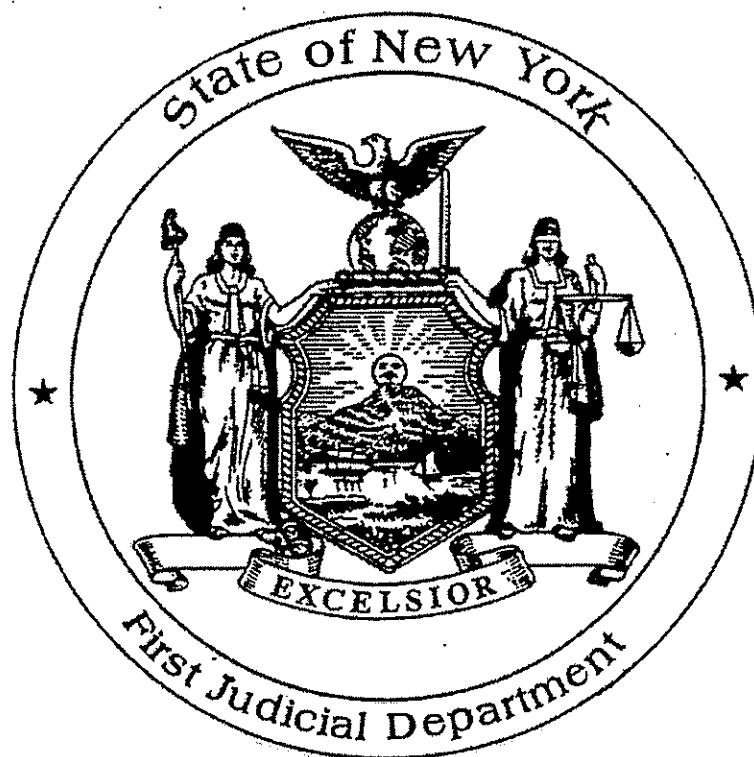


# 2010 ANNUAL REPORT



**The Departmental Disciplinary Committee  
of the Appellate Division of  
the Supreme Court of  
the State of New York,  
First Judicial Department**

**2010 ANNUAL REPORT**

**The Departmental Disciplinary Committee**

**of the Appellate Division**

**of the Supreme Court**

**of the State of New York,**

**First Judicial Department**

**Roy L. Reardon  
Chair**

**Jorge Dopico  
Chief Counsel**

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SUPREME COURT, APPELLATE DIVISION  
FIRST JUDICIAL DEPARTMENT  
DEPARTMENTAL DISCIPLINARY COMMITTEE

ROY L. REARDON, ESQ.  
CHAIRMAN

61 BROADWAY  
NEW YORK, N.Y. 10006

September 1, 2011

To The Bar and Public:

It is my privilege to deliver this Annual Report for the year 2010 of the Departmental Disciplinary Committee ("DDC"): The DDC's success in fulfilling its mission this year is again the result of the dedicated work of many who contribute to its day-to-day success and the maintenance of its national reputation as a leader in its field.

The overall leadership of DDC comes from Presiding Justice Luis A. Gonzalez and a Committee of the Justices of the Court who set the standards and tone of DDC's performance and provide continuing guidance and supervision on matters of policy.

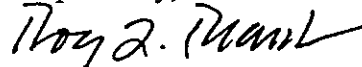
DDC is also fortunate to be led by its Policy Committee, consisting of retired Justices of the Court with decades of experience as sitting Judges, leaders of the Bar and a dedicated group of lay members who bring invaluable insights into how DDC should carry out its important work.

With respect to the vital function of the hearing of formal charges DDC brings against members of the Bar, our mission is served by ten (10) Hearing Panels, comprised of lawyers and lay members, who hear the charges and endeavor to render fair and just decisions, subject to review by the Court, that deal with what can be complicated matters of law and fact.

Like all organizations the indispensable component of DDC is its Staff and its direct day-to-day leadership; we could not function without them. We are fortunate to have placed the leadership role in the skilled hands of our Chief Counsel, Jorge Dopico and his able Deputies Angela Christmas, Naomi F. Goldstein, Vitaly Lipkansky and Raymond Vallejo. They, together with our Staff Attorneys, their Supervisors, the Investigators and Administrative Personnel provide the day-to-day muscle that makes DDC's work possible.

We must also recognize the important role of Susanna Rojas, the Clerk of the Court, who provides continuing guidance to DDC in helping us to maximize our effectiveness.

Respectfully,



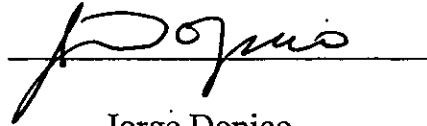
Roy L. Reardon  
Chair

## CHIEF COUNSEL'S REPORT

At the end of 2010, Chief Counsel Alan Friedberg retired along with First Deputy Chief Counsel Sherry Cohen; Deputy Chief Counsel Mady Edelstein; Principal Attorney Joseph Hester; Chief Investigator Vincent Ranieri; Office Manager Carol Scheuer and Administrative Assistants, Maria Vera and Anna Abate. Principal attorneys, Mary Biunno and Kim Petersen, as well as Administrative Assistant, Francine Ali, also left to pursue other opportunities within the Unified Court System and elsewhere. We wish them all well and are indebted to them for their service to the public and our Court. With their departure, The Office of Chief Counsel abruptly lost a substantial amount of institutional memory and experience. Fortunately, four excellent and experienced attorneys joined our staff: Kevin Doyle, Norma Lopez, Norma Melendez and Kathy Wu.

At the end of November 2010, Presiding Justice Luis A. Gonzalez and our Court honored me with appointment as Chief Counsel. I wish to thank our Chair Roy L. Reardon for his generous support and insightful advice, as well as the dedicated members of the Policy Committee. I also wish to thank all the Justices of the Court, and in particular, Presiding Justice Gonzalez, the Justices who serve on the Liaison Committee and the Clerk of our Court, Susanna Molina Rojas, for their unwavering support of the Committee and giving us the resources needed to do our job.

Lastly, I would like to thank the entire DDC staff for their devoted service to the Committee, our Court and the public. The Staff understands that our mission to protect the public is a noble calling, and that we should always strive to achieve the level of excellence that adds to the longstanding prestige of the Committee and our Court.

A handwritten signature in black ink, appearing to read "J. Dopico", is written over a horizontal line.

Jorge Dopico  
Chief Counsel

## COMMITTEE MEMBERS

Committee members are unpaid volunteers appointed by the Court who fulfill both adjudicative and executive functions. Most significantly, they decide, after appropriate investigation by Staff, whether formal charges should be brought against an attorney, whether a private admonition should be issued, or whether the complaint should be dismissed. If formal charges are approved, the Court appoints a Referee to conduct a hearing and prepare a written report, stating the Referee's findings of fact, conclusions of law and recommended sanction. Committee Hearing Panels then review the Referee's report and recommendation, hear argument by the parties on the issues, and make an independent recommendation as to liability and sanction. Thereafter, the Court makes the final determination on both liability and sanction based on its review of the record.

In 2010, 68 Committee members served on 10 different Hearing Panels of approximately 7 members each, composed usually of 6 lawyers and 1 non-lawyer.\*

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\*In 2011, the Court appointed the following new Committee members:

Catherine A. Christian, Esq.  
Leonard F. DeLuca  
William P. Frank, Esq.  
Matthew Gaier, Esq.  
Peter C. Harvey, Esq.  
Carla A. Kerr, Esq.  
Emily F. Mandelstam

Maria D. Melendez, Esq.  
Hon. Eugene Nardelli  
Roland G. Riopelle, Esq.  
William T. Russell, Jr., Esq.  
Barbara A. Ryan, Esq.  
Frank H. Wohl, Esq.  
Richard R. Zayas, Esq.



Eleven other members of the Committee, including two non-lawyers, serve on the Policy Committee, which reviews proposed admonitions and recommendations to file formal charges. The Policy Committee also considers a wide variety of other matters, including possible rule changes, setting priorities and administrative issues. Included on the Policy Committee, as Special Counsel appointed by the Court, were Haliburton Fales, 2d, Esq., Charlotte Moses Fischman, Esq., Martin R. Gold, Esq., Myron Kirschbaum, Esq., William Francis Kuntz, II, Esq., and Stephen L. Weiner, Esq. Christopher E. Chang, Esq., was recently appointed to the Policy Committee.

The lawyers of the Committee are drawn from all areas of the profession and law firms of varying sizes, plus 13 non-lawyer members. The latter group, including business executives, a financial adviser and a former educator, serve the Committee with dedication and energy.

Below are brief biographies of all Committee members who served in 2010, highlighting their diverse accomplishments:

Roy L. Reardon (Chair)

Mr. Reardon is a partner at the law firm of Simpson Thacher & Bartlett. His professional affiliations include the American Bar Association, the New York State Bar Association, and the Association of the Bar of the City of New York. He serves as a Special Master at the Appellate Division, First Department and is a Fellow of the

American College of Trial Lawyers. Mr. Reardon was recently honored for his lifetime achievements as one of New York's and the nation's premiere attorneys at the Historical Society of the Courts of the State of New York.

Catherine M. Abate

Ms. Abate is the President and CEO of Community Healthcare Network, a not-for-profit organization dedicated to providing community-based primary care, mental health, and social services to diverse populations in underserved communities. Ms. Abate graduated cum laude from Vassar College and received her law degree from Boston University Law School. She began her professional life as an attorney at the Legal Aid Society in New York City. In 1986, Governor Cuomo appointed Ms. Abate to the position of Executive Deputy Commissioner of the New York State Division of Human Rights and in 1988, to the position of Chair of the New York State Crime Victims Board. During the Dinkins administration, she served as Commissioner of both the New York City Departments of Correction and Probation. Ms. Abate was elected as a New York State Senator in Manhattan from 1994—1998. While in the Senate, she was the ranking Democrat on the Crime Victims, Crime and Correction Committee, as well as Investigations and Government Operations Committee.

James M. Altman

Mr. Altman is a litigation partner at Bryan Cave LLP, where he focuses his practice on complex commercial litigation and issues of professional liability for lawyers. A graduate of Yale Law School, Mr. Altman is a frequent speaker and has written extensively on issues of professional ethics and the law of lawyering, including articles for the Yale Law Journal, the Fordham Law Review, Litigation Magazine, the State Bar Journal, and the New York Law Journal. Mr. Altman also taught legal ethics as an adjunct professor at the Brooklyn Law School. He has served on the ethics committees of the New York State Bar Association and the City Bar Association, and he is the past Chair of the New York State Bar Association Committee on Attorney Professionalism.

Dominic F. Amorosa

Mr. Amorosa is a sole practitioner primarily involved in defense of white collar criminal matters. He graduated from Seton Hall University and Rutgers Camden Law School. Following graduation, he served two years as Assistant United States Attorney in the District of New Jersey and in 1974 became an Assistant United States Attorney in the Southern District of New York where he served as Chief of the Narcotics Unit from 1979 to 1980 and Chief of the Organized Crime Unit from 1980 to 1981.

Eugene F. Bannigan

Mr. Bannigan graduated from Brooklyn Law School. He is counsel to the firm of Nixon Peabody LLP. Mr. Bannigan served as an Assistant United States Attorney, Southern District of New York and Chief of the Narcotics and Dangerous Drugs Section. Mr. Bannigan's practice concentrates on complex business litigation and securities and insurance law. He is a member of the Association of the Bar of the City of New York and the American Bar Association.

Patrick H. Barth

Mr. Barth is a sole practitioner engaged in trial and appellate litigation with an emphasis on commercial litigation, including insurance coverage disputes. He is a graduate of Brooklyn College and New York University Law School where he served as Managing Editor of its Law Review. Following his graduation, he served as law clerk to Judge Harry E. Kalodner, United States Circuit Judge for the United States Court of Appeals for the Third Circuit, and as an Associate at Simpson Thacher & Bartlett. In 1975 he was appointed an Assistant United States Attorney for the Southern District of New York where he represented the government in civil litigation until 1977, when he was an appointed Chief Appellate Attorney and in 1980, appointed Chief of the Civil Division. In 1981, he formed a law firm with two other former Assistant United States

Attorneys until 1986. He serves on the Mediation Panel for the United States District Court for the Southern District of New York.

Nina Beattie

Ms. Beattie is a partner in the firm of Brune & Richard LLP. Her practice focuses on white collar criminal and regulatory defense and commercial litigation. Ms. Beattie is a graduate of Dartmouth College and Yale Law School. After graduation, she served as a law clerk to the Hon. Kimba M. Wood in the United States District Court of the Southern District of New York. Ms. Beattie is a member of the Board of Directors of the City Bar Justice Center, the Fund for Modern Courts and the New York Council of Defense Lawyers.

Peter A. Bellacosa

Mr. Bellacosa is a partner of the firm of Kirkland & Ellis LLP, where he practices in the area of complex commercial litigation. He graduated from Georgetown University and received his law degree from St. John's University. He is a member of the New York State Bar Association, the Association of the Bar of the City of New York and the Federalist Society for Law & Public Policy Studies.

