

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 **Exhibits "A", "B", and "C"** annexed hereto ("respondents" or "attorneys"), from the practice of law due to uncontroverted evidence of professional misconduct as a result of respondents' failure to register with the Office of Court Administration, Attorney Services-Registration ("OCA"), in violation of Judiciary Law §468-a and 22 NYCRR §118.1.

5. OCA has compiled a report of attorneys ("report") who have failed to re-register with OCA for the biennial registration periods of 2020-2021 and 2021-2022, and to date, remain delinquent with respect to their registration obligations.

6. The report was provided to the petitioner for its investigation and appropriate action.

7. Petitioner has reviewed the report and has separated the attorneys listed in the report into one of three groups as follows: (A) those attorneys whose last OCA registration address is within New York State [**Exhibit "A"**], (B) those attorneys whose last OCA registration address is out of State [**Exhibit "B"**], and (C) those attorneys whose last OCA registration address is out of Country [**Exhibit "C"**]. The names of the attorneys are listed in **Exhibits "A", "B", and "C"** as set forth above, and said exhibits are annexed hereto and made a part of petitioner's application.

8. A review of OCA's Attorney Services-Registration records for the respondents shows that each respondent's registration status is delinquent and the delinquent biennial registration periods are 2020-2021 or 2021-2022, and thereafter. Due to the volume of OCA

records, petitioner has not attached copies of the same and instead, respectfully refers this Court to OCA's Attorney Services-Registration records for each respondent.

9. Petitioner has reviewed the report and confirmed that the attorneys that are listed therein have, to date, failed to fulfill their attorney registration obligations and/or pay their biennial registration fees.

10. The Affirmation of Sam Younger, Chief Management Analyst for the OCA Attorney Registration Unit, dated May 23, 2024, is submitted herewith in support of petitioner's application. Mr. Younger explains the steps taken by OCA to provide notice to the respondents of their delinquent registration status and failure to re-register, including the mailing of three separate notices to the respondents, along with a Delinquent Notice to most respondents.

11. 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".

12. 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 Hanson*, 146 A.D.3d 1229 (3rd Dept. 2017), ("...[t]he Rules of Professional Conduct explicitly define conduct which 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 failure to comply with registration requirements is professional misconduct warranting 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, 198 A.D.3d 1068 (3rd Dept. 2020); Matter of Attorneys in Violation of Judiciary Law §468-a, 208 A.D.3d 1421 (3rd Dept. 2022).

13. 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 Moses, 206 A.D.3d 1440 (3rd Dept. 2022); Matter of Kahn, 210 A.D.3d 1236 (3rd Dept. 2022); Matter of Jones, 212 A.D.3d 1068 (3rd Dept. 2023).

14. Petitioner has presented uncontroverted evidence that respondents have engaged in professional misconduct by failing to fulfill their attorney registration obligations for more than two biennial registration periods (four or more years) 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).

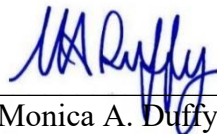
15. Petitioner respectfully submits that respondents' persistent failure to comply with the attorney registration obligations immediately threatens the public interest by jeopardizing the honor and integrity of the profession and encouraging other attorneys to engage in similar misconduct by disregarding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

16. As the respondents listed on **Exhibits "A", "B", and "C"** annexed hereto cannot with due diligence be served personally with the instant Order to Show Cause, 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 requested that service of petitioner's application be made on respondents by: (1) publication on this Court's website at

www.courts.state.ny.us/ad3, commencing on or before June 4, 2024, and continuing thereafter until the return date of this motion; (2) email to respondents at any and all email addresses on file with OCA for those respondents having an email address on file with OCA, on or before June 4, 2024; and (3) first-class mail to any and all mailing addresses on file with OCA for those respondents not having an email address on file with OCA, on or before June 4, 2024, be deemed good and sufficient service.

17. 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 Atty. Disc. Rules §1240.9(a)(5) and Court Rules §806.9, suspending respondents, whose names are listed on **Exhibits "A", "B", and "C"**, 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 22nd day
of May, 2024