

**Nicholas C. Cooper Represented the Lawyer/Respondent
In the Following Attorney Disciplinary Cases**

1. *In re Russakoff*, No. 93, COURT OF APPEALS OF NEW YORK,, 79 N.Y.2d 520; 593 N.E.2d 1357; 583 N.Y.S.2d 949; 1992 N.Y. LEXIS 1293, April 1, 1992, Argued, May 5, 1992, Decided

OVERVIEW: Order temporarily suspending attorney from the practice of law failed to comply with the necessary requirements where attorney denied any misconduct and trial court failed to state the reason for suspension order.

CORE TERMS: interim suspension, misconduct, disciplinary, final disposition, uncontroverted, suspended, uncontroverted evidence, respondent attorney, practice of law, public interest ...

2. *In re Rizzo*, SUPREME COURT OF NEW YORK, APPELLATE DIVISION, SECOND DEPARTMENT, 2007 N.Y. Slip Op. 00314; 2007 N.Y. App. Div. LEXIS 439, January 16, 2007, Decided

OVERVIEW: An attorney was disbarred after having entered a plea of guilty to scheme to defraud in the first degree, a class E felony.

3. *In re Just*, M-5372, SUPREME COURT OF NEW YORK, APPELLATE DIVISION, FIRST DEPARTMENT, 2006 N.Y. Slip Op. 10148; 825 N.Y.S.2d 641; 2006 N.Y. App. Div. LEXIS 15823, December 28, 2006, Decided

OVERVIEW: An attorney was disbarred after having entered a plea of guilty to scheme to defraud in the first degree, a class E felony.

4. *In re Mann*, M-5371, SUPREME COURT OF NEW YORK, APPELLATE DIVISION, FIRST DEPARTMENT, 2006 N.Y. Slip Op. 10149; 2006 N.Y. App. Div. LEXIS 15842, December 28, 2006, Decided

OVERVIEW: An attorney was disbarred after having entered a plea of guilty to scheme to defraud in the first degree, a class E felony.

5. *In re Teschner*, M-4265, M-5187 , SUPREME COURT OF NEW YORK, APPELLATE DIVISION, FIRST DEPARTMENT , 7 A.D.3d 46; 776 N.Y.S.2d 6; 2004 N.Y. App. Div. LEXIS 4512, April 15, 2004, Decided, THE LEXIS PAGINATION OF THIS DOCUMENT IS SUBJECT TO CHANGE PENDING THE RELEASE OF THE FINAL PUBLISHED VERSION., Later proceeding at *In re Teschner*, 2004 N.Y. App. Div. LEXIS 11153 (N.Y. App. Div. 1st Dep't, Sept. 23, 2004)

OVERVIEW: Attorney who represented an estate and was trustee for the beneficiaries was subject to disciplinary action when he failed to deposit a check from the estate into the trust because in totality, the matter involved a

"legal matter entrusted to him."

CORE TERMS: neglect, legal matter, entrusted, divorce, fiduciary, executor, deposit, confirm, appropriate sanction, failure to file ...

6. *In re Mahoney*, M-1884 M-2705 , SUPREME COURT OF NEW YORK, APPELLATE DIVISION, FIRST DEPARTMENT , 3 A.D.3d 197; 771 N.Y.S.2d 13; 2004 N.Y. App. Div. LEXIS 403, January 20, 2004, Decided, January 20, 2004, Filed

OVERVIEW: Attorney who was convicted of three felonies in New Jersey after he forged clients' signatures and failed to pay clients their share of settlement proceeds was entitled to hearing to determine if license to practice law in New York should be revoked.

CORE TERMS: misapplication, practice of law, felony, theft, convicted, entrusted, grand larceny, third degree, misdemeanor, settlement ...

7. *In re Tartaglia*, 2001-00151 , SUPREME COURT OF NEW YORK, APPELLATE DIVISION, SECOND DEPARTMENT , 304 A.D.2d 240; 760 N.Y.S.2d 55; 2003 N.Y. App. Div. LEXIS 4004, April 14, 2003, Decided, Later proceeding at *In re Tartaglia*, 2005 N.Y. App. Div. LEXIS 6588 (N.Y. App. Div. 2d Dep't, June 13, 2005)

OVERVIEW: A special referee's report sustaining seven out of eight charges of professional misconduct against an attorney concerning his attorney trust account and escrow account was confirmed as to six charges, and the attorney was suspended for one year.

CORE TERMS: trust account, fitness to practice law, adversely, practice of law, deposit, failing to maintain, suspended, caution, cleared, counselor-at-law ...

8. *In re Quintana*, 2001-11173 , SUPREME COURT OF NEW YORK, APPELLATE DIVISION, SECOND DEPARTMENT , 304 A.D.2d 197; 758 N.Y.S.2d 123; 2003 N.Y. App. Div. LEXIS 3733, April 7, 2003, Decided

OVERVIEW: Where an attorney was found to have committed an act of professional misconduct in having paid a non-attorney for the referral of a personal injury matter and there was mitigation evidence, he was publicly censured.

CORE TERMS: cross motion, discipline, mitigation, confirm, professional misconduct, publicly, censured, isolated, respondent filed, disaffirmed ...

9. *In re Santalone*, M-3871, M-4223 , SUPREME COURT OF NEW YORK, APPELLATE DIVISION, FIRST DEPARTMENT , 301 A.D.2d 265; 750 N.Y.S.2d 272; 2002 N.Y. App. Div. LEXIS 11199, November 19, 2002, Decided, Judgment entered by *In re Santalone*, 303 A.D.2d 288, 759 N.Y.S.2d 652, 2003 N.Y. App. Div. LEXIS 3115 (N.Y. App. Div. 1st Dep't, Mar. 20, 2003)

OVERVIEW: Because an attorney engaged in acts of paying referral fees to an informant for the district attorney's office, as part of a sting operation, the attorney was suspended from practice for three months.

CORE TERMS: practice of law, suspended, referral, conclusions of law, findings of fact, suspension, confirm, mitigation, misconduct, surgery ...