George Berger

Mr. Berger is a senior litigation partner at Phillips Nizer LLP, where he has practiced law as a commercial litigator and appellate lawyer for his entire career. He also chairs its insurance practice. He is a graduate of the University College of New York University and of the New York University School of Law, where he served as Associate Managing Editor of its Law Review. He has been designated as a Distinguished Neutral by the Center for Public Resources. He is a member of the American Bar Association and of the Association of the Bar of the City of New York.

Sheila S. Boston

Ms. Boston is a partner in the New York office of Kaye Scholer LLP. Her litigation practice is concentrated in class action and product liability issues. Ms. Boston received her A.B. from the Woodrow Wilson School of Public Policy and International Affairs at Princeton University in 1990; her minor was African American studies. She received her J.D. from Columbia University School of Law in 1993 and was the Topics Editor for the Journal of Law and Social Problems. She is currently the Secretary of the New York City Bar Association; Vice President of the Federal Bar Council; Membership Chair of the Federal Bar Council's American Inn of Court; and a member of the Steering Committee of Defense Research Institute's Drug and Medical Device Committee.

David Buksbaum

Mr. Buksbaum is a former vice president of news coverage and operations and director of special events for CBS News. He served as a consultant and advisor to the mayoral campaign of Richard Ravitch. He is a former member of the Directors Guild of America and Writers Guild of America. He is a recipient of the following professional honors: an Emmy, Peabody, Christopher. He also received the US Navy Meritorious Achievement Award.

John F. Cambria

John Cambria is a partner in Alston & Bird's litigation practice group, resident in the firm's New York City office. After spending some years at Simpson Thacher & Bartlett, he was a partner at Christy & Viener and its successor firm, Salans, where he co-chaired the litigation department and held a number of executive management positions. Mr. Cambria joined Alston & Bird in 2004. He has almost 35 years of experience in all aspects of civil, corporate and commercial litigation. Mr. Cambria is a graduate of the College of the Holy Cross (summa cum laude) and received his law degree from the University of Pennsylvania Law School. He is admitted to practice before state and federal courts in New York and the Supreme Court of the United States, and he has been admitted in numerous state and federal courts throughout the country on a pro hac vice basis. He is a member of the Association of the Bar of the City of New York and the

Federal Bar Council. At the Association of the Bar, he is a member of the In-house Counsel/Outside Litigation Counsel Group. Mr. Cambria is also a member of the Board of Directors of the Office of Appellate Defender, a public interest legal services organization, and the chair of the Board's Fundraising Committee. He is also a member of the College of the Holy Cross New York City Leadership Council and a member of the Historical Society of the Courts of the State of New York. For the past several years, Mr. Cambria has regularly been listed in *The Best Lawyers in America* and *New York Super Lawyers* in the field of commercial litigation.

Nicholas M. Cannella

Mr. Cannella is a partner at Fitzpatrick, Cella, Harper & Scinto. A former law clerk to the Hon. Sol Wachtler of the New York State Court of Appeals, Mr. Cannella's practice is focused on the litigation of intellectual property matters, and he has served as lead trial and appellate counsel for numerous Fortune 500 companies, both domestic and foreign. He has appeared in federal trial and appellate courts in New York and throughout the country.

Mr. Cannella serves as the senior member of his firm's Management Committee. In addition, he is an Adjunct Professor at St. John's University School of Law, where he also is a Vice-President of that school's Alumni Association Board of Directors.



Giorgio Caputo

Mr. Caputo is a Senior Analyst with First Eagle Funds, a New York-based mutual fund company, where he follows the firm's investments in a variety of industries and asset classes. Mr. Caputo is a graduate of Princeton University and Columbia Business School.

Aurora Cassirer

Ms. Cassirer is a partner in the firm of Troutman Sanders LLP. Her varied litigation practice has included banking, insurance, real estate, employment and professional liability. She is a graduate of New York University School of Law. Ms. Cassirer's publications include, "Truth and Consequences? How to Avoid Employee Claims of Defamation," by Aurora Cassirer, Scott B. Feldman, and Devin M. Ehrlich, ACC Docket, September 2006, Volume 24, No. 8; The Association of the Bar of the City of New York, "Women in Negotiation - Practical Tips To Strengthen Your Negotiation Skills," July 21, 2004. She is a member of the New York State Bar Association; New York State Women's Bar Association; American Bar Association, and Commission on Fiduciary Appointments.

Christopher E. Chang

Mr. Chang is in private practice in New York City. His area of practice is commercial and criminal litigation in federal and state courts. A graduate of New York University (B.A. '75) and Cornell Law School (J.D. '78), Mr. Chang was an Assistant District Attorney in the Manhattan District Attorney's Office under Robert M. Morgenthau from 1978 to 1982. Mr. Chang is currently a member of the New York State Judicial Institute on Professionalism in the Law and was formerly a member of the Chief Judge's Committee on Profession and the Courts (Craco Committee) and Commission on Public Access to Court Records, the Franklin H. Williams Commission on Minorities in the Judiciary, and the Board of Directors of The Legal Aid Society in New York City. From 1991 to 2001, Mr. Chang was Chair of the Judiciary Committee of the Asian American Bar Association of New York. Mr. Chang was also formerly a member of the Cornell University Council. In October 2002, Mr. Chang received the Millennium Award from the Franklin H. Williams Commission on Minorities in the Judiciary for his efforts in promoting diversity in the New York judiciary and court system. Mr. Chang was recently appointed to serve on the Policy Committee.

Ernest J. Collazo

Mr. Collazo has practiced labor and employment law for more than 35 years. He began his career with the NLRB following his graduation from Columbia Law School.

Two years later, he became an associate at Simpson Thacher & Bartlett and, within five years, became a partner. Ten years later, Mr. Collazo left to establish the predecessor firm to Collazo Florentino & Keil LLP, a boutique firm practicing management-side labor and employment law and litigation.

Mr. Collazo is a Fellow of the College of Labor and Employment Lawyers, a member of the Council on Foreign Relations and the Advisory Committee to the Rules Committee of the Second Circuit, and a former member of the Advisory Committee to the NYS Ethics Commission. He serves or has served on the boards of the Federal Defenders of NY; the September 11<sup>th</sup> Fund; the New York Community Trust; and the Washington Office on Latin America. As a City Bar member, he served on the Executive Committee, the Committee on Professional and Judicial Ethics, the Committee on Labor and Employment, the 2011 Nominating Committee, and as its representative to the NYSBA House of Delegates and its 2009 and 2010 Nominating Committees.

#### Jean E. Davis

Ms. Davis is a graduate of Hunter College (B.S., Nursing), and received a Master's Degree from Teachers College, Columbia University and a Juris Doctor from the University of Wisconsin Law School. After a multifaceted career in nursing, she served as counsel for interpretations and advice in the Office of the Solicitor/Civil Rights Division, U.S. Department of Labor; Advisor to the President, Drexel University;

Director of Affirmative Action, and later, Chief of Staff to the President at Brooklyn College, City University of New York (CUNY); and as Special Assistant to the Chief Operating Officer at City College, CUNY. Retired from her dual careers, she currently engages in a number of volunteer activities including serving as a volunteer officer of the Harlem Hospital Center Community Advisory Board.

Ralph C. Dawson

Mr. Dawson is a member of the firm of Fulbright & Jaworski LLP, and primarily engages in the practice of labor and employment law and civil litigation. He is a graduate of Columbia University School of Law. He is a member of the American Bar Association; Association of the Bar of the City New York; Metropolitan Black Bar Association of New York, and Magistrate Judges in the United States District Court for the Southern District of New York.

Sheldon H. Elsen

Mr. Elsen is a graduate of Princeton University, was a Woodrow Wilson Fellow and Teaching Fellow at Harvard University, and is a graduate of Harvard Law School. He is a partner at the law firm of Orans Elsen Lupert & Brown LLP, a neutral arbitrator and mediator at JAMS, and an Adjunct Professor of Law at Columbia Law School. He is a former vice president of the New York City Bar Association, a Fellow of the American

College of Trial Lawyers, a former Assistant U.S. Attorney for the Southern District of New York and a member of the American Law Institute.

During the New York fiscal crisis, he served as chief counsel to a Moreland Act Commission appointed by Governor Carey to investigate the default of the Urban Development Corporation on its bonds and the problems of New York's public authorities. Later, he served as Chair of a committee appointed by the New York City Bar Association at the request of Mayor Koch and the New York City Board of Estimate to investigate problems surrounding real estate developers and amenities.

Mr. Elsen previously served on the Departmental Disciplinary Committee from 1990-1996, of which the last four years were spent as Chair of a hearing panel, and he has served on the Professional Ethics Committee of the New York City Bar Association.

Haliburton Fales, 2d (Special Counsel to the Policy Committee)

Mr. Fales is a retired partner of the law firm of White & Case. He is a graduate of Columbia Law School, where he was on the Board of Editors of its Law Review. From 1991 to 1996, Mr. Fales was Chair of the Departmental Disciplinary Committee. In 1983-84 he was President of the New York State Bar Association, and in 1977-78 Vice President of the Association of the Bar of the City of New York. He serves as a Special Master at the Appellate Division, First Department, and is a Fellow of the American College of Trial Lawyers.

Rosalind S. Fink

Ms. Fink practices employment law as counsel to the firm of Brill & Meisel. She is a graduate of Barnard College and Yale Law School. She served as an Assistant Attorney General in New York and was the Director of the Office of Equal Opportunity and Affirmative Action at Columbia University and an associate professor of political science at Barnard College. She is a long-term member of the House of Delegates of the New York State Bar Association and has been an active member of the New York County Lawyers' Association for over 35 years, serving as its first woman President in 1997-98. Ms. Fink also chairs the ABA's Back to Business project, aimed at assisting women who have taken time off mid-career to raise families or for other personal reasons. Ms. Fink also was one of the founding members and serves on the executive committee of the New York American Inn of Court, which is affiliated with the New York City Bar Association.

Charlotte Moses Fischman (Special Counsel to the Policy Committee)

Ms. Fischman is the General Counsel and a litigation partner at Kramer Levin Naftalis & Frankel LLP. She is a graduate of Brandeis University and Columbia Law School, where she was a member of the Columbia Law Review. She has served on the boards of the Legal Aid Society, the New York Community Trust, the September 11<sup>th</sup> Fund, the Mexican American Legal Defense Fund, and was a Commissioner of the Ethics Commission for the Unified Court System. As a member of the Association of the Bar of

the City of New York, she served on the Executive Committee, Judiciary Committee and Committee on Professional and Judicial Ethics. In addition, she served as an Adjunct Professor of Law at Columbia Law School in the field of ethics and is presently on its Board of Visitors. She is a member of the American Law Institute. For many years she served as President of the National Alliance for the Mentally Ill- NYC Metro (“NAMI-Metro”) and is currently NAMI-Metro’s President Emeritus.

Thomas Fitzpatrick

Mr. Fitzpatrick is in private practice in his own firm, engaging in white collar criminal defense. He is a graduate of Fordham Law School. He served as an Assistant United States Attorney in the Southern District of New York and as Chief of its Criminal Division. He is a member of the New York Council of Defense Lawyers and a Fellow of the American College of Trial Lawyers.

Katherine B. Forrest

Ms. Forrest is a litigation partner at the law firm of Cravath, Swaine & Moore LLP. She has particular expertise in the areas of antitrust, intellectual property and general commercial disputes. She graduated from Wesleyan University and received her law degree from New York University School of Law. She is involved in several organizations, including the Lawyers’ Committee for Civil Rights and The Fund for

Modern Courts. Ms. Forrest is a member of the American Bar Association and the New York State Bar Association.

William L. Freeman

Mr. Freeman is Vice President of Marketing & New Business Development for Crystal McKenzie, Inc., a corporate communications firm. Mr. Freeman received a B.A. in History and Economics at Fisk University and a Masters of Arts degree, as well as a Masters of Business Administration from Boston College.

Ruth W. Friendly

Ms. Friendly received her B.A. from Smith College and her M.A. from Teachers College, Columbia University. She taught in the Scarsdale Public School system for 17 years. She is Vice-President and Senior Editor of Fred Friendly Seminars whose programs appear on PBS. She is a Commissioner on the State of New York Commission on Judicial Nomination and a member of the Independent Judicial Election Qualification Commission, First Department, New York State. She serves on the Boards of Riverdale Neighborhood House and Riverdale Senior Services, both located in the Bronx.



David R. Gelfand

Mr. Gelfand is a partner in the firm of Milbank, Tweed, Hadley & McCloy LLP, and served as the practice group leader of Milbank's national litigation department from 2001 through 2009. He is a graduate of Vanderbilt University School of Law.

Mr. Gelfand is admitted to practice before the Bars of the State of New York and the District of Columbia, the U.S. Supreme Court, the U.S. Court of Appeals for the Second, Fifth, Seventh, Tenth and Eleventh Circuits, and the U.S. District Courts for the Southern and Eastern Districts of New York, and the Eastern District of Wisconsin. He is a member of the Board of Directors of The Fund for Modern Courts, a nonprofit organization committed to improving the administration of justice in New York.

