

3. This affirmation is based upon information contained in files and records maintained by petitioner.

4. This affirmation is submitted in support of petitioner's application for an order pursuant to Atty. Disc. Rules §1240.9(a)(5) and Court Rules §806.9, suspending those attorneys, whose names are listed on **Exhibit "A"** annexed hereto ("respondents" or "attorneys"), from the practice of law due to uncontroverted evidence of professional misconduct as a result of respondents' failure to re-register with the Office of Court Administration, Attorney Services-Registration ("OCA"), and fulfill their registration obligations in violation of Judiciary Law §468-a and 22 NYCRR §118.1.

5. Petitioner has compiled a list of attorneys ("list") who have failed to re-register with OCA for at least one or more biennial registration periods and to date, remain delinquent with respect to their registration obligations. The names of the attorneys who have failed to re-register with OCA as stated above are listed on Exhibit "**A**" and said exhibit is annexed hereto and made a part of the instant application.

6. Petitioner compiled said list, in part, based on a review of OCA's Attorney Services-Registration Records ("OCA records").

7. A review of the OCA records for the respondents shows that each respondent's registration status is "delinquent", and respondents are delinquent for one or more registration periods. Due to the volume of the OCA records, petitioner has not submitted copies of the same and instead, respectfully refers this Court to the OCA records for each respondent.

8. Petitioner confirmed that the attorneys listed on **Exhibit "A"** have, to date, failed to fulfill their biennial registration obligations and/or pay their biennial registration fees.

9. The Affidavit of Samuel Younger, Chief Management Analyst for the OCA Attorney Registration Unit, is submitted herewith in support of petitioner's application. Mr. Younger explains the steps taken by OCA to give notice to the respondents of their delinquent registration status and failure to re-register, including the mailing of three separate notices to the respondents.

10. Judiciary Law §468-a(5) provides that an attorney's non-compliance with the registration requirements constitutes "conduct prejudicial to the administrative of justice" and directs "disciplinary action".

11. An attorney's failure to comply with the provisions of Judiciary Law §468-a constitutes conduct prejudicial to the administration of justice and renders an attorney subject to disciplinary action. *See, Matter of Attorneys in Violation of Judiciary Law §468-a*, 208 A.D.3d 1421 (3rd Dept. 2022), ("the Rules of Professional Conduct explicitly define 'conduct that is prejudicial to the administration of justice' as attorney misconduct (see Rules of Professional Conduct [22 NYCRR 1200.0] rule 8.4[d]), and this Court has repeatedly and consistently held that an attorney's failure to comply with his or her registration requirements is professional misconduct warranting the imposition of discipline (internal citations omitted)."). *See also: Matter of Attorneys in Violation of Judiciary Law §468-a*, 172 A.D.3d 1706 (3rd Dept. 2019); *Matter of Attorneys in Violation of Judiciary Law §468-a*, 185 A.D.3d 1373 (3rd Dept. 2020); *Matter of Attorneys in Violation of Judiciary Law §468-a*, 198 A.D.3d 1068 (3rd Dept. 2021).

12. Moreover, as this Court has held, an attorney's longstanding registration delinquency is indicative of their lack of interest in their fate as an attorney in New York State.

See, Matter of Ezeala, 163 A.D.3d 1348 (3rd Dept. 2018); *Matter of Friedman*, 166 A.D.3d 1208 (3rd Dept. 2018); *Matter of Tambolini*, 155 A.D.3d 1302 (3rd Dept. 2017).

13. Petitioner has presented uncontroverted evidence that respondents have engaged in professional misconduct by failing to fulfill their attorney registration obligations for one or more biennial registration periods and remain delinquent in those obligations to date, which misconduct is in violation of the New York Rules of Professional Conduct, Rule 8.4(d) [engaging in conduct prejudicial to the administration of justice].

14. Petitioner respectfully submits that respondents' persistent failure to honor the attorney registration obligations immediately threatens the public interest by jeopardizing the honor and integrity of the profession and encouraging other attorneys to engage in similar misconduct by disregarding their attorney registration obligations with no consequence for doing so. Respondents' misconduct warrants their suspension from the practice of law.

15. As the respondents listed on **Exhibit "A"** cannot with due diligence be served personally with this Order to Show Cause seeking an order of suspension, and given the repeated efforts of OCA to gain respondents' compliance with the registration requirements by means of multiple notices, respondents' persistent delinquencies with their attorney registration obligations, and pursuant to Judiciary Law §90(6), it is respectfully submitted that service of petitioner's application be made by: (1) publication on this Court's website at www.courts.state.ny.us/ad3, commencing on or before July 7, 2023, and continuing thereafter until the return date of this motion; (2) publication on this Court's Twitter account, @NYAppDiv3, on each Friday of the successive weeks during the period commencing on July 7, 2023, and ending on the return date of this motion; (3) email to respondents at any and all email addresses on file with the Office of

Court Administration ("OCA"), on or before July 7, 2023; and (4) first-class mail sent on or before July 10, 2023, to the home address most recently provided to OCA by those respondents not having an email address on file with OCA, be deemed good and sufficient service.

16. No previous application has been made for the relief requested herein or for any similar relief.

WHEREFORE, it is respectfully requested that an order be granted pursuant to the Atty. Disc. Rules §1240.9(a)(5) and Court Rules §806.9, suspending respondents whose names are listed on **Exhibit "A"**, from the practice of law due to uncontroverted evidence of professional misconduct as a result of their failure to fulfill their attorney registration obligations, together with such other further and different relief as this Court deems just and proper.



Monica A. Duffy, Chief Attorney

Dated this 30th day
of June, 2023