10. *In re Butin*, 2001-01710 , SUPREME COURT OF NEW YORK, APPELLATE DIVISION, SECOND DEPARTMENT , 301 A.D.2d 193; 750 N.Y.S.2d 619; 2002 N.Y. App. Div. LEXIS 11242, November 18, 2002, Decided, As Amended November 20, 2002. As Amended March 12, 2003.

OVERVIEW: Disbarment was the only appropriate sanction for a New York attorney who took financial advantage of a series of defenseless elderly clients.

CORE TERMS: guardian, nursing home, respondent failed, transferred, entrusted, guardianship, legal fees, mitigation, confirm, appointed ...

11. *In re Ozer*, M-5041, SUPREME COURT OF NEW YORK, APPELLATE DIVISION, FIRST DEPARTMENT, 287 A.D.2d 196; 733 N.Y.S.2d 31; 2001 N.Y. App. Div. LEXIS 11002, November 15, 2001, Decided

OVERVIEW: Where the attorney was convicted of a felony, and the crime was serious, the attorney's name was removed from New York's roll of attorneys.

CORE TERMS: resignation, roll, practice of law, serious crime, stricken, professional misconduct, accessory, accepting, interim suspension, nunc pro tunc ...

12. *In re Rusczyk*, M-951, M-1727, SUPREME COURT OF NEW YORK, APPELLATE DIVISION, FIRST DEPARTMENT, 285 A.D.2d 228; 728 N.Y.S.2d 29; 2001 N.Y. App. Div. LEXIS 7496, July 19, 2001, Decided, July 19, 2001, Filed

OVERVIEW: An attorney was stricken from the roll of attorneys in New York, because his conviction of a federal charge of importing the drug Ecstasy was a basis for automatic disbarment, as the charge was essentially similar to a New York felony.

CORE TERMS: pills, Penal Law, controlled substance, allocation, possessed, felony offense, felony, gram, intent to sell, criminal possession ...

13. *In re Linn*, 1999-02255, SUPREME COURT OF NEW YORK, APPELLATE DIVISION, SECOND DEPARTMENT, 280 A.D.2d 230; 720 N.Y.S.2d 529; 2001 N.Y. App. Div. LEXIS 1889, February 13, 2001, Decided

OVERVIEW: The Special Referee's report which sustained the professional misconduct charge against respondent was confirmed, as the charge was uncontested. Under the totality of circumstances, respondent was given a one-year suspension.

CORE TERMS: suspended, practice of law, confirm, professional misconduct, serious crime, tax evasion, counselor-at-law, undertook, disbarred, totality ...

14. *In re Kidan*, 2000-05904, SUPREME COURT OF NEW YORK, APPELLATE DIVISION, SECOND DEPARTMENT, 276 A.D.2d 234; 715 N.Y.S.2d 344; 2000 N.Y. App. Div. LEXIS 11693, November 13, 2000, Decided

CORE TERMS: resignation, disbarred, effective immediately, counselor-at-law, counselors-at-law, stricken, roll, professional misconduct, practice of law, restitution ...

15. *In re Ozer*, M-1315, SUPREME COURT OF NEW YORK, APPELLATE DIVISION, FIRST DEPARTMENT, 271 A.D.2d 119; 707 N.Y.S.2d 172; 2000 N.Y. App. Div. LEXIS 5371, May 9, 2000, Decided

OVERVIEW: An attorney was convicted of a serious crime justifying his suspension until further proceedings in which he can show why he should not be censured, suspended, or disbarred.

CORE TERMS: serious crime, felony, practice of law, suspension, disbarment, convicted, final order, accessory, censure, recommendation ...

16. *In re Horwitz*, M-1163, SUPREME COURT OF NEW YORK, APPELLATE DIVISION, FIRST DEPARTMENT, 230 A.D.2d 425; 657 N.Y.S.2d 4; 1997 N.Y. App. Div. LEXIS 4117, April 24, 1997, Decided

OVERVIEW: The attorney, who faced charges that accused the attorney of unethical practices and professional misconduct that arose from his use of client funds for personal purposes, received permission to resign from the New York bar.

CORE TERMS: practice of law, resignation, stricken, roll, failing to maintain, misrepresentation, dishonesty, permission, effective, promptly ...

17. *In re Kreitzer*, M-5958, M-6659, SUPREME COURT OF NEW YORK, APPELLATE DIVISION, FIRST DEPARTMENT, 229 A.D.2d 188; 653 N.Y.S.2d 572; 1997 N.Y. App. Div. LEXIS 1290, February 18, 1997, Decided

OVERVIEW: The disciplinary charges of the Department Disciplinary Committee were sustained and the attorney was suspended for three years because his

pattern of inexcusable neglect of his clients adversely reflected on his fitness to practice law.

CORE TERMS: neglect, suspension, misrepresentation, disaffirmed, infant, personal injury, notice, practice of law, recommendation, recommended ...

18. *In re Greene*, 90-02751, SUPREME COURT OF NEW YORK, APPELLATE DIVISION, SECOND DEPARTMENT, 225 A.D.2d 273; 649 N.Y.S.2d 937; 1996 N.Y. App. Div. LEXIS 11647, November 12, 1996, Decided

OVERVIEW: Disbarred attorney was found in criminal contempt and punished with 10 days in jail for willful failure to file affidavit of compliance with disbarment order and continued acceptance of settlement checks on behalf of clients after disbarment order.

CORE TERMS: disbarment, criminal contempt, effective date, civil contempt, disbarred, adjudged, cross motion, contempt, adjudge, settlement check ...

19. *In re Calvo*, 94-04244, SUPREME COURT OF NEW YORK, APPELLATE DIVISION, SECOND DEPARTMENT, 223 A.D.2d 242; 644 N.Y.S.2d 1019; 1996 N.Y. App. Div. LEXIS 7876, July 22, 1996, Decided

OVERVIEW: Court ordered attorney disbarred where court concluded special referee's recommendation was proper. Special referee found no basis to deny full faith and credit to findings of Florida Supreme Court, which disbarred attorney in disciplinary action.