Mr. Gelfand is also a member of the American Bar Association and D.C. Bar Association, and the Association of the Bar of the City of New York where he served in the Committee on Judicial Administration.

Joseph Steven Genova

Mr. Genova has been a litigation partner of Milbank, Tweed, Hadley & McCloy LLP since 1986 and serves as the firm's Director of Public Service (pro bono programs). He is a graduate of Dartmouth College and Yale Law School. He has served and chaired numerous committees of the Association of the Bar of the City of New York, New York State Bar Association and Federal Bar Council. That service included the City Bar's

Judiciary Committee (1988-1991, Vice Chair 1990-1991); the State Bar President's Committee on Access to Justice (Co-Chair 1990-2000); and the Federal Bar Council Public Service Committee (1991 to present, Chair 1994-2000). He has been a mediator in the Eastern District of New York since 1986, and an arbitrator in the Southern District of New York since 1992. Mr. Genova has also written and lectured on ethical issues involving attorney trust accounts.

Robert J. Giuffra

Mr. Giuffra is a senior and litigation partner at Dougherty, Ryan, Giuffra, Zambito & Hession. He graduated from St. John's University, School of Law and received his Master of Laws from Brooklyn Law School. Mr. Giuffra acts as Appellant/Respondent counsel in cases in the New York Court of Appeals; Appellate Divisions; and United States Court of Appeals, and serves as trial attorney representing litigants in both state and federal courts. His bar admissions include: New York State; United States Supreme Court; United States Court of Appeals for the First, Second and Third Departments and the United States Tax Court. He is a member of the American Bar Association; New York State Bar Association and Maritime Law Association of the United States.

Robert E. Godosky

Mr. Godosky is the managing partner at Godosky & Gentile, P.C. The firm, founded by Richard Godosky and Anthony Gentile, practices primarily in the area of personal injury representing plaintiffs in all types of accident cases. Mr. Godosky graduated from Fordham University School of Law. He is a member of the Board of Directors of the New York State Trial Lawyers Association, a member of the New York County Lawyers Association and the New York State Bar Association.

Martin R. Gold (Special Counsel to the Policy Committee)

Mr. Gold is a partner in the firm of Sonnenschein Nath & Rosenthal. From 1965 to 1968, he was an Assistant United States Attorney in the Southern District of New York. Mr. Gold has been an adjunct Professor of Law at Cardozo Law School and is a member of the boards of the Lawyers' Committee for Civil Rights Under Law and New York Lawyers for the Public Interest.

John D. Gordan, III

John D. Gordan, III, is a partner at Morgan, Lewis & Bockius LLP, concentrating in litigation. A graduate of Harvard Law School, he clerked for Judge Inzer B. Wyatt of the United States District Court for the Southern District of New York from 1969 to 1971. He was an Assistant United States Attorney for the Southern District of New York

from 1971 to 1976, serving as Chief Appellate Attorney from 1973 to 1975 and Executive Assistant U.S. Attorney from 1975 to 1976.

Richard M. Greenberg

Mr. Greenberg is the Attorney-in-Charge of the Office of the Appellate Defender, a not-for-profit indigent criminal defense agency – the oldest indigent defense organization in New York City other than The Legal Aid Society – that provides high quality, client-centered appellate and post-conviction representation, and trains new lawyers in the practice of appellate advocacy. He has been involved in the practice of criminal law for more than thirty years. He currently serves on the Professional Responsibility Committee of the City Bar Association, and has previously served on the Association's Council on Criminal Justice, as well as the Judiciary and Criminal Law Committees. Mr. Greenberg also currently serves on the Appellate Courts Committee of the New York County Lawyers Association, and is a member of the New York State Bar Association, the New York State Defenders Association, the National Legal Aid and Defender Association, and the National Association of Criminal Defense Lawyers.

Maura Barry Grinalds

Maura Barry Grinalds is a litigation partner at the law firm of Skadden, Arps, Slate, Meagher & Flom LLP. She is a graduate of Harvard College and Harvard Law School. Her practice includes securities, corporate and commercial litigation in federal

and state courts and domestic and international arbitration proceedings. Ms. Grinalds is active in pro bono activities, and serves on the Board of Directors of the Southport Conservancy and on the Schools and Scholarships Committee of Harvard College. She co-edited a New York Legal Ethics Narrative on the American Legal Ethics Library, [www.law.cornell.edu/ethics](http://www.law.cornell.edu/ethics). She is a member of the Federal Bar Council, the American Bar Association, and the Association of the Bar of the City of New York.

Robert L. Haig (Special Counsel to the Policy Committee)

Mr. Haig is a litigation partner at the law firm of Kelley Drye & Warren LLP. He is a former President of the New York County Lawyers' Association. Mr. Haig has served as the Chair of the Committee on the Judiciary of the Association of the Bar of the City of New York and also chaired that Association's Council on Judicial Administration. He has served as a member of the New York State Bar Association's Executive Committee and was the founder and first Chair of that Association's Commercial and Federal Litigation Section. He is a former President of the New York Bar Foundation and a member of the American Law Institute. Mr. Haig is the Co-Chair of the Commercial Courts Task Force established by Chief Judge Judith S. Kaye to create and refine the Commercial Division of the New York State Supreme Court. On November 16, 2008, he was inducted as an Honorary Charter Member of the American College of Business Court Judges in recognition of his efforts to develop business courts in New

York and many other states and countries. Mr. Haig is the Editor-in-Chief of a five-volume treatise, entitled Commercial Litigation in New York State Courts, and of two other multi-volume treatises.

Patricia Handal

Mrs. Handal has a B.A. from Barat College in Lake Forest, Illinois. She has taught in both Ohio and New York. Mrs. Handal has been active in a variety of community organizations involving children, the homeless, the elderly and the New York Catholic Archdiocese. She is currently the coordinator of the Cause of Canonization for Terence Cardinal Cooke, the late Archbishop of New York. She serves on the Board of Catholic Charities of New York and is a member of the Board of The American Visionary Art Museum in Baltimore, Maryland.

James W. Harbison, Jr.

Mr. Harbison is counsel, and was formerly a partner, with a commercial litigation practice at Morgan Lewis & Bockius LLP. He graduated from Duke University, where he was an Angier Duke Scholar, and from Yale Law School where he was chair of the moot court program. At the New York City Bar he is serving as chair of the Committee on Senior Lawyers and has previously served on other committees: Judiciary, Council of Judicial Administration, Antitrust and Trade Regulation, and Young Lawyers. At the

New York State Bar Association, he has served as chair of the Committee on Judicial Administration and as a member of the Task Force on Court Reorganization and of the Ad Hoc Committee on the Jury System.

Gerard E. Harper

Mr. Harper is a litigation partner of Paul, Weiss, Rifkind, Wharton & Garrison LLP, and has headed the firm's ethics committee since 1991. He has served on the ethics committees of the New York State, City, and County bar associations, including service as chair of the NYCLA Committee. He is a graduate of Rutgers College and New York University School of Law, where he was Editor-in-Chief of the *Law Review*, and, before joining Paul, Weiss, was law clerk to U.S. Circuit Judge George E. MacKinnon of the U.S. Court of Appeals for the D.C. Circuit.

Patricia Hatry

Ms. Hatry, a partner in the law firm of Davis & Gilbert, is a graduate of Wellesley College and Columbia Law School. She has served as a Civil Court Small Claims Arbitrator on various committees of the Association of the Bar of the City of New York, and as a member of the boards of various charitable organizations.

Seymour W. James, Jr.

Seymour W. James, Jr. is the Attorney-in-Charge of the Criminal Practice at The Legal Aid Society. He is a graduate of Brown University and Boston University Law School. Mr. James is the Treasurer of the New York State Bar Association and a former President of the Queens County Bar Association. He serves as a member of the Committee on Character and Fitness for the Second Judicial Department and the Independent Judicial Election Qualification Commission for the 11th Judicial District.

Pamela Jarvis

Ms. Jarvis has been a partner in Gregory P. Joseph Law Offices LLC since the firm's formation in 2001. She is a graduate of Barnard College and Boston University School of Law. Following law school, she joined Fried, Frank, Harris, Shriver & Jacobson, where she was a litigation partner from 1985-1991. From 1991-1998, Ms. Jarvis was Vice President, General Counsel and Secretary of NYLCare Health Plans, Inc., a subsidiary of New York Life Insurance Company. From 1999-2001, she served as Chief of the Health Care Bureau of the New York State Attorney General's Office.

Alan R. Kaufman

Mr. Kaufman is a partner in the firm of Kelley Drye & Warren LLP where he is principally engaged in white collar criminal defense work and represents clients who are



under investigation by the Securities and Exchange Commission. He is a graduate of Lehigh University and New York University School of Law. Following his graduation, he served as a law clerk for Judge Paul Weick of the United States Court of Appeals for the Sixth Circuit. He joined the United States Attorney's Office in the Southern District of New York in 1973, where he served as Chief of the Official Corruption Unit and Chief of the Organized Crime Strike Force Unit. In 1980, he and Don Buchwald left the U.S. Attorney's Office and formed Buchwald & Kaufman. In 1999 he returned to the United States Attorney's Office as Chief of the Criminal Division where he served until 2002, and then rejoined his firm, which merged with Kelley Drye in June 2007.

Stephen E. Kaufman

Mr. Kaufman is in private practice in his own firm, engaging in general civil and criminal litigation. Having received his law degree from Columbia University, he served as an Assistant United States Attorney, Southern District of New York, where he later became Chief of the Criminal Division. He is a member of the Association of the Bar of the City of New York, American Bar Association, and Fellow, American College of Trial Lawyers.

Alfreida B. Kenny

Ms. Kenny of the Law Office of Alfreida B. Kenny concentrates her law practice in the areas of adult guardianships, trusts and estates, and real estate. Ms. Kenny also serves as a mediator. She is a graduate of Columbia Law School.

Myron Kirschbaum (Special Counsel to the Policy Committee)

Mr. Kirschbaum is a partner in the firm of Kaye Scholer, LLP, where he is engaged in complex business litigation and securities and insurance law. He received his law degree from Harvard University where he was Editor of the Harvard Law Review. After graduation, he served as a law clerk in the United States Court of Appeals for the Second Circuit.

William Francis Kuntz, II (Special Counsel to the Policy Committee)

Dr. Kuntz is a member of the firm of Baker & Hostetler LLP. He is a graduate of Harvard Law School and holds a Ph.D. in History from Harvard, as well. He is a member of the Executive Committee of the Association of the Bar of the City of New York; a member of the New York County Lawyers' Association; the New York State Bar Association; the American Bar Association; the Metropolitan Black Bar Association; and the Brooklyn Bar Association. He is a Commissioner and past Chair of the Civilian Complaint Review Board of the City of New York. He is involved in pro bono activities,

as a member of the Board of Directors of the Legal Aid Society of the City of New York, and the Brooklyn Hospital Corporation and Advisory Committee on Civil Practice in the State of New York. He is director of the Federal Bar Foundation for the Second Circuit, and a trustee of the Practising Law Institute.

Mr. Kuntz has been nominated recently to become a Federal Judge in the Eastern District.

#### Ronald Law

Ronald Law has spent his career in, both the public and private sectors -- as an advocate for education, health care, community development, business improvement and human rights. Mr. Law has held key positions in city, state and federal government -- which include two governors, a United States Senator and a New York City Mayor. He has an undergraduate degree from the State University of New York College at New Paltz and is a graduate of Harvard University's Kennedy School of Government. Currently he is the Director of Intergovernmental Relations for a government sponsored health plan.

#### Andrew M. Lawler

Mr. Lawler has his own law firm which focuses on white collar criminal defense work, SEC enforcement actions and corporate internal investigations. He is a graduate of

Fordham College and Fordham Law School. He clerked for a District Judge in the Southern District of New York and served as an Assistant United States Attorney in the same district. He is a Fellow of the American College of Trial Lawyers, a former president of the New York Counsel of Defense Lawyers and a member of the National Association of Defense Lawyers, the Federal Bar Council, the American Bar Association, and the Association of the Bar of the City of New York.

Marvin Leffler (A member of the Policy Committee)

Mr. Leffler has been president of Town Hall Foundation for the past 20 years. His principal activities and positions include: trustee associate, New York University; member of Mayor's Midtown Citizens Committee; Panelist, American Arbitration Association; President (retired), Flexible Fabricators, Inc.; member, New York Regional Board Anti-Defamation League; former Chair of the Board, National Council of Sales Organizations; past Co-Chair and Director, NYU Alumni Association; author of Sales Books published by Prentice Hall and Lecturer; listed in Who's Who in the East, and Who's Who in America.

Frank J. Loverro

Mr. Loverro is in private practice with a focus on criminal and housing law. He is a graduate of Bernard Baruch College and New York Law School. He is currently the

Chair of the Board of the Bronx County Bar Association where he is Chair of the Housing Committee and a member of the Criminal Courts Committee. He is also a member of the Columbian Lawyers, Black Bar Association of Bronx County, and Metropolitan Women's Bar Association.

