*see* Rules for Atty Disciplinary Matters [22 NYCRR] § 1240.22 [a]). The Attorney Grievance Committee for the Third Judicial Department (hereinafter AGC) opposes the application (*see* Rules for Atty Disciplinary Matters [22 NYCRR] § 1240.22 [a] [1]; *see also Matter of Singh*, 211 AD3d 1417, 1417 [3d Dept 2022]).

In making an application for nondisciplinary resignation, an attorney must submit an affidavit, subscribed and sworn to before a notary public or other person authorized to administer an oath, that is worded and numbered as set forth in Rules for Attorney Disciplinary Matters (22 NYCRR) part 1240, appendix E. In doing so, an attorney may

not omit any inapplicable passages, but rather must provide complete responses to every numbered paragraph as provided for in appendix E. Accordingly, inasmuch as Toohey's application fails to comport with appendix E, we deny the application (*compare Matter of Stetson*, 220 AD3d 1007, 1008 [3d Dept 2023]).

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

ORDERED that Michael J. Toohey's application for permission to resign is denied.

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