CORE TERMS: disbarred, imposition of discipline, effective immediately, counselor-at-law, cross motion

20. *In re Van De Loo*, [NO NUMBER IN ORIGINAL], SUPREME COURT OF NEW YORK, APPELLATE DIVISION, THIRD DEPARTMENT, 225 A.D.2d 885; 639 N.Y.S.2d 157; 1996 N.Y. App. Div. LEXIS 2240, March 8, 1996, Decided, March 8, 1996, Entered

OVERVIEW: Court entered order immediately suspending attorney from practice of law pending disciplinary proceedings where grievance committee's evidence of misconduct was uncontroverted and misconduct was immediately threatening to public interest.

CORE TERMS: escrow account, disciplinary, professional misconduct, failure to produce, practice of law, public interest, conversion, suspended, escrow, uncontroverted evidence ...

21. *In re McCormick*, 94-09586, SUPREME COURT OF NEW YORK, APPELLATE DIVISION, SECOND DEPARTMENT, 219 A.D.2d 230; 634 N.Y.S.2d 731; 1995 N.Y. App. Div. LEXIS 12590, December 4, 1995, Decided

OVERVIEW: An attorney was disbarred after the court found that the attorney, while serving as Successor Committee and conservator for various incompetents and estates, had committed numerous violations of the Disciplinary Rules through dishonest acts.

CORE TERMS: final account, respondent failed, withdrawal, conservator, accounting, conservatee, appointment, annual, incompetent, account number ...

22. *In re Cassell*, 95-08884, SUPREME COURT OF NEW YORK, APPELLATE DIVISION, SECOND DEPARTMENT, 217 A.D.2d 243; 635 N.Y.S.2d 526; 1995 N.Y. App. Div. LEXIS 12595, December 4, 1995, Decided

CORE TERMS: resignation, disbarred, counselor-at-law, effective immediately, civil judgment, own motion, conservator, restitution, submitting, reimburse ...

23. *In re Bodner*, SUPREME COURT OF NEW YORK, APPELLATE DIVISION, FIRST DEPARTMENT, 217 A.D.2d 494; 630 N.Y.S.2d 490, July 20, 1995, Decided

OVERVIEW: An attorney was disbarred. His application for reinstatement was granted upon the condition that for the five (5) years following the date of entry of the order reinstating him he annually submit a sworn statement as indicated in the Court order.

24. *In re Greene*, 90-02751, SUPREME COURT OF NEW YORK, APPELLATE DIVISION, SECOND DEPARTMENT, 205 A.D.2d 218; 619 N.Y.S.2d 302; 1994 N.Y. App. Div. LEXIS 11462, November 21, 1994, Decided

OVERVIEW: Attorney with a previously unblemished record was disbarred because he negotiated and settled a personal injury action without the client's authorization, deposited the check in his account, and lied to the grievance committee in his answer.

CORE TERMS: settlement, respondent failed, automobile accident, settlement draft, disbarred, forged, substituted, neglected, entrusted, promptly ...

25. *In re McKeon*, 93-03392, SUPREME COURT OF NEW YORK, APPELLATE DIVISION, SECOND DEPARTMENT, 202 A.D.2d 57; 616 N.Y.S.2d 94; 1994 N.Y. App. Div. LEXIS 8708, September 8, 1994, Decided

OVERVIEW: The special referee properly found that the charges of professional misconduct were supported by a preponderance of the evidence and the court considered all mitigating factors presented by the attorney before imposing the measure of discipline.

CORE TERMS: respondent failed, neglected, entrusted, legal matter, professional misconduct, commence, divorce action, legal fee, suspended, confirm ...

26. *In re Wright*, SUPREME COURT OF NEW YORK, APPELLATE DIVISION, FIRST DEPARTMENT, 205 A.D.2d 406; 624 N.Y.S.2d 795, June 21, 1994, Decided

OVERVIEW: An attorney was disbarred. His application for reinstatement was granted effective June 21, 1994.

27. *In re Weinstat*, SUPREME COURT OF NEW YORK, APPELLATE DIVISION, FIRST DEPARTMENT, 204 A.D.2d 177; 614 N.Y.S.2d 116, May 17, 1994, Decided

OVERVIEW: An attorney was disbarred. Her application for reinstatement was granted effective immediately on May 17, 1994, subject to the terms and conditions enumerated in the order of the Court.

28. *In re Russakoff*, 91-06504, SUPREME COURT OF NEW YORK, APPELLATE DIVISION, SECOND DEPARTMENT, 192 A.D.2d 223; 601 N.Y.S.2d 313; 1993 N.Y. App. Div. LEXIS 8001, August 9, 1993, Decided

OVERVIEW: An attorney was disbarred because the evidence supported the charges issued against him by the grievance committee for dishonesty in the invasion of an escrow account for personal expenses.

CORE TERMS: escrow, entrusted, disbarred, disaffirm, converted, depleted, confirm, escrow account, professional misconduct, effective immediately ...

29. *In re Rabinowitz*, M-3699, M-5309, SUPREME COURT OF NEW YORK, APPELLATE DIVISION, FIRST DEPARTMENT, 189 A.D.2d 402; 596 N.Y.S.2d 398; 1993 N.Y. App. Div. LEXIS 3857, April 20, 1993, Decided

OVERVIEW: Attorney was not entitled to reopen the record in committee's disciplinary action against him when his request to reopen was untimely, and the attorney failed to establish good cause for reopening the proceeding.

CORE TERMS: suspension, admonitions, misleading, practice of law, suspended, notice, neglecting, opportunity to present, character witness, cross motion ...

30. *In re Greenberg*, M-2112, M-3023, SUPREME COURT OF NEW YORK, APPELLATE DIVISION, FIRST DEPARTMENT, 187 A.D.2d 12; 593 N.Y.S.2d 185; 1993 N.Y. App. Div. LEXIS 751, January 28, 1993, Decided

OVERVIEW: Since there was no corresponding state law felony for federal mail fraud, an attorney could not be automatically disbarred from the practice of law based on acts that were felonious under state law.