Nancy B. Ludmerer

Nancy Ludmerer is counsel in Davis Polk & Wardwell LLP's Litigation Department. She graduated from the University of Pennsylvania and Boalt Hall School of Law (UC-Berkeley). Her practice focuses on complex commercial and securities cases, and she also has an active pro bono practice. In addition to representing indigent clients in matrimonial and immigration matters, most recently she was co-counsel with the Legal Aid Society and other agencies in a landmark lawsuit brought on behalf of prisoners with mental illness throughout the New York State prison system. She serves as a Civil Court Small Claims Arbitrator in Kings County, and has been a mentor in firm-sponsored alliances with New York City public high schools. She is the author of articles on legal topics in *The American Lawyer*, *The Journal of Medical Ethics* (London), and *Vogue Magazine* and of fiction in *The Kenyon Review*, *Cimarron Review*, and other literary journals. Ms. Ludmerer is a trustee of the SAJ Synagogue.

William A. Maher

Mr. Maher is a founding member of Wollmuth Maher & Deutsch LLP, where he leads the firm's litigation department. Mr. Maher received his J.D. degree from The University of Virginia School of Law, where he graduated Order of the Coif and was Managing Editor of The Virginia Law Review. Following his graduation from law school, Mr. Maher clerked for the Honorable Milton Pollack in the United States District Court for the Southern District of New York. Mr. Maher's law firm practices in the areas of complex commercial litigation and arbitration, general corporate, transactional and commercial law, and bankruptcy and reorganization.

Roger Juan Maldonado

Roger Juan Maldonado is a litigation partner at Balber Pickard Maldonado & Van Der Tuin, PC. His practice concentrates on complex civil litigation concerning real estate transactions, copyright infringement, employment matters and education law.

Mr. Maldonado serves as the New York City Bar (NYCB) designated member of the Board of Directors of the New York Community Trust and as Chair of the NYCB Council on Judicial Administration. Mr. Maldonado also serves as a Vice-President and member of the Board of Directors of United Neighborhood Houses of New York and as a Referee for the New York State Commission on Judicial Conduct. Mr. Maldonado previously served as a Vice-President of the NYCB, as a member of the Mayor's

Advisory Committee on the Judiciary and as a Co-Chair of the Real Estate and Probate Litigation Committee of the American Bar Association's Litigation Section.

Mr. Maldonado is a graduate of Yale Law School and Yale College.

Robert P. McGreevy

Mr. McGreevy is engaged primarily in commercial and appellate litigation as a sole practitioner and as counsel to Kellner Herlihy Getty & Friedman LLP. He is a graduate of Queens College and received his Juris Doctor degree from St. John's University School of Law. Following graduation, he served as Senior Law Clerk to Judge Harold A. Stevens of the Court of Appeals and later as Law Secretary to Presiding Justice Stevens; Special Administrative Assistant to Presiding Justice Francis T. Murphy, Jr.; and Law Secretary to Associate Justices Theodore R. Kupferman and Richard T. Andrias of the Appellate Division, First Department. Mr. McGreevy was the elected Town Supervisor of the Town of Lewisboro, Westchester County from 1996 to 1998, and currently serves on the Town's Board of Ethics. He is a member of the Denis McInerney NYCLA Inn of Court.

Harold F. McGuire, Jr.

Mr. McGuire is a member of the firm of Entwistle & Cappucci. He graduated from Princeton University (A.B.), and received his law degree from Columbia University.

He served as Assistant U.S. Attorney, Southern District of New York, and as Special Agent to Report to U. S. District Court, District of Columbia, on International Systems and Controls Corporation. He is a member of the Association of the Bar of the City of New York; New York State and the American Bar Associations, and Federal Bar Council.

Robert J. McGuire

Robert J. McGuire is a graduate of Iona College and St. John's University Law School where he was Editor in Chief of the Law Review. He also has a LL.M. from New York University Law School. After serving as an Assistant United States Attorney in the Southern District of New York from 1962 to 1966, he became a partner in his own firm, McGuire and Lawler, with an emphasis on white collar investigations and defense. In 1978 he was appointed Police Commissioner of the City of New York and served until 1983. Thereafter, he served as Chair and Chief Executive of Pinkerton's Inc., and subsequently, President of Kroll Associates, an international investigation firm. He has served on many Boards and Commissions and is currently the Vice Chair of the Police Athletic League.



Fitzgerald Miller

Mr. Miller is a financial adviser with the firm of Merrill Lynch. He holds a B.A. from Bernard Baruch College. He has served as a financial consultant at AXA Advisors, LLC, and Prudential Securities and as principal of Fitzgerald Miller, DBA Global Visions, where he developed business and marketing plans to help small businesses raise funding and improve operations. He also authored and independently published Your Complete and Comprehensive Guide to the SBA Guaranteed Loan Program.

Charles G. Moerdler

Mr. Moerdler is a member of the firm of Stroock & Stroock & Lavan, LLP. He received his law degree from Fordham University Law School where he was an Editor of the Law Review. He is a member and Vice Chair of the Committee on Character and Fitness in the First Department. He is a member of the Association of the Bar of the City of New York, the New York State Bar Association and the American Bar Association.

Robert G. Morvillo

Mr. Morvillo is affiliated with the New York City law firm of Morvillo, Abramowitz, Grand, Iason, Anello & Bohrer, P.C., specializing in white collar criminal defense and commercial litigation from 1973 to the present. Mr. Morvillo received a J.D. from Columbia University School of Law in 1963. Mr. Morvillo served as a law clerk to

the Honorable William B. Herlands, United States District Judge of the Southern District of New York in 1963-64. He also served in the Criminal Division of the United States Attorney's Office, Southern District of New York from 1964 to 1968 and was Chief of the Criminal Division from 1971 to 1973. Mr. Morvillo is a fellow of the American College of Trial Lawyers and former president of the New York Council of Defense Lawyers.

Mercedes A. Nesfield (A Member of the Policy Committee)

Ms. Nesfield is the retired Director of the Office of Equal Opportunity of the New York City Board of Education. She holds a B.A. from Brooklyn College and a Masters Degree in Educational Administration from Baruch College. She has served as the Executive Assistant to the President of the Board of Education of the City of New York and as Executive Director and Executive Assistant to the Chair of the New York City Commission on Human Rights.

Lynn K. Neuner

Ms. Neuner is a member of the firm of Simpson Thacher & Bartlett LLP. She practices in the areas of insurance coverage, securities, false advertising and complex commercial litigation. She graduated from Williams College and from Yale Law School, where she is Vice Chair of the Board of Directors of the Yale Law School Alumni Fund.

She is the Secretary of the Executive Committee the Association of the Bar of the City of New York, and a member of the New York State Bar Association, and the American Bar Association.

Fredric S. Newman

Mr. Newman is a founding partner of the firm of Hoguet Newman Regal & Kenney where he is engaged in commercial litigation and business counseling. He is a graduate of Harvard College and received his law degree from Columbia Law School. Before founding his present firm, he worked as a litigation associate at White & Case and served as Assistant General Counsel, Vice President, and General Counsel of Philip Morris, USA. Mr. Newman has served on various boards of civic and nonprofit institutions and currently serves on the National Advisory Board of the Johns Hopkins Berman Bioethics Institute.

Jacob Pultman

Mr. Pultman is a partner at Allen & Overy LLP, where he practices in the area of commercial litigation and regulatory investigations. He is a graduate of Brooklyn College of the City University of New York and received his J.D. from Yale Law School. He is a member of the New York State Bar Association and the New York State Trial Lawyers Association.

Robin Stratton Rivera

A video producer specializing in projects for not-for-profits, Ms. Rivera is a principal of Digital Laundry, a digital archiving and video production services company located in Manhattan. She is a graduate of Stanford University (M.S. Mechanical Engineering) and the University of Southern California School of Urban and Regional Planning (Master of Planning). Prior to launching her business, she was a producer and programming executive for ABC Sports and spent several years with the International Olympic Committee in Lausanne, Switzerland. She has served on the boards of several charitable organizations and as Vice President of the New York Junior League.

Martin S. Rothman

Mr. Rothman is a graduate of Cornell University and received his J.D. degree from New York University. He is a partner in the firm of Seligson, Rothman & Rothman. He has lectured on New York practice, appellate practice and tort law. He is a member of the New York State Bar Association and the New York State Trial Lawyers Association.

Karla G. Sanchez

Ms. Sanchez is the Executive Deputy Attorney General for Economic Justice at the New York Attorney General's Office. She was formerly a partner at Patterson Belknap Webb & Tyler LLP, concentrating her practice in commercial and intellectual property

litigation (including patents, trade dress and false advertising). She graduated cum laude from Fordham University School of Law where she was a member of the Order of the Coif, an Editor of the Fordham Intellectual Property, Media & Entertainment Law Journal, President of the Latin American Law Students Association and a member of the National Trial Advocacy Team. Her undergraduate degree is from Columbia College. Prior to joining Patterson Belknap, Ms. Sanchez served as a law clerk to the Honorable Deborah A. Batts, U.S. District Court, Southern District of New York. Ms. Sanchez was named on of the "40 under Forty" by Crain's New York Business and listed on Hispanic Business's "100 Most Influential Hispanics."

Karen Patton Seymour

Ms. Seymour is a partner at Sullivan & Cromwell where she heads the Criminal Defense and Investigations Group. She served as the Chief of the Criminal Division for the U.S. Attorney's Office for the Southern District of New York. She is a graduate of University of Texas Law School and received an LLM from the University of London Law School.

Augustin J. San Filippo

Mr. San Filippo, a 1948 graduate of New York University School of Law, has recently retired from the active practice of law and now confines his activities to pro bono

assignments, consultations and Committee services. During his 50 years as a litigator he has served as Chair, Joint Conference Committee on Court Congestion and Related Problems, by appointment of the Presiding Justices of the First and Second Department, Medical Malpractice Panel, First Department, New York State Bar Association Judicial Administration Committee, several committees of the City Bar, CLE Lecturer and Moot Court Judge.

John S. Siffert

Mr. Siffert graduated from Amherst College, cum laude, and Columbia Law School. Mr. Siffert was law clerk to Hon. Murray I. Gurfein, United States District Judge for the Southern District of New York, and served as an Assistant United States Attorney in the Southern District of New York. He is a Fellow of the American College of Trial Lawyers and is on the Board of Regents. He serves on the Executive Committee of the Association of the Bar of the City of New York and was Chair of the New York Lawyers for Public Interest. He currently serves on the Board of the Historical Society of the Courts of New York. He is a mediator for the United States District Court for the Southern District of New York and a Special Master for the First Department. Mr. Siffert has been on the adjunct faculty of New York University Law School since 1979 and currently holds the academic appointment of Adjunct Professor. Mr. Siffert has co-authored Business Crime (Matthew Bender 1981), Modern Federal Jury Instructions –

Criminal (Matthew Bender), and Modern Federal Jury Instructions – Civil (Matthew Bender).

Hon. Joseph P. Sullivan (A member of the Policy Committee)

Judge Sullivan is Of Counsel, at the firm of Holland & Knight LLP. He graduated from St. John's University LL.B and the University of Virginia, School of Law, LL.M. Prior to joining Holland & Knight LLP, Judge Sullivan served as Associate Justice of the Appellate Division, First Judicial Department – January 1, 1978 to February 15, 2000; January 1, 2002 to December 31, 2007, and served as Presiding Justice of the Appellate Division, First Judicial Department – February 16, 2000 to December 31, 2001. He also served as Justice of the Supreme Court of the State of New York, First Judicial Department, and Judge of the Civil Court of the City of New York. He was nominated ten times by the Commission on Judicial Nomination for appointment to the Court of Appeals, including twice for the office of Chief Judge.

Ronald J. Sylvestri, Jr.

President and Founder of Quail Ridge Asset Management, since 2006; a premier boutique investment consulting and advisory firm providing marketing and fund-raising services for alternative asset managers and advisory services to small and mid-sized companies. Before forming Quail Ridge Asset Management in 2006, Mr. Sylvestri was a

partner at Diamond Edge Capital Partners, where he played a key role in the firm's worldwide private equity business. Prior to joining Diamond Edge Capital Partners, Mr. Sylvestri spent seven years at Morgan Stanley, where he had investment, portfolio, and strategic responsibilities at various investment units. At Morgan Stanley, Mr. Sylvestri was primarily involved in the Sales and Marketing of equity research and equity/debt structure products. Mr. Sylvestri is an active investor in venture and start up companies. Most recently he was named Senior Partner of a New York based financial PR firm. Residing in Manhattan, Mr. Sylvestri has been heavily involved in several charitable organizations: The Children's Aid Society, NYU School of Medicine MIPC, the Alzheimer's, Association, and Arthritis Foundation and Friends of Saint Dominic. Mr. Sylvestri earned a Bachelor of Science degree in 1996, from Babson College in Wellesley, Massachusetts where he majored in Investments and Economics.