CORE TERMS: felony, mail fraud, Penal Law, practice of law, disbarment, business records, convicted, automatic, commit, fraudulent ...

31. *In re Horn*, 90-07487, SUPREME COURT OF NEW YORK, APPELLATE DIVISION, SECOND DEPARTMENT, 181 A.D.2d 327; 586 N.Y.S.2d 627; 1992 N.Y. App. Div. LEXIS 9342, July 27, 1992, Decided

OVERVIEW: A grievance committee was entitled to have an attorney disbarred because the special referee sustained all of the charges of professional misconduct against the attorney.

CORE TERMS: settlement, respondent failed, wrongfully, deposited, converted, cross motion, neglected, retainer, confirm, professional misconduct ...

32. *In re Courtney*, Nos. M-3798, M-4111, Supreme Court of New York, Appellate Division, First Department, 165 A.D.2d 136; 566 N.Y.S.2d 602; 1991 N.Y. App. Div. LEXIS 2316, February 26, 1991

OVERVIEW: An attorney was suspended from practice as a precaution when psychiatric reports, affidavits submitted, and the attorney's behavior as evidenced by his writings showed that he was unable to carry on the practice of law in any meaningful way.

CORE TERMS: practice of law, indefinite period, incapacitated, psychiatrist, suspending, rambling, practice law, incoherent, vulgar, poems ...

33. *In re Ullman*, No. 90-07481, Supreme Court of New York, Appellate Division, Second Department, 164 A.D.2d 179; 562 N.Y.S.2d 147; 1990 N.Y. App. Div. LEXIS 14009, November 19, 1990

OVERVIEW: Censure was warranted where an attorney who illegally collected unemployment compensation while he was employed and paid a salary as an associate in a law office was guilty of professional misconduct.

CORE TERMS: unemployment compensation, professional misconduct, confirm, character evidence, unblemished record, law office, unethically, overpayment, contributed, terminated ...

34. *In re Buxton*, Supreme Court of New York, Appellate Division, First Department, 144 A.D.2d 309; 534 N.Y.S.2d 862; November 22, 1988

OVERVIEW: An attorney was disbarred. His application for reinstatement was granted upon the condition that he furnish to the court proof of his successful completion of the New York State Bar Examination.

35. *In re Cohen*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, First Department, 139 A.D.2d 221; 530 N.Y.S.2d 830; 1988 N.Y. App. Div. LEXIS 8041, July 28, 1988

OVERVIEW: Attorney was publicly censured for willfully and intentionally disobeying and resisting subpoenas and court orders to testify because such conduct was prejudicial to administration of justice and adversely reflected on his fitness to practice law.

CORE TERMS: subpoena, fitness to practice law, investigator, adversely, cross motion, multiplicitous, vagueness, censure, unconstitutionally vague, conduct prejudicial ...

36. *In re Kaplan*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, First Department, 137 A.D.2d 328; 529 N.Y.S.2d 474; 1988 N.Y. App. Div. LEXIS 6355, June 7, 1988

OVERVIEW: Disbarment of attorney was proper because evidence showed he converted his client's money, misappropriating the specific funds in which she had a specific property interest, and remitting her for over five years to a general creditor's status.

CORE TERMS: box, safe-deposit, settlement, safe deposit box, escrow account, conversion, segregated, fiancée, segregation, disbarred ...

37. *In re Kronenberg*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, Second Department, 136 A.D.2d 264; 527 N.Y.S.2d 44; 1988 N.Y. App. Div. LEXIS 3860, April 11, 1988

OVERVIEW: The attorney had committed professional misconduct by entering into an agreement with a police department employee whereby the employee referred cases to the attorney.

CORE TERMS: confirm, misconduct, plea of guilty, unclassified, misdemeanor, suspended, convicted, employing, solicit

38. *In re Wall*, Supreme Court of New York, Appellate Division, First Department, 133 A.D.2d 557; 528 N.Y.S.2d 322, October 1, 1987

OVERVIEW: The attorney was disbarred, and his application for reinstatement was denied.

39. *In re Driver*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, First Department, 129 A.D.2d 119; 517 N.Y.S.2d 4; 1987 N.Y. App. Div. LEXIS 43669, June 23, 1987

OVERVIEW: Attorney's alleged alcoholism was no excuse for his behavior and did not prevent his disbarment because attorney failed to show connection between his alcohol abuse and his conversion of client's funds or his failure to cooperate with investigation.

CORE TERMS: escrow, canceled, subpoena duces tecum, failure to cooperate, checking account, disbarred, converted, fitness to practice law, conduct prejudicial, failed to cooperate ...

40. *In re Gourian*, Supreme Court of New York, Appellate Division, Second Department, 131 A.D.2d 527; 515 N.Y.S.2d 895; June 5, 1987

OVERVIEW: An attorney was disbarred, and his application for reinstatement was denied on November 24, 1986. His application for renewal and reargument of the reinstatement denial was also denied.

41. *In re Raptakis*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, Second Department, 121 A.D.2d 104; 509 N.Y.S.2d 593; 1986 N.Y. App. Div. LEXIS 60642, December 22, 1986

OVERVIEW: An attorney was guilty of professional misconduct when he withdrew escrow funds for personal use, failed to maintain records for the escrow account, overdrew the account numerous times, and filed a false statement with the trial court.

CORE TERMS: escrow account, checks drawn, false and misleading, insufficient funds, personal use, uncollected, affirmation, discipline, suspended, overdrawn ...

42. *In re Hall*, Supreme Court of New York, Appellate Division, Second Department, 124 A.D.2d 767; 508 N.Y.S.2d 977; November 17, 1986.

OVERVIEW: An attorney was disbarred after having been convicted of several crimes in New York State, including grand larceny in the second degree and attempted forgery in the third degree. His prior application for reinstatement was denied on October 21, 1985, and his motion for reargument and renewal of his application was also denied.

43. *In re Silverblatt*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, First Department, 113 A.D.2d 1; 494 N.Y.S.2d 864; 1985 N.Y. App. Div. LEXIS 52043, November 12, 1985

OVERVIEW: An attorney was automatically disbarred because his felony conviction for presenting false documents to the United States Immigration and Naturalization Service containing false statements of material fact was also a felony under state law.

CORE TERMS: felony, disbarment, knowingly, automatic, roll, Penal Law, cognizable, willfully, stricken, intent to defraud ...

44. *In re Goldstein*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, First Department, 110 A.D.2d 338; 494 N.Y.S.2d 706; 1985

N.Y. App. Div. LEXIS 52032, October 31, 1985

OVERVIEW: A disciplinary committee was entitled to have an attorney suspended from the practice of law because the attorney aided and abetted in a fraudulent operation during his employment at a corporation.

CORE TERMS: serious crime, suspended, customers, felony, suspension, reinstatement, convicted, interim suspension, professional misconduct, practice of law ...

45. *In re Wright*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, First Department, 110 A.D.2d 274; 494 N.Y.S.2d 109; 1985 N.Y. App. Div. LEXIS 51042, October 10, 1985

OVERVIEW: The attorney admitted that he could not defend on the merits the charges by the Departmental Disciplinary Committee for the First Judicial Department's; hence, the latter's motion to confirm the hearing panel's report was granted.

CORE TERMS: settlement, resignation, daughter, infant, prior knowledge, hearing panel, cross motion, bus, personal account, authorization ...

46. *In the Matter of Frank, a Resigned Attorney*, Supreme Court of New York, Appellate Division, First Department, 106 A.D.2d 362; 1984 WL 278935; December 27, 1984

OVERVIEW: The attorney was disbarred. His prior application for reinstatement was denied. His motion for renewal and reargument of application for reinstatement was denied.

47. *In re Macri*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, Second Department, 102 A.D.2d 53; 476 N.Y.S.2d 359; 1984 N.Y. App. Div. LEXIS 18326, June 4, 1984

OVERVIEW: Attorney was disbarred. He misrepresented facts to court and adversary; converted clients' funds; and failed to properly maintain escrow account and commingled clients' funds, to maintain record of escrow account, and to account for estate funds.

CORE TERMS: special referee, escrow account, confirm, professional misconduct, own use, misconduct, disbarred, referee, ledger

48. *In re Teitler*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, Second Department, 99 A.D.2d 152; 472 N.Y.S.2d 9; 1984 N.Y. App. Div. LEXIS 16532, February 14, 1984

OVERVIEW: Where the evidence supported a special referee's findings that an attorney was guilty of conversion, submitting false insurance claims, and other

professional misconduct, he was adjudged guilty of serious misconduct and disbarred.

CORE TERMS: lost wage, housekeeping, confirm, special referee, fraudulent, referee, professional misconduct, general release, sums received, notary public
...

49. *In re Powell*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, Second Department, 98 A.D.2d 568; 471 N.Y.S.2d 652; 1984 N.Y. App. Div. LEXIS 16507, February 6, 1984

OVERVIEW: Where an attorney committed professional misconduct at a time while he was experiencing serious medical problems, the court directed that he be suspended from the practice of law for one year.

CORE TERMS: confirm, professional misconduct, insufficient funds, special referee, escrow account, legal matter, co-operate, discipline, misconduct, suspended ...

In the Following Cases Nicholas C. Cooper, Prior to Entering Private Practice, Represented the Appellate Division First Department's Departmental Disciplinary Committee or the Appellate Division Second Department's Grievance Committee

50. *In re Stults*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, First Department, 77 A.D.2d 254; 433 N.Y.S.2d 22; 1980 N.Y. App. Div. LEXIS 13020, November 13, 1980

OVERVIEW: Attorney was disbarred despite committee's recommendation of reprimand and suspension from the practice of law because presumptively, as an attorney who misappropriated a client's funds, he could not have been permitted to remain a member of the bar.

CORE TERMS: cross motion, counselor, evidentiary hearing, insufficient funds, conclusion of law, findings of fact, de novo hearing, useful purpose, hearing panel, de novo ...

51. *In re Molliver*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, First Department, 77 A.D.2d 36; 432 N.Y.S.2d 376; 1980 N.Y. App. Div. LEXIS 12606, October 16, 1980

OVERVIEW: An attorney's unauthorized use of client signatures and sale of their stock, misappropriation of funds, drawing of bad checks, and failure to record a deed were acts that, when refuted, merited his disbarment.

CORE TERMS: disbarment, misconduct, disbarred, disciplinary committee, adequate notice, suspension, notice, admitted to practice, substantively, conversion ...

52. *In re Florsheim*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, First Department, 77 A.D.2d 9; 432 N.Y.S.2d 9; 1980 N.Y. App. Div. LEXIS 12194, October 2, 1980

OVERVIEW: After being severely censured, an attorney who failed to file actions for clients though he had been retained by them, and who told clients that their actions had been filed when they actually had not was disbarred.

CORE TERMS: grievance committee, retainer, admonished, suspended, disbarred, counselor, overlook, failed to perform, failed to respond, failure to file ...

53. *In re Trotta*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, First Department, 76 A.D.2d 719; 432 N.Y.S.2d 2; 1980 N.Y. App. Div. LEXIS 12186, September 30, 1980

CORE TERMS: attempted grand larceny, failure to respond, pleaded guilty, third degree, conversion, frustrated, appearance, disbarred, ignoring, notice

54. *In re Staple*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, First Department, 76 A.D.2d 602; 440 N.Y.S.2d 1; 1980 N.Y. App. Div. LEXIS 12175, August 14, 1980

OVERVIEW: An attorney that was convicted of conspiracy to import and distribute cocaine was disbarred because state law determined that he ceased to be a counselor at law of the state at the moment of his conviction.

CORE TERMS: felony, roll, counselor, Penal Law, conspiring, distribute, conspiracy, convicted, stricken, cocaine ...

55. *In re Keeffe*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, First Department, 76 A.D.2d 416; 431 N.Y.S.2d 12; 1980 N.Y. App. Div. LEXIS 11767, July 24, 1980

OVERVIEW: Attorney was reinstated to roll of attorneys after his conviction for grand larceny in the second degree was reversed and after court found that his conduct had not violated any disciplinary rules. Records of his criminal appeal were not sealed.