Christine Collins Tomas

Mrs. Tomas is a Managing Director in the Securities Division of Goldman Sachs, covering large fund management institutions and sovereign wealth funds. She joined Goldman Sachs International in London as a European salesperson in 1997 and moved to New York in 2004. Prior to business school, Mrs. Tomas worked for Allianz AG in Munich and Merrill Lynch International in London. She received a BA in Romance



Languages and Literatures from Harvard University in 1992 and an M.B.A. from the MIT Sloan School of Management in 1997.

Natica von Althann

Ms. von Althann is a founding partner of C&A Advisors, a consulting firm focusing on strategy and risk management for government and select financial institutions. She retired in June 2008 as the Senior Credit Risk Management Executive for Bank of America and Chief Credit Risk Officer of U.S. Trust, an investment management company. Previously, she spent 26 years at Citigroup, including in a number of senior management roles. She serves as a director of TD Bank, N.A., where she is a member of the Board Risk and Wealth Management Committees. In 2009, Ms. von Althann was appointed to the board of PPL Corporation where she is a member of the Board Audit Committee and Chair of the Finance Committee. She also serves as vice-chair of the Board of Neighbors Link, a non-profit organization in Mt. Kisco, New York.

John L. Warden

Mr. Warden is Of Counsel to the firm of Sullivan & Cromwell. He is a graduate of Harvard College and the University of Virginia Law School. He is a member of the

American Law Institute and a Fellow of the American College of Trial Lawyers. He has served the Committee for many years was Chair of one of the panels.

Stephen L. Weiner (Special Counsel to the Policy Committee)

Mr. Weiner is in private practice in his own firm specializing in complex commercial litigation and white collar investigations. He is a graduate of Columbia College and also received his cum laude law degree from Columbia University School of Law. He has been a member of the Disciplinary Committee since 1986 and its Policy Committee since 1989. He was formerly Chair of the New York State Commission of Investigation for over eight years. He is a member of the Association of the Bar of the City of New York and has been Chair of its Criminal Justice Council and its Committee on Criminal Justice operations and Budget; the American Bar Association; and a former member of the Board of Directors of the Legal Aid Society.

Susan Welsher

Ms. Welsher is a former teacher of early childhood education in Bedford Stuyvesant and English as a Second Language in East Harlem. Later, she was a paralegal and administrator at the law firms of Stroock Stroock & Lavan, Reid & Priest, and Cravath Swaine & Moore. She currently donates much of her time to a variety of civic,

cultural and charitable organizations. She has been a longtime member of the Committee and, as a panel member, has participated in many disciplinary hearings.

Milton L. Williams, Jr.

Mr. Williams is a partner at the law firm of Vladeck, Waldman, Elias & Engelhard, which is a plaintiff's employment law firm. Prior to joining the Vladeck firm in January of 2009, he was a Deputy General Counsel and the Chief Compliance Officer at Time Inc. He had been at Time Inc. since 1997. Before coming to Time, Mr. Williams was in private practice and served as Assistant U.S. Attorney in the U.S. Attorney's Office for the Southern District of New York and was an Assistant District Attorney in the New York County District Attorney's Office. He is a graduate of Amherst College and the University of Michigan Law School in Ann Arbor.

Sarah E. Zgliniec

Ms. Zgliniec is a partner at the law firm of Patterson Belknap Webb & Tyler LLP, with a concentration in complex commercial disputes, including areas of intellectual property and international arbitration. She is a graduate of Dartmouth College and New York University School of Law. After graduation, she served as a law clerk to the Honorable Reena Raggi in the United States District Court for the Eastern District of

New York. She is a member of the New York State Bar Association and the American Bar Association.

## A BRIEF OVERVIEW OF THE DISCIPLINARY PROCESS

### Complaints, Investigations and Dismissals

The disciplinary process usually commences with the filing of a complaint against an attorney, who is referred to as a “respondent.” Some 3,137 matters were opened in 2010, ~~primarily based on complaints from clients, but also from~~ other attorneys and members of the public at large. The Committee also opened *sua sponte* investigations based on information which appeared in judicial opinions, professional journals, referrals from the judiciary, dishonored check notifications from the Lawyers’ Fund for Client Protection, newspaper accounts and other sources.

Complaints are date-stamped, numbered and entered into the Committee’s computer system, which generates a printout of the respondent’s disciplinary history with the Committee, as well as current information from the respondent’s registration with the Office of Court Administration. The complaint is then screened by a staff attorney, who makes a preliminary recommendation as to whether the Committee has jurisdiction, or whether the complaint should be referred to another public agency or disciplinary committee. If it appears that there is no substantial misconduct, but there has been a breakdown of communication between the lawyer and the client, staff may refer the matter for mediation by the mediation panel of the New York County Lawyers’

Association, the Association of the Bar of the City of New York, or the Bronx County Bar Association.

The screening attorney may also recommend rejection of a complaint for any one of several reasons, e.g., the complaint seeks legal advice, is an attempt to collect a debt, or involves a fee dispute. In 2002, a mandatory mediation/arbitration program was instituted to deal with fee disputes in civil and matrimonial matters, where the representation began after January 1, 2002 and involves a dispute of more than \$1,000 and less than \$50,000.

If the complaint involves the same substantial and material allegations that will be decided in pending litigation, the Committee may defer the matter pending resolution of the litigation, which may result in a judgment binding on the respondent. Staff's recommendation to close a matter pending resolution of an ongoing litigation must be approved by a lawyer member of the Committee. In such cases, the Committee will independently monitor the progress of the litigation with a view to reopening the complaint upon resolution of the litigation. If it otherwise appears that the complaint has no merit, a lawyer member of the Committee may dismiss the matter after the initial screening.

If it appears from the complaint that a respondent may have engaged in serious professional misconduct, the "first screening attorney" brings the matter to the attention of the Chief Counsel for direct assignment to a staff attorney. If the misconduct appears to be very serious, e.g., conversion of escrow funds, the Chief Counsel instructs the

assigned attorney to expedite it. During the initial screening, a matter may also be directly assigned to a staff attorney investigating other complaints involving the same respondent.

If a matter is not closed following the initial screening, a paralegal monitors the case while preliminary information is obtained from the respondent, who is required to file an answer to the complaint, and from the complainant who is sent a copy of the respondent's answer for a reply. The paralegal then writes a summary of the allegations and defenses and refers the file to the initial or "first screening attorney" who performs a "second screening" or further evaluation of the complaint, answer and reply. The staff attorney may also recommend referral to mediation/arbitration at this point. If the staff attorney recommends dismissal, a lawyer member of the Committee reviews that written recommendation together with the file, and a draft letter to the complainant explaining why the case is being closed. A matter that warrants additional investigation is forwarded to the Chief Counsel for review and assignment to a staff attorney.

The staff attorney who is assigned to the matter may obtain further documentation, using subpoenas when necessary, may interview witnesses, including the complainant, and may question the respondent on the record and under oath (deposition).

When the investigation is complete, the staff attorney recommends dismissal, an admonition (which is private discipline), or formal charges. The Chief Counsel reviews all staff attorney recommendations to dismiss a matter from their assigned caseload

before the recommendation is reviewed by a Committee member. A Committee member must approve each recommendation for dismissal. When matters are dismissed on the merits, the closing letter to the complainant indicates the complainant's right to request reconsideration of the dismissal within 30 days.

The Committee's investigations are confidential pursuant to Judiciary Law §90(10) unless the Court orders otherwise.

### Admonitions

The Committee issues a Letter of Admonition when an investigation reveals that a respondent has violated the New York Rules of Professional Conduct (Rules)\*\*, but not seriously enough to warrant a public sanction. For example, an admonition might be issued if a respondent neglected only one legal matter and there were mitigating factors.

Although it is private and remains confidential, an admonition is a finding of professional misconduct and becomes a part of the respondent's permanent disciplinary record. The admonition will be considered in determining the extent of discipline imposed in the event that there are future charges of misconduct against a respondent (see 22 NYCRR §605.5[b]). A staff attorney's recommendation to issue an admonition is reviewed by a Deputy Chief Counsel and the Chief Counsel, and must be approved by

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\*\*The New York Rules of Professional Conduct, which became effective April 1, 2009, were promulgated by a Joint Order of the Appellate Divisions of the State of New York, dated December 30, 2008, signed by the Presiding Justice of each of the four departments. These rules replaced the Lawyer's Code of Professional Responsibility, previously referred to as the "Disciplinary Rules."



two Policy Committee members. Admonitions are not given without admissible and substantial proof of misconduct. If a respondent refuses to accept an admonition, he or she may request that the Committee file formal charges instead. In that case, staff must be able to prove the misconduct, by a preponderance of the evidence, before a Referee; or, the respondent may ask reconsideration of the admonition by the Chair. In that case the Chair sustains or vacates the admonition. In 2010, the Committee issued 68 Letters of Admonition, covering 83 separate complaints. (An admonition may be based on more than one complaint against a respondent.) Seldom do respondents demand a hearing; more often they request reconsideration from the Chair.

#### Formal Charges

A staff attorney's recommendation that formal charges be filed must be based on a demonstration of professional misconduct reviewed by the staff attorney's supervisor, a Deputy Chief Counsel, and approved by the Chief Counsel and two lawyer members of the Policy Committee. When formal charges are approved, the Chief Counsel requests that the Court appoint a Referee to hear the charges. Under the Court's rules, all hearings on formal charges are conducted by Court-appointed Referees. Respondents have the right to appear, to be represented by counsel, to cross-examine staff witnesses, and to present their own witnesses and exhibits. The proceedings before the Referee are transcribed, and are conducted in two separate parts, liability hearing and sanction

(mitigation and aggravation evidence) hearing. A Referee cannot proceed with a sanction hearing until he or she indicates that at least one charge will be sustained. A Referee should make a finding on the charges shortly after the end of the liability hearing. The Referee almost always asks the parties to submit memorandums re: liability and sanction. When the hearing, liability and sanction, is concluded, the Referee must file a written report within 60 days containing findings of facts, conclusions of law and, charges sustained or dismissed, and recommendation as to sanction.

The Chair then refers the Referee's Report to a Hearing Panel, usually consisting of at least six lawyers and a non-lawyer member of the Committee. The Hearing Panel reviews the full record of the proceedings as well as the Referee's Report and Recommendation. It then convenes to hear oral argument to determine whether to confirm, disaffirm, or modify the findings of fact, conclusions of law and sanction in the Referee's Report and Recommendation. No additional evidence may be considered at the oral argument, which is not transcribed. The Hearing Panel is required to issue its report containing its written Determination within 40 days of the argument or 10 days from the submission of briefs, whichever is shorter.

A formal hearing may result in a recommendation of disbarment, suspension, public censure, private reprimand, or dismissal. The first three, which are public discipline, are imposed only by the Court. A private reprimand may be imposed by the

Committee on its own or by referral from the Court. The Chair issues the private reprimand. (see 22 NYCRR §605.5[a][4]).

### Serious Crimes

In cases where the Court, on the Committee's motion, has determined that a lawyer has been convicted of a crime which is not a felony, but is a "serious crime" under New York's Judiciary Law §90(4)(d), the Court may assign the case to a Referee or directly to a Hearing Panel on the sole issue of sanction. In the latter case, the Hearing Panel, as the trier of fact, conducts a hearing which is transcribed, and then renders a recommendation as to what action should be taken by the Court. Serious crime cases may result in the same range of sanctions imposed in charges cases. The Court assigns most serious crimes cases directly to a hearing panel.

### Applications to the Appellate Division

Public discipline requires an order of the Court. The Committee applies to the Court by motion or petition which includes the record of the disciplinary proceedings and the Court action requested. When the Court decides to impose a public sanction, it issues an order and a written opinion which is almost always published in the New York Law Journal and is otherwise public. In matters involving a hearing on charges, the Committee files a petition, reviewed and signed by the Chair, with the Court to confirm a

Hearing Panel's Determination; or, the Chief Counsel files a motion to disaffirm a Hearing Panel's Determination.

The Committee may seek a Court order in an appropriate case applying the doctrine of collateral estoppel and finding a lawyer guilty of violating the Rules solely on the basis of prior civil or criminal court decisions without a further hearing. The petition may be granted where the findings and issues in the prior action are identical to the disciplinary issues against a respondent and where a respondent has had a full and fair opportunity to litigate in the prior proceeding. In such cases, a hearing will be held before a Referee/Hearing Panel on the issue of sanction only. Mostly, the Court assigns collateral estoppel cases directly to a Hearing Panel.

Certain other matters are also filed directly with the Court. For example, when a lawyer fails to cooperate with a Committee investigation and the lawyer's conduct otherwise poses an immediate threat to the public, the Committee may file a motion for an interim suspension, pending a hearing under 22 NYCRR §603.4(e). If the Committee obtains uncontroverted evidence that the attorney has continued to engage in the practice of law during the period of suspension, the Committee will petition the Court to disbar the attorney for violating its order.

The Committee also files a petition directly with the Court when an attorney has been convicted of a felony in New York, or the equivalent of a New York felony in another jurisdiction (see Judiciary Law §90[4]). The Committee files similar applications

if an attorney has been found guilty of an ethical violation in another jurisdiction and "reciprocal discipline" is warranted (see 22 NYCRR §603.3); if an attorney has violated a court-ordered suspension; or, has become incapacitated due to a mental or physical infirmity (see 22 NYCRR §603.16).

Hearings before Referees and Hearing Panels are normally closed to the public, except in rare cases when a respondent waives confidentiality. The Referees conduct hearings like trials, taking testimony and receiving exhibits in accordance with the rules of evidence. The Referees have broad discretion as to what is considered relevant and admissible evidence. A transcript is made of the entire proceeding. If the Court imposes public discipline, the entire record is available for public inspection at the First Department Committee on Character and Fitness located at 41 Madison Avenue, 26<sup>th</sup> Floor, New York, NY.

## REPRESENTATIVE PUBLIC DISCIPLINE CASES

In 2010, the Appellate Division, First Judicial Department, publicly disciplined 55 lawyers as follows: 14 disbarments, 10 resignations by attorneys facing charges (equivalent to disbarment), 25 suspensions and 6 public censures. Some of the cases prosecuted by Committee staff attorneys that have become a matter of public record in 2010 are reviewed below:

### Matter of Emmanuel Roy, III, 72 AD3d 117 (2010)

The Committee served respondent with 38 charges of disciplinary violations, arising from six matters, including two unrelated real estate transactions. Shortly before the disciplinary hearing, respondent was arrested and charged in federal court, along with several co-defendants, with participating in a multi-million dollar mortgage fraud scam, unrelated to the disciplinary proceeding. Respondent submitted his resignation, in which he admitted he could not successfully defend himself on the charges, including allegations that he falsified a contract of sale and other mortgage documents to reflect an inflated sale price and then pocketed the difference; misappropriated escrow funds; made material misrepresentations to the Small Claims Court, including a false affidavit; applied for a credit card by engaging in identity theft; testified falsely before the Committee; fabricated documents submitted to the Committee; neglected a client's matter; used a

false and misleading name for his law firm; and failed to maintain escrow account records. (Staff Counsel Eileen J. Shields)

Matter of Marc A. Bernstein, 78 AD3d 94 (2010)

Bernstein was disbarred on May 28, 2010, after pleading guilty to 16 counts of grand larceny, two felony counts of a scheme to defraud, and multiple felonies, including tax fraud and failure to file income tax returns. The criminal investigation began shortly after the Committee filed for respondent's interim suspension based on uncontroverted evidence that respondent had converted the settlement proceeds from several complainants' medical malpractice actions. The criminal prosecution relied initially on Committee files which the District Attorney's office obtained pursuant to a sharing order. The total amount of respondent's theft was estimated at \$2.2 million from approximately 35 people. The Lawyer's Fund for Client Protection awarded 25 claims against Bernstein, totaling \$1,508,158, which was by far the largest amount paid in 2010 for any attorney. Respondent was sentenced to two and a half to seven years of imprisonment. (Staff Counsel Eileen J. Shields)

Matter of Ronald Salomon, 78 AD3d 115 (2010)

Bernstein was suspended for three months for engaging in a pattern of neglect involving six charges of neglect concerning five separate immigration matters. In

mitigation, the Court considered respondent's cooperation with the Committee's investigation, his favorable reputation in the legal community, dedication to his clients, and his advocacy on behalf of victims of female genital mutilation. The Court did not consider his prior letter of admonition for neglect as a "true aggravating factor" because the admonition was issued after the misconduct for which he was charged had already occurred. (Staff Counsel Jun Hwa Lee)

Matter of Samuel Militello, 76 AD3d 364 (2010)

In 2005, the Committee dismissed a complaint of neglect filed against respondent because he assured the Committee that he would complete the legal matter. Thereafter, after three years of empty assurances, the Committee charged respondent. The Court suspended respondent for three months. He already had two letters of admonition for neglect. (Staff Counsel Jun Hwa Lee)

Matter of Mark Kressner, 76 AD3d 357 (2010)

By order dated July 27, 2010, the Court accepted Kressner's affidavit of resignation. Kressner acknowledged in his affidavit that he had no defense against the allegations being investigated by the Committee that he had not maintained a proper accounting ledger for his escrow account and that he placed personal funds into his IOLA account, instead of his operating account, to conceal the funds from federal and state tax



authorities. Previously, by order dated February 4, 2010, respondent was interimly suspended based on his admissions regarding the same misconduct (*Matter of Kressner*, 72 AD3d 112 [1<sup>st</sup> Dept. 2010]). (Staff Counsel Jun Hwa Lee)

Matter of Mark S. Pomerantz, 78 AD3d 32 (2010)

Pomerantz pleaded guilty in Nassau County to the reduced charge of attempted criminal possession of a forged instrument, a misdemeanor. Following a “serious crime” sanctions hearing, the Court ordered him suspended for three months. Pomerantz had been stopped by the Nassau County police, who impounded his car due to various outstanding motor vehicle infractions. Upon inspection, the police found that his car bore a registration sticker which had been forged to reflect an incorrect expiration date. Pomerantz admitted to cutting out numbers from the registration sticker of his wife’s car and affixing them to his own car. He also altered his car’s registration sticker so as to make it reflect an inaccurate expiration date. In addition, Pomerantz was aware at the time that his car had been uninsured for a year and a half and was not currently registered or inspected; failed to answer a traffic summons; had outstanding tax liens and judgments; failed to report his conviction to the Committee and, had outstanding motor vehicle infractions and violations. (Deputy Chief Counsel Raymond Vallejo)

Matter of Louis J. Posner, 80 AD3d 238 (2010)

Posner pleaded guilty to promoting prostitution in the third degree, a felony. At his plea, he admitted that he had knowingly advanced and profited from prostitution by dancers at a night club he owned and managed. Posner also admitted to engaging in sexual conduct with dancers in the private rooms in exchange for allowing them to work at the club. In addition, Posner pleaded guilty to Falsely Reporting an Incident in the Third Degree and Offering a False Instrument for Filing in the Second Degree, misdemeanors. During his plea, he admitted that, among other things, he falsely reported to the NYPD that officers attempted to extort money from him by threatening to close his night club. The Court ruled that Posner's reliance on a certificate of relief from civil disabilities in opposing the petition was unavailing and ordered him automatically disbarred. (Deputy Chief Counsel Raymond Vallejo)

Matter of Hidetoshi Cho, 77 AD3d 155 (2010)

Cho pleaded guilty, in the Southern District of New York, to conspiracy to defraud the U.S., making false statements on a loan application and mail fraud. Cho was sentenced to a prison term of two years and subsequently deported to Japan. The charges arose out of submissions by Cho and his co-defendant to the Small Business Administration, the Red Cross, Safe Horizon and other agencies and charities, falsely claiming to have suffered damage to property and loss of business as a result of the World

Trade Center attacks of September 11, 2001. Cho failed to report his conviction to the Committee as required. In ordering Cho disbarred, the Court found that a reading of the conviction together with his plea allocution established his commission of the New York felonies of Offering a False Instrument for Filing in the First Degree and Scheme to Defraud in the First Degree. (Deputy Chief Counsel Raymond Vallejo)

Matter of Samuel Bautista, 78 AD3d 75 (2010)

Baustita failed to respond to the Committee's investigation into several neglect cases. He is believed to be in the Phillippines. The Committee first filed a Notice of Motion by Publication, which was published in the NYLJ. Then, the Committee moved to suspend Bautista based on non-cooperation, which was granted on October 7, 2010. The Committee currently has a 4(g) motion pending with the Court to disbar Bautista. (Staff Counsel Scott D. Smith)

Matter of Clement Francis, 78 AD3d 106 (2010)

Francis was publicly censured for violating DR 9-102 by negligently using his escrow account as a personal account, commingling his personal funds with escrow funds, failing to maintain a ledger, and unintentionally misappropriating escrow funds. In censuring respondent, the Court noted that "an attorney who mishandles his escrow

account as a result of negligence or mistake, including commingling personal funds with client funds, should be censured.” Id. at 110. (Deputy Chief Counsel Vitaly Lipkansky)

Matter of Robert Barsch 78 AD3d 1 (2010)

Barsh was disbarred by operation of law, and his name was stricken from the roll of attorneys, after his plea of guilty to one count of Grand Larceny in the Second Degree, a Class “C” New York felony. See Judiciary Law §90(4)(e). Previously, respondent had been suspended on an interim basis as a result of his sworn admissions regarding his criminal activity, *i.e.* that he had stolen property in excess of \$50,000. (Matter of Robert Barsch, 62 AD3d 42 (2010) (Deputy Chief Counsel Vitaly Lipkansky)

Matter of Jimmie Engram, 75 AD3d 137 (2010)

The Court suspended respondent on an interim basis predicated upon respondent’s failure to cooperate with the Committee’s investigation in seven different matters, and based on uncontested evidence of professional misconduct. See 22 NYCRR 603.4(e)(1)(i), and (iii), respectively. Respondent’s misconduct included uncontested evidence that he misappropriated approximately \$30,000 in escrow funds related to a real estate transaction. (Deputy Chief Counsel Vitaly Lipkansky)

Matter of Allan H. Isaac, 76 AD3d 48 (2010)

Isaac was charged with groping a female client and asking her for oral sex. He was also charged with making highly disrespectful comments about a First Department judge. At the time of the misconduct Isaac was in his early 70's. The Referee sustained the charges and recommended a two-year suspension. The Hearing Panel determined that the inappropriate comments about the court were not subject to professional discipline because they were made in a private conversation and not uttered in the precincts of a court. It affirmed the sexual misconduct charges, however, and found Isaac's sexual overtures so egregious that it recommended a five-year suspension. The Court affirmed the Hearing Panel's conclusions of law, but disaffirmed the sanction recommendation. The Court suspended Isaac for six months, in deference to his age and otherwise unblemished record. The complainant did not cooperate with the Committee. (Deputy Chief Counsel Naomi F. Goldstein)

Matter of David A. Mahler, 76 AD3d 388 (2010)

Mahler was convicted in California of Murder in the Second Degree and Assault with a Firearm. Mahler murdered his girlfriend and seriously injured his roommate with a gun. Finding that the California statute under which Mahler was convicted is essentially similar to the New York felony of Manslaughter in the Second Degree, our Court issued an order striking Mahler's name from the roll of attorneys on the ground that he was

automatically disbarred as a result of his felony conviction in California. Mahler never practiced in the First Department or anywhere in New York. Jurisdiction attached on the basis of his admission in the First Department. At the time of his disbarment, Mahler was suspended for failure to comply with the attorney registration requirements of Judiciary Law 468-a. (Deputy Chief Counsel Naomi F. Goldstein)

Matter of Alireza Dilmaghani, 78 AD3d 39 (2010)

The Committee served Dilmaghani with a notice of 19 disciplinary charges including allegations of misrepresentations to a federal judge, neglect, non-refundable retainers, false advertising, and interacting with clients in an abusive manner. The charges were later amended by stipulation to include charge 20 concerning Dilmaghani's communications with assigned appellate counsel for a criminal client Dilmaghani had represented at trial. Enraged by counsel's "ineffective assistance of counsel arguments," Dilmaghani left a number of threatening voice mail messages and warned counsel in one letter that he would "fully cooperate with the DA to destroy your stupid and deceitful argument about my representation...and you are truly not only incompetent, but a liar as well..." [The appeal was granted.] Dilmaghani conceded the material facts underlying the charges, but contested liability. The Referee sustained only nine of the charges and recommended a three-month suspension. Upon review of the record and oral argument, the Hearing Panel disaffirmed the Referee's findings and sanction recommendation,

sustained all of the charges and recommended an 18-month suspension. The Panel also strongly recommended that Dilmaghani seek professional help to control his anger. The Committee moved to confirm the Panel's determination. Without his counsel's knowledge, Dilmaghani filed a pro se memorandum in opposition in which he variously accused the Committee of conducting "an unrelenting witch-hunt...hypocrisy, betrayal of the public trust ...engaging in ethnic animus towards those of ethnic minority or not well connected..." The Court suspended Dilmaghani for three years. (Deputy Chief Counsel Naomi F. Goldstein)

Matter of Victor Essien, 77 AD3d 232 (2010)

Disciplinary proceedings against Essien arose out of his representation of a client and his wife who retained him to prosecute an action against Metro North for injuries sustained in a trip and fall. Essien falsely notarized the clients' signatures on the civil complaint and filed the summons and complaint the following month after the statute of limitations had lapsed. In opposition to Metro North's motion to dismiss the complaint as untimely, Essien submitted an affirmation asserting that he had been lulled into delaying filing the action by Metro North's repeated promises that a settlement was imminent. Metro North denied engaging in settlement talks and there was no evidence of such negotiations. Essien was found to have engaged in misconduct involving neglect, false notarization and sworn misrepresentation to a Court. The Court censured Essien, finding

that Essien did not profit from his misconduct and that the sole misrepresentation in his affirmation to the Court concerned the extent of settlement negotiations. (Deputy Chief Counsel Naomi F. Goldstein)

Matter of Hugh A. Zuber, 80 AD3d 148 (2010)