CORE TERMS: reinstatement, sealed, disciplinary, unsealing, grand larceny, second degree, records pertaining, counselor, disbarred, larceny ...

56. *In re Wall*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, First Department, 75 A.D.2d 196; 429 N.Y.S.2d 18; 1980 N.Y. App. Div. LEXIS 11217, June 24, 1980

OVERVIEW: An attorney was stricken from the roll of attorney's and counselors at law in the State of New York because he was convicted under Federal law of conspiring to import and distribute cocaine, which constituted a felony under state law.

CORE TERMS: felony, roll, counselor, Penal Law, conspiring, distribute, convicted, stricken, cocaine, import

57. *In re Fischer*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, First Department, 75 A.D.2d 32; 428 N.Y.S.2d 261; 1980 N.Y. App. Div. LEXIS 10869, June 3, 1980

CORE TERMS: roll, counselor, criminal contempt, convicted, stricken, felony

58. *In re Rinehart*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, First Department, 74 A.D.2d 314; 428 N.Y.S.2d 229; 1980 N.Y. App. Div. LEXIS 10838, May 20, 1980

OVERVIEW: Attorney who was disbarred after pleading guilty to filing a fraudulent income tax return was reinstated. Seventeen months of disbarment was sufficient penalty for an offense involving an assertion of nonexistent rights but no real fraud or deceit.

CORE TERMS: one year, reinstatement, felony, income tax return, pleaded guilty, fraudulently, suspension, disbarment, restored, roll ...

59. *In re Milchman*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, First Department, 74 A.D.2d 92; 426 N.Y.S.2d 777; 1980 N.Y. App. Div. LEXIS 10437, April 17, 1980

OVERVIEW: Where an attorney pleaded guilty to a federal securities crime, the appropriate sanction was a one-year suspension.

CORE TERMS: underwriter, reinstatement, felony, disbarment, coconspirators, suspension, suspended, circular, serious crime, classification ...

60. *In re Schiff*, Supreme Court of New York, Appellate Division, First Department, 74 A.D.2d 161; 426 N.Y.S.2d 757; 1980 N.Y. App. Div. LEXIS 10447, April 10, 1980

OVERVIEW: An attorney was suspended from the practice of law for one year for paying an illegal gratuity to a federal employee.

CORE TERMS: felony, Judiciary Law, practice of law, suspended, recommendation, suspension, roll, standard of conduct, pleaded guilty, serious crime ...

61. *In re Wolf*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, First Department, 73 A.D.2d 419; 426 N.Y.S.2d 758; 1980 N.Y. App. Div. LEXIS 10066, April 10, 1980

OVERVIEW: An attorney who converted his client's funds was disbarred despite the facts that he eventually returned the money and that he had been sick for about six years.

CORE TERMS: disbarred, hearing panel, confirmed, professional misconduct, mental capacity, practice of law, escrow account, conversion, suffering, counselor ...

62. *In re McGillicuddy*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, First Department, 72 A.D.2d 344; 424 N.Y.S.2d 444; 1980 N.Y. App. Div. LEXIS 9688, February 7, 1980

OVERVIEW: An attorney committed professional misconduct when he abandoned his clients and disappeared without communication, substitution, repayment, or return of their files.

CORE TERMS: safeguard, conservator, appointed, disbarred, provisions of subdivision, disappeared, undertaken, whereabouts, abandoned, saving ...

63. *In re Marks*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, First Department, 72 A.D.2d 399; 424 N.Y.S.2d 229; 1980 N.Y. App. Div. LEXIS 9694, February 5, 1980

OVERVIEW: An attorney's severe illnesses could not serve as an excuse for theft from a client and forging of a client's signature because the illnesses were not the type to affect his mental capacity or responsibility.

CORE TERMS: hearing panel, signature, forging, counselor, illnesses, severe, mitigating circumstance, collaterally estopped, life threatening, emotional trauma ...

64. *In re Rosenbaum*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, First Department, 72 A.D.2d 251; 424 N.Y.S.2d 435; 1980 N.Y. App. Div. LEXIS 9678, January 29, 1980

OVERVIEW: In a disciplinary proceeding, removal from the office of attorney was warranted where the attorney was convicted under federal law of a crime involving false swearing and he failed to respond to a show cause order.

CORE TERMS: felony, oath, Judiciary Law, denominated, counselor, roll, stricken, failure to respond, false swearing, serious crime ...

65. *In re Satta*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, First Department, 71 A.D.2d 292; 422 N.Y.S.2d 418; 1979 N.Y. App. Div. LEXIS 13471, December 13, 1979

OVERVIEW: Attorney was suspended from practice as an attorney and counselor at law for one year, and not disbarred, as his derelictions of duty did not proceed from a personal sense of aggrandizement, and there was no venality or criminal conduct involved.

CORE TERMS: reargument, renewal, court-appointed, psychiatrist, prior order, psychological, suspension, disbarment, neurotic, neglect ...

66. *In re Keeffe*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, First Department, 71 A.D.2d 248; 422 N.Y.S.2d 84; 1979 N.Y. App. Div. LEXIS 13465, December 4, 1979

CORE TERMS: roll, counselor, grand larceny, second degree, stricken, felony

67. *In re Hopfl*, [NO NUMBER IN ORIGINAL], Court of Appeals of New York, 48 N.Y.2d 859; 400 N.E.2d 292; 424 N.Y.S.2d 350; 1979 N.Y. LEXIS 2493, November 14, 1979, Argued, November 29, 1979, Decided

CORE TERMS: felony, recent amendment, automatically, counterpart, convicted, disbarred, anew, roll

68. *In re Paperno*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, First Department, 70 A.D.2d 445; 421 N.Y.S.2d 227; 1979 N.Y. App. Div. LEXIS 12736, November 8, 1979

CORE TERMS: felony, roll, disbarment, automatic, criminal contempt, convicted, counselors, stricken

69. *In re Schenley*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, First Department, 70 A.D.2d 301; 421 N.Y.S.2d 1; 1979 N.Y. App. Div. LEXIS 12711, October 18, 1979

OVERVIEW: It was appropriate to suspend attorney for one year where evidence supported finding that complainant was attorney's client and that she lost a cause of action because of his neglect and that he had ignored communications from Disciplinary Committee.

CORE TERMS: cause of action, co-operate, suspended, expiration, neglected

70. *In re Keeffe*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, First Department, 70 A.D.2d 293; 420 N.Y.S.2d 711; 1979 N.Y. App. Div. LEXIS 12709, October 11, 1979

CORE TERMS: roll, counselor, grand larceny, second degree, stricken, felony

71. *In re Perkins*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, First Department, 69 A.D.2d 160; 419 N.Y.S.2d 1; 1979 N.Y. App. Div. LEXIS 11339, July 19, 1979

OVERVIEW: An attorney convicted of criminal contempt was punished only with severe censure when his misconduct came to light by his own disclosure, his record was otherwise unblemished, and he had suffered imprisonment, disgrace, and employment resignation.

CORE TERMS: severely, censured, mitigating circumstances, criminal contempt, plea of guilty, dereliction, convicted

72. *In re Miller*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, First Department, 68 A.D.2d 544; 418 N.Y.S.2d 69; 1979 N.Y. App. Div. LEXIS 10973, July 3, 1979

OVERVIEW: A referee's report sustaining a charge of professional misconduct against an attorney was confirmed because the evidence clearly showed that the attorney used, without permission, escrow money for his personal purposes.

CORE TERMS: conversion, suspension, escrow, reinstatement, disbarment, suspended, misconduct, professional misconduct, order of suspension, escrow account ...

73. *In re Pravda*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, First Department, 68 A.D.2d 156; 417 N.Y.S.2d 1; 1979 N.Y. App. Div. LEXIS 10532, May 24, 1979

OVERVIEW: The court censured the attorney for his acts of unnecessarily delaying the prosecution of a divorce action, procrastinating in pursuing a negligence action, and failing to file a retainer and closing statement in the negligence action.

CORE TERMS: negligence action, closing statement, divorce action, censured, retainer, failed to file, procrastinated, unnecessarily, neglecting, misleading ...

74. *In re Roseman*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, First Department, 68 A.D.2d 54; 416 N.Y.S.2d 609; 1979 N.Y. App. Div. LEXIS 10518, May 22, 1979

CORE TERMS: roll, stricken, criminal contempt, stayed pending, incarceration, convicted, felony

75. *In re Smith*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, First Department, 68 A.D.2d 52; 416 N.Y.S.2d 608; 1979 N.Y. App. Div. LEXIS 10517, May 22, 1979

OVERVIEW: The attorney was disbarred because he ceased to be an attorney at the moment that the judgment of convictions for devising and intending to devise a scheme and artifice to defraud and mail fraud were entered against him.

CORE TERMS: convicted, roll, change of venue, stricken, artifice to defraud, public employment, practiced law, mail fraud, intending, devising ...

76. *In re Hersch*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, First Department, 67 A.D.2d 569; 416 N.Y.S.2d 26; 1979 N.Y. App. Div. LEXIS 10505, May 10, 1979

CORE TERMS: felony, roll, stricken, facilitating, convicted, mail

77. *In re Smith*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, First Department, 67 A.D.2d 356; 415 N.Y.S.2d 422; 1979 N.Y. App. Div. LEXIS 10118, April 19, 1979

OVERVIEW: An attorney was suspended from the practice of law by virtue of the entry of an order from another state adjudging the attorney to be incompetent to manage his affairs.

CORE TERMS: indefinite period, suspended, effective immediately, mental disability, practice of law, conservator, incapable, managing, decree

78. *In re Daly*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, First Department, 67 A.D.2d 354; 415 N.Y.S.2d 423; 1979 N.Y. App. Div. LEXIS 10117, April 19, 1979

OVERVIEW: Attorney was suspended from practicing law for 18 months after he knowingly converted to his own use a client's funds entrusted to him, failed to account to his client, neglected legal matters, and engaged in misrepresentation to a client.

CORE TERMS: hearing panel, suspended, entrusted, effective, counselor, failed to file, misrepresentation, co-operate, knowingly, neglected ...

79. *In re Feldshuh*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, First Department, 67 A.D.2d 165; 415 N.Y.S.2d 19; 1979 N.Y. App. Div. LEXIS 10086, April 5, 1979

OVERVIEW: A federal felony for filing a false income tax return, while treated as a misdemeanor by state law, was treated as a felony in regard to disciplinary

proceedings against attorneys. An attorney who filed a false return was disbarred.

CORE TERMS: felony, income tax return, pleaded guilty, misdemeanor, counselor, stricken, roll

80. *In re McGrath*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, First Department, 67 A.D.2d 109; 414 N.Y.S.2d 695; 1979 N.Y. App. Div. LEXIS 10079, March 29, 1979

OVERVIEW: An attorney was censured for professional misconduct where he lost a client's case file.

CORE TERMS: censured, failing to maintain, hearing panel, legal matter, case file, neglected, entrusted, losing, fellow

81. *In re Tilker*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, First Department, 67 A.D.2d 28; 414 N.Y.S.2d 692; 1979 N.Y. App. Div. LEXIS 10070, March 29, 1979

CORE TERMS: roll, disbarment, felony, automatic, conspiring, unlawfully, convicted, counselors, stricken, commit ...

82. *In re Israel*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, Second Department, 67 A.D.2d 1; 414 N.Y.S.2d 582; 1979 N.Y. App. Div. LEXIS 10065, March 26, 1979

OVERVIEW: A hearing officer was suspended from the practice of law for two years when he was found to have falsified court records about parking tickets and to have perjured himself before the grand jury.

CORE TERMS: misdemeanor, parking violations bureau, professional misconduct, summonses, parking, obstructing governmental administration, administrative hearing, conduct prejudicial, plea of guilty, third degree ...