In an order dated December 14, 2010, the Court disbarred Zuber based on his conviction in United States District Court for the Southern District of New York of two counts of the federal felony of mail fraud under 18 USC § 1341. The Court found that Zuber's admissions during the plea allocution, when read in conjunction with the counts of the information charging a scheme to defraud two former clients he represented in the sale of real estate under the mail fraud statute, satisfied the elements of three essentially similar New York State felonies that constituted proper predicates for automatic disbarment under Judiciary Law § 90 (4). Those three New York State felonies were: Scheme to Defraud in the First Degree, Grand Larceny in the Second Degree, and Criminal Possession of a Forged Instrument. (Staff Counsel Paul L. Friman)

Matter of Frank McClain-Sewer, 77 AD3d 204 (2010)

McClain-Sewer, a sole practitioner suspended on an interim basis in 2009 for failing to cooperate with the Committee's investigation of a client complaint, was thereafter formerly charged, *inter-alia*, with engaging in and receiving compensation for



preparing motions, petitions and memoranda of law for other attorneys in criminal matters while under suspension, holding himself out as a licensed attorney on a website, in violation of the order of suspension, and giving false statements and testimony before the Committee regarding his knowledge of the Court's order of suspension and his continued practice of law thereafter. The Court disbarred respondent who ignored the disciplinary proceeding despite repeated notifications. McClain-Sewer was disbarred on September 7, 2010. (Staff Counsel Kevin P. Culley)

Matter of Bjorn Holubar, 73 AD3d 214 (2010)

Holubar became the subject of seven separate and unrelated complaints of professional misconduct between July 2009 and November 2009, including the initiation of two frivolous law suits for defamation, misappropriation and conversion of client funds for his own personal expenses, neglect of four client matters and failure to pay a money judgment owed to a client. Respondent was suspended on an interim basis for his "willful noncompliance designed to impede the Committee's efforts" to obtain his cooperation with its investigation, and, for his additional misconduct of refusing to pay a lawful debt owed to a client. Holubar was disbarred on April 21, 2011. (Staff Counsel Kevin P. Culley)

Matter of Giselle M. Samuely, 80 AD3d 163 (2010)

Samuely was suspended for a period of two years based on findings that she engaged in numerous acts of deceit and dishonesty in order to cover-up neglect of immigration matters for three separate clients. Her most egregious act of deception was providing one client with an altered receipt from the U.S. Citizenship and Immigration Services (USCIS) which she created by substituting information from another client to whom the receipt had actually been issued. Samuely also provided all her clients with false letters and case numbers to use for a variety of purposes, such as applying for a driver's license and a mortgage. Samuely admitted the acts of deception and claimed she lied to her clients for fear of repercussions from failing to pursue their immigration applications as she had promised, and testified that she suffers from anxiety. The Court observed that aside from the "number and seriousness of the sustained charges" numerous aggravating factors and the absence of compelling mitigation, Samuely had been previously admonished for neglect of an immigration matter, but failed to take steps to "assure that no further lapses would occur." (Staff Counsel Ann Scherzer)

Matter of Franklin W. Topal, 77 AD3d 152 (2010)

The Court suspended Topal for four years. The Court found that Topal's long-term pattern of misconduct, including neglect of five client matters resulting in the loss of three clients' claims and lying to clients and the Committee to conceal his neglect, warranted a

suspension longer than the six month to three year range in similar cases. (Staff Counsel Orlando Reyes)

Robert A. Walters, 77 AD3d 169 (2010)

The Court suspended Walters for six months, finding no malice in Walters' failure to return promptly a retainer fee, and that he was attempting to help his client when he falsely reported the amount of his legal fees to a judge in order to obtain free investigative services for the client. A client paid Walters a \$13,500 retainer, but terminated the engagement early. The client filed a complaint with the Committee when he failed to return the unearned retainer. Walters was admonished and instructed to return the unearned fee. The client filed a second complaint when Walters still did not refund the retainer. Formal charges were filed. By the time of the petition to the Court, Walters had returned the entire retainer. (Former Deputy Chief Counsel Jorge Dopico)

## SUMMARY OF REPRESENTATIVE CASES

Although it may appear that the Committee should be engaged mainly in bringing formal charges of misconduct and conducting hearings on those charges, those obviously important functions of the Committee are only a part of the picture. A significant portion of what the Committee does in a confidential manner eventually does become public when the Court acts on motions made by the Committee.

### Interim Suspensions

The Court's rules provide that an attorney may be suspended from the practice of law pending consideration of charges against the attorney for: (1) a default in responding to pending charges of professional misconduct or failure to comply with lawful demands made in connection with an investigation; (2) a substantial admission under oath that the attorney has committed an act of professional misconduct; (3) other uncontested evidence of professional misconduct; or (4) willful failure to pay money owed to a client evidenced by a judgment or other clear and convincing evidence.

The most serious misconduct the Committee deals with involves the theft or misappropriation of money belonging to clients or held as a fiduciary. Our Court has repeatedly stated that the intentional conversion of money held as a fiduciary or for a client requires disbarment, except when there are exceptional mitigating circumstances which are rarely found. Because such misconduct immediately threatens the public

interest, the Committee's staff attorneys will seek an immediate suspension for such misconduct if there is sufficient evidence to justify the motion. In addition, the Committee's staff will seek a suspension of an attorney who fails to cooperate in answering a complaint or does not comply with lawful demands for information on records. In 2010, the Court suspended 10 lawyers on an interim basis pending resolution of the charges against them in the following cases: Matter of Hugh A. Zuber, 80 AD3d 148; Matter of Mark E. Kressner, 72 AD3d 112; Matter of Janeen S. Jones, 74AD3d 214; Matter of Bjorn Holubar, 73 AD3d214; Matter of Craig J.J. Snyder, 71 AD3d 140; Matter of Jimmie L. Engram, 75 AD3d 137; Matter of Samuel R. Bautista, 78 AD3d 75; Matter of Kenneth J. Auslander, 74 AD3d 93; Matter of Kelechi B. Amasike, 78 AD3d 78; Jerrold A. Weinstein, 70 AD3d 256; Matter of John J. Bambury, 78 AD3d 118.

The Court also has a rule unique to the First Department (see 22 NYCRR § 603.4 [g]), whereby a motion to suspend may also include a notice to the attorney that the attorney may be disbarred\*\*\* if the attorney is suspended and fails to appear or to apply in writing to the Court requesting a hearing or reinstatement within six months. In 2010, the First Department invoked 22 NYCRR § 603.4 [g] to disbar two attorneys: Matter of Barry S. Siskin, 78 AD3d 112; Matter of Jerrold A. Weinstein, 70 AD3d 256;

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\*\*\*In February 2010, Rule 604.4 (g) was amended by deleting the phrase "to appear."

### Felony Disbarments

In 2010, The First Department granted 14 motions to strike the names of attorneys convicted of felonies: Matter of Robert J. Barsch, 78 AD3d 1; Matter of Steven M. Coren, 76 AD3d 285; Matter of Francis X. Morrissey, 72 AD3d 255; Matter of James E. Gansman, 73 AD3d 1; Matter of Hidetoshi Cho, 77 AD3d 155; Matter of Louis W. Zehil, 77 AD3d 25; Matter of Brien P. Santarlas, 80 AD3d 20; Matter of Louis Posner, 80 AD3d 238; Matter of Brian C. O'Shaughnessy, 78 AD3d 36; Matter of Marc A. Bernstein, 78 AD3d 94; Matter of David A. Mahler, 76 AD3d 388; Matter of Kurt Ligos, 75 AD3d 78; Matter of Raymond B. Harding, 73 AD3d 148; Matter of Norman L. Cousins, 80 AD3d 90; Matter of Todd W. Genger, 79 AD3d 186; Matter of Craig JJ Snyder, 77 AD3d 373; Matter of Max D. Antoine, 74 AD3d 67.

### Disciplinary Resignations

The Court may permit an attorney to resign from the bar during an investigation by the Committee, or after the filing of charges, if the attorney submits an affidavit pursuant to 22 NYCRR § 603.11, acknowledging that the attorney knows the nature of potential charges and cannot defend against them. A resignation pending charges is the equivalent of disbarment. In 2010, the First Department accepted resignations under 22NYCRR § 603.11 from 10 attorneys and ordered their names stricken from the roll of attorneys: Matter of Robert A. Kahn, 76 AD3d 266; Matter of Sylvain R. Jakabovics, 77 AD3d 299;

Matter of Alan J. Shweky, 72 AD3d 269; Matter of Emmanuel Roy, 72 AD3d 117; Matter of Graham R. Taylor, 75 AD3d 150; Matter of Gail H. Telleys, 78 AD3d 86; Matter of Kehinde O. Jobi, 72 AD3d 285; Matter of Mark E. Kressner, 76 AD3d 357; Matter of Ian D. Girshek, 72 AD3d 292; Matter of Nora S. Markman, 71 AD3d 174.

### Supension as Discipline

A suspension can be ordered by the Court as discipline and also to protect the public on an interim basis. The Court imposes suspension for conviction of “serious crimes,” as defined in the Judiciary Law § 90 (4) (d), for reciprocal discipline and for misconduct. In 2010, the Court imposed suspensions for misconduct on 15 attorneys for periods ranging from three months to four years:\*\*\*\* Matter of Samuel B. Militello, 76 AD3d 364; Matter of Franklin W. Topal, 77 AD3d; Matter of Robert I. Kalina, 78 AD3d; Matter of Nilda M. De Los Santos, 77 AD3d 73; Matter of Mark S. Pomerantz, 78 AD3d 32; Matter of Giselle M. Samuely, 80 AD3d 163; Matter of Martin S. Streit, 76 AD3d 250; Matter of Allen H. Isaac, 76 Ad3d 48; Matter of Kenneth P. Sirkin, 77 AD3d 320; Matter of Alireza Dilmaghani, 78 AD3d 39; Matter of Anthony Chiofalo, 78 AD3d 9; Matter of Brenna L. Stewart, 74 AD3d 51; Matter of Robert A. Walters, 77 AD3d 169; Matter of Frederick W. Salo, 77 AD3d 30; Matter of Paul S. Block, 77 AD3d 214.

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\*\*\*\*One attorney suspended indefinitely due to mental infirmity.

## Public Censures

The least severe form of public discipline that the Court may impose is a censure (see 22 NYCRR § 605.5 [a] [3]). In 2010, The First Department issued public censures in 6 cases, all based on professional misconduct in violation of the Lawyer's Code of Professional Responsibility: Matter of Clement A. Francis, 78 AD3d 106; Matter of William B. Caits, 77 AD3d 165; Matter of Richard Garbarini, 76 AD3d 379; Matter of Victor Lawrence K. Essien, 77 AD3d 232; Matter of Leonard Leibowitz, 78 AD3d 57; Matter of Ronald S. Salomon, 78 AD3d 115.

## Reinstatements

Section 90 of the Judiciary Law and Court Rule 22 NYCRR § 603.14 permit attorneys to apply for reinstatement to the practice of law after a period of suspension or seven years after disbarment. Attorneys who are suspended for six months or less may be reinstated at the end of the period of suspension by filing with the Court and serving upon the Chief Counsel's Office an affidavit stating that the attorney has met certain requirements (see 22 NYCRR § 603.14). An attorney who has been suspended for a period of more than six months may petition the Court for reinstatement upon the expiration of the period of suspension (id.). An attorney who has been disbarred or stricken from the roll of attorneys may not petition for reinstatement until the expiration of seven years from the effective date of disbarment (id.). In such cases, the Court may refer



the matter for a hearing before a Referee or a Hearing Panel. In either case, a written report and recommendation is submitted to the Court, which issues its decision on reinstatement. In 2010, Our Court granted eight petitions for reinstatement and denied one.

### Registration Project

The Committee continued a project to suspend lawyers who have failed to register and pay required registration fees to the Office of Court Administration (OCA) in violation of Judiciary Law § 468-a. In 2010, the number of delinquent attorneys was 1646 and there was one “mass” suspension of the delinquent attorneys whose last names begin with the letters “L” through “Z.”

OCA provided a list of attorneys who failed to register for two biennial registration periods (four years), despite three written notices from OCA alerting them to comply. The Committee notified the remaining delinquent attorneys of the Committee’s motion to suspend them by publication of their names in the New York Law Journal. A database was created to manage and update the list and to coordinate the data with other disciplinary matters concerning the same attorneys.

The project is conducted by Marcy Sterling, office manager, Michelle Wang, computer specialist, and the Committee’s investigators under the supervision of Staff Counsel Kevin P. Culley.

On October 21, 2010, the Appellate Division issued orders suspending 1646 attorneys who failed to register and pay their registration dues as required by Judiciary Law § 468-a.

#### Immigration Complaints

Staff Attorney Jun Hwa Lee handles the screening of all immigration matters, and recommends the assignment of immigration cases that may involve professional misconduct. Ms. Lee also coordinates our efforts with many other agencies and prosecutors who target immigration fraud. Further, Ms. Lee supervises the Committee's use of immigration Special Counsel approved by the Court to assist the Committee.

#### Office Safety and Emergency Procedures

In addition to other duties, some involving disciplinary hearings, Lt. Gerard Hayde is in charge of taking all appropriate measures for the safety of the DDC Staff and in case of emergency.

2010

Appendix A: Committee Assignments

Roy L. Reardon, Chair  
Policy Committee

Haliburton Fales 2d (Special Counsel)  
Charlotte Moses Fischman (Special Counsel)  
Martin R. Gold (Special Counsel)  
Robert L. Haig (Special Counsel)  
Myron Kirschbaum (Special Counsel)  
William Francis Kuntz, II (Special Counsel)  
Stephen L. Weiner (Special Counsel)  
Marvin Leffler\*  
Mercedes A. Nesfield\*  
Hon. Joseph P. Sullivan

Hearing Panel Members

Panel I

John S. Siffert, Chair  
William L. Freeman\*  
David R. Gelfand  
Robert J. Giuffra  
Robin Stratton Rivera\*  
Martin S. Rothman  
Milton L. Williams, Jr.

Panel II

Christopher E. Chang, Chair  
Nicholas M. Cannella  
Sheldon Elsen  
Ronald Law\*  
Nancy B. Ludmerer  
Robert J. McGuire  
Jacob Pultman

Panel III

Lynn K. Neuner, Chair  
Peter A. Bellacosa  
Giorgio Caputo\*  
Maura Barry Grinalds  
Andrew M. Lawler  
Charles G. Moerdler  
Natica von Althann\*

Panel IV

Harold F. McGuire, Chair  
Catherine M. Abate  
Ernest J. Collazo  
Robert E. Godosky  
Patricia Handal\*  
Robert G. Morvillo  
Ronald J. Sylvestri, Jr.\*

\*Public Member

Panel V

John L. Warden, Chair  
Thomas Fitzpatrick  
Roger Juan Maldonado  
Augustin J. San Filippo  
Christine Collins Tomas\*  
Sarah E. Zgliniec

Panel VII

Fredric S. Newman, Chair  
Patrick H. Barth  
Nina Beattie  
Ralph C. Dawson  
Katherine B. Forrest  
Joseph Steven Genova  
Susan Welsher\*

Panel IX

Rosalind S. Fink, Chair  
Dominic F. Amorosa  
Aurora Cassirer  
Ruth W. Friendly\*  
Gerard E. Harper  
Pamela Jarvis  
Robert P. McGreevy

Panel VI

Seymour W. James, Jr., Chair  
David Buksbaum\*  
John F. Cambria  
Patricia Hatry  
Alan R. Kaufman  
Karen Patton Seymour

Panel VIII

Richard M. Greenberg, Chair  
James M. Altman  
Eugene F. Bannigan  
George C. Berger  
Sheila S. Boston  
Jean E. Davis\*  
Stephen E. Kaufman

Panel X

John D. Gordan, III, Chair  
James W. Harbison, Jr.  
Alfreida B. Kenny  
Frank J. Loverro  
William A. Maher  
Fitzgerald Miller\*  
Marian E. Silber

\*Public Member

2010

Appendix B: Chief Counsel's Office: Attorneys

Alan W. Friedberg\*  
Jorge Dopico  
Chief Counsel

Sherry K. Cohen\*  
First Deputy Chief Counsel  
Angela Christmas  
Mady J. Edelstein\*  
Naomi F. Goldstein  
Vitaly Lipkansky  
Raymond Vallejo  
Deputy Chief Counsel

Jeremy S. Garber  
Special Trial Counsel

Mary Louise A. Biunno\*  
Nicole Corrado  
Kevin P. Culley  
Kevin Doyle  
Paul Friman  
Joseph J. Hester\*  
Roberta N. Kolar  
Jun Hwa Lee  
Norma Lopez  
Stephen P. McGoldrick  
Norma Melendez  
Kevin E. F. O'Sullivan  
Elizabeth A. Palladino  
Kim Petersen\*  
Orlando Reyes  
Ann E. Scherzer  
Eileen J. Shields  
Scott D. Smith  
Kathy Wu

\*Staff members' service ended in 2010.

2010

Appendix C: Chief Counsel's Office: Staff

Investigators

Vincent C. Raniere, Chief\*  
John Puglise  
George Cebisch  
Martin Schwinger  
Michael Vega\*  
Leonard Zarrillo  
Anthony Rodriguez

Paralegals

Rebeca V. Taub, Chief  
Richardo Aguirre\*\*  
Vivian Gonzalez\*\*  
Donna Killian  
Eileen McNerney\*  
Joel Peterson

Clerks

Virgil Cruz  
George Ramos\*\*

Court Officer

Lt. Gerard Hayde

Computer Personnel

Michelle Y. Wang, LAN Administrator  
Charles A. Sauer

Office Manager

Carol Scheuer\*  
Marcy Sterling

Administrative Assistants

Anna Abbate\*  
Francine N. L. Ali\*  
Nancy K. De Leon  
Eartha Hobot  
Monique Hudson  
Tennille Millhouse  
Tina Nardelli  
Celina Nelson  
Hermine Otto  
Gloria Rodriguez  
Maria L. Vera\*

\*Staff member's service ended in 2010.

\*\*Staff member's service ended in 2011.

2010

Appendix D: Bar Mediators

Association of the Bar of the City of New York

Bruce D. Angiolillo, Esq.  
Mark S. Arisohn, Esq.  
Vivian O. Berger, Esq.  
Joseph Calderon, Esq.  
David Douglas, Esq.  
Chris Stern Hyman, Esq.  
Andrew D. Kaiser, Esq.  
Hal R. Lieberman, Esq.  
John Madden, Jr., Esq.

K. Ann McDonald, Esq.  
T. Gorman Reilly, Esq.  
David M. Rubin, Esq.  
Eileen Caufield Schwab, Esq.  
Briscoe R. Smith, Esq.  
Harvey A. Strickon, Esq.  
Edward G. Williams, Esq.  
Melvin F. Williams, Esq.

Bronx County Bar Association

Daniel Chavez, Esq.

Richard M. Copeland, Esq.

New York County Lawyers' Association

David A. Botwinik, Esq.  
David N. Brainin, Esq.  
John A. Cannistraci, Esq.  
Faith Colish, Esq.  
Klaus Eppler, Esq.

Alan J. Goldberg, Esq.  
M. Robert Goldstein, Esq.  
Hon. Millard L. Midonick  
Edward E. Morris, Jr., Esq.  
Joseph B. Russell, Esq.

Appendix E: Annual Report to OCA



**ATTORNEY DISCIPLINE ACTIVITIES**PERIOD COVERED: ANNUAL 2010

FIRST JUDICIAL DISTRICT

FIRST DEPARTMENT

**I. MATTERS PROCESSED:\***

A. Matters Pending at Start of Period	<u>1189</u>	
B. New Matters During Period	<u>3137</u>	<u>[4783*]</u>
C. Closed Matters Reactivated During Period	<u>45</u>	
D. Total Matters to be Processed During Period (A+B+C)		<u>4371</u>
E. Total Matters Disposed of During Period		<u>3116</u>
F. Matters Pending at End of Period		<u>1255</u>

**II MATTERS DISPOSED OF BY COMMITTEE:**

	Cases**	Matters
A. Rejected as Failing to State a Complaint	<u>440</u>	<u>400</u>
B. Referred to Other Disciplinary Committees	<u>392</u>	<u>389</u>
C. Referred to Other Agencies	<u>58</u>	<u>55</u>
D. Dismissed or Withdrawn	<u>1859</u>	<u>1805</u>
E. Dismissed through Mediation	<u>11</u>	<u>18</u>
F. Letter of Caution	<u>n/a</u>	<u>n/a</u>
G. Letter of Admonition	<u>83</u>	<u>68</u>
H. Reprimand (after hearing)	<u>0</u>	<u>0</u>
I. Referred to Appellate Division (Disc. Proc.)	<u>273</u>	<u>129</u>
		<u>[1646*]</u>
Total Disposed of During Period (same as I.E above.)	<u>3116</u>	<u>2857</u>

**III. CASES PROCESSED IN ALL COURTS:**

A. Cases Pending at Start of Period		<u>38</u>
1. Disciplinary Proceedings	<u>30</u>	
2. Other	<u>8</u>	
B. Cases Received During Period		<u>142</u>
1. Disciplinary Proceedings	<u>72</u>	
2. Other	<u>70</u>	
C. Total to be Processed During Period		<u>180</u>

\* Includes 1646 attorneys suspended for nonpayment of registration fees; also included in totals of II - I. (Cases/matters)

**ATTORNEY DISCIPLINE ACTIVITIES** (01-12/10)

D.	Cases Closed		
	1. Disbarred	23	
	<b>2. Disciplinary Resignations</b>	12	
	3. Suspended***	21	
	4. Censured	6	
	5. Privately Censured	4	
	6. Remanded to Disciplinary Committee	11	
	7. Discontinued	3	
	8. Dismissed	1	
	9. Reinstatements Granted	9	
	10. Reinstatements Denied	5	
	<b>11. Non-Disciplinary Resignations</b>	0	
	12. All Other Dispositions	42	
	13. Total Closed		137
E.	Total Cases Pending at End of Period		43
	1. Disciplinary Proceedings	22	
	2. Other	21	

For the purposes of this report, the term "Matter" includes the following;

1. Complaints
2. Inquiries (**Excluding telephone inquiries**)
3. Sua Sponte investigations

\* In the First Dept., "matters" does not include inquiries.

\*\*Cases refers to the number of respondent/attorneys. As some attorneys are the subject of multiple complaints, the number of matters may exceed the number of cases.

\*\*\*Includes (3) definite, (0) interim and (0) indefinite suspensions.

Appendix F: Budget for Fiscal Year 2010-2011

Departmental Disciplinary Committee Budget  
Fiscal Year 2010-2011

**Appendix F: Budget for Fiscal Year 2010-2011**

**Departmental Disciplinary Committee Budget  
Fiscal Year 2010-2011**

	<b><u>Allocation</u></b>
<b>Personal Service Total:</b>	<b>\$ 4,684,674</b>
<b><u>Non-Personal Service:</u></b>	
Office Supplies	42,000
EDP	4,000
Legal Reference - General	27,000
Miscellaneous Supplies and Materials	10,000
Travel General	4,600
Rentals of Equipment	28,000
Repairs of Equipment	27,500
Repairs of Structure	- 0 -
Real Estate Rentals	1,000
Conferences/Training	1,400
Postage and Shipping	23,000
Printing General	7,500
Telephones	7,000
EDP Telecommunication Charges	1,250
Information Technology Services	2,000
Building and Property Services	5,600
Subscriptions	4,800
Other General Services	17,000
Records Management Services	25,000
Professional Services - Expert Witnesses	4,000
Professional Services - Interpreters	300
Transcript Costs - General	70,000
Computer Assisted Legal Research	- 0 -
Other Court Services	13,250
Professional Services Per Diem Court Reporters	- 0 -
Equipment - New/Replacement	14,000
<b>Non-Personal Service Total:</b>	<b>\$ 340,200</b>
<b>TOTAL BUDGET FISCAL YEAR 2010-2011</b>	<b>\$ 5,024,874</b>

Appendix G: Sample Complaint Form

SUPREME COURT, APPELLATE DIVISION  
FIRST JUDICIAL DEPARTMENT  
DEPARTMENTAL DISCIPLINARY COMMITTEE  
61 BROADWAY, 2<sup>ND</sup> FLOOR  
NEW YORK, NEW YORK 10006  
(212) 401-0800

Jorge Dopico  
Chief Counsel

Complainant(s):

DATE: \_\_\_\_\_

Mr.( ) Ms.( ) Mrs.( ) \_\_\_\_\_  
Last First Initial

Address: \_\_\_\_\_ Apt. No. \_\_\_\_\_

City State Zip Code

Telephone: Home: ( ) \_\_\_\_\_ Business: ( ) \_\_\_\_\_

Attorney Complained of:

Mr.( ) Ms.( ) Mrs.( ) \_\_\_\_\_  
Last First Initial

Address: \_\_\_\_\_ Apt. No. \_\_\_\_\_

City State Zip Code

Telephone: Home: ( ) \_\_\_\_\_ Business: ( ) \_\_\_\_\_

\*\*\*\*\*

Complaints to other agencies:

Have you filed a complaint concerning this matter with another Bar Association, District Attorney's Office or any other agency:

If so, name of agency: \_\_\_\_\_

Action taken by agency: \_\_\_\_\_

\*\*\*\*\*

Court action against attorney complained of:

Have you brought a civil or criminal action against this attorney? \_\_\_\_\_

If so, name of court: \_\_\_\_\_ Index No. \_\_\_\_\_

\*\*\*\*\*

PLEASE PRINT LEGIBLY OR TYPE IN ENGLISH

Start from the beginning and be sure to tell why you went to the attorney, when you had contact with the attorney, what happened each time you contacted the attorney, and what it was that the attorney did wrong. With this form, please send this office copies of all papers that you received from the attorney.