83. *In re Dizak*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, First Department, 67 A.D.2d 4; 414 N.Y.S.2d 338; 1979 N.Y. App. Div. LEXIS 10066, March 22, 1979

OVERVIEW: It was not improper for the panel to have considered the Grand Jury transcript in its hearing on the disciplinary charges against the attorney because the only requirement for use of Grand Jury minutes was a Supreme Court order, which was procured.

CORE TERMS: slug, subway, layman, misconduct, suspended, threw, unprofessional, understandable, annulment, curiosity ...

84. *In re De Castanos*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, First Department, 66 A.D.2d 640; 414 N.Y.S.2d 337; 1979 N.Y. App. Div. LEXIS 10063, March 22, 1979

CORE TERMS: felony, roll, plea of guilty, conspiracy, transport, convicted, stricken, stolen

85. *In re Eisenberg*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, First Department, 66 A.D.2d 497; 413 N.Y.S.2d 693; 1979 N.Y. App. Div. LEXIS 10046, February 27, 1979

CORE TERMS: roll, disbarment, automatic, interstate commerce, felony conviction, transporting, counterfeit, conspiring, unlawfully, convicted ...

86. *In re Satta*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, First Department, 66 A.D.2d 491; 413 N.Y.S.2d 693; 1979 N.Y. App. Div. LEXIS 10044, February 27, 1979

OVERVIEW: Attorney who had numerous times failed to follow through with the legal matters of his clients, to cooperate with succeeding counsel, and to cooperate with the disciplinary committee regarding several charges of misconduct was disbarred.

CORE TERMS: divorce action, satisfaction of judgment, professional misconduct, summons, respondent failed, new attorney, communicate, staff, disbarred, judgment of divorce ...

87. *In re Appel*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, First Department, 66 A.D.2d 453; 413 N.Y.S.2d 695; 1979 N.Y. App. Div. LEXIS 10036, February 27, 1979

OVERVIEW: An attorney who failed to wind up an estate matter even after being censured and allowed two years to attend to the matter was severely censured for dereliction because the evidence sustained the disciplinary committee's charge of misconduct.

CORE TERMS: censured, dereliction, neglect, failure to complete, personal gain, eleemosynary, neglected, censure, severe, wind

88. *In re Giaramita*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, Second Department, 65 A.D.2d 144; 410 N.Y.S.2d 875; 1978 N.Y. App. Div. LEXIS 13070, December 11, 1978

OVERVIEW: Evidence supported a referee's finding in a professional disciplinary proceeding that attorney grossly neglected an estate by failing to timely distribute assets, to respond to beneficiaries inquiries, render formal

accounting, and many other tasks.

CORE TERMS: beneficiaries', poor health, estate tax, commingled, accounting, distribute, discipline, mitigating, suspended, neglected ...

89. *In re Cave*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, Second Department, 64 A.D.2d 199; 409 N.Y.S.2d 416; 1978 N.Y. App. Div. LEXIS 12240, October 23, 1978

CORE TERMS: professional misconduct, own use, misrepresentations, co-operate, disbarred, escrow

90. *In re Thies*, [NO NUMBER IN ORIGINAL], Court of Appeals of New York, 45 N.Y.2d 865; 382 N.E.2d 1351; 410 N.Y.S.2d 575; 1978 N.Y. LEXIS 2294, September 11, 1978, Argued, October 19, 1978, Decided

OVERVIEW: An attorney was correctly automatically disbarred from the practice of law in New York because he was convicted of the federal felony of assault upon a federal officer.

CORE TERMS: felony, disbarment, convicted, automatic, counsellor-at-law, mitigating circumstances, immaterial, analogue, matching, gravity ...

91. *In re Rumsey*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, Second Department, 62 A.D.2d 794; 406 N.Y.S.2d 861; 1978 N.Y. App. Div. LEXIS 10907, July 3, 1978

OVERVIEW: An attorney was disbarred for conspiracy to manufacture, process, possess for sale and distribute a dangerous drug, tax evasion and falsely testifying before a grand jury in federal court.

CORE TERMS: professional misconduct, controlled substance, conspiracy to defraud, collection of income, dangerous drug, manufacture, obstructing, distribute, conspiracy, misconduct ...

92. *In re Piazza*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, Second Department, 62 A.D.2d 454; 405 N.Y.S.2d 112; 1978 N.Y. App. Div. LEXIS 10856, May 22, 1978

OVERVIEW: Attorney was disbarred for failing to protect the interests of his clients, for representing conflicting interests to the detriment of the client, misappropriating trust funds, and improperly soliciting legal business through a real estate business.

CORE TERMS: professional misconduct, supplemental petition, conflicting interests, financial status, trust funds, misappropriating, misconduct, knowingly, disbarred, confirm

93. *In re Josefson*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, Second Department, 61 A.D.2d 543; 402 N.Y.S.2d 864; 1978 N.Y. App. Div. LEXIS 10095, March 20, 1978

OVERVIEW: An attorney, who was adjudged guilty of serious professional misconduct, would be disbarred from further practice of law.

CORE TERMS: professional misconduct, partnership, partners, estate tax return, false information, default judgment, estate tax, neglecting, commingled, co-operate ...

94. *In re Cahn*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, Second Department, 59 A.D.2d 179; 400 N.Y.S.2d 547; 1977 N.Y. App. Div. LEXIS 13537, October 24, 1977

OVERVIEW: An attorney who was convicted of multiple counts of a federal felony was automatically disbarred under New York Judiciary Law.

CORE TERMS: disciplinary proceeding, practice of law, disbarment, automatic, disbarred, felony, vacate, roll, counts of violating

95. *In re Wallace*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, Second Department, 59 A.D.2d 38; 397 N.Y.S.2d 134; 1977 N.Y. App. Div. LEXIS 12444, August 8, 1977

OVERVIEW: Grievance Committee was entitled to confirm referee's report sustaining charges of professional misconduct against attorney, where attorney was convicted of attempting to offer a false instrument, conspired to defraud, and converted client's money.

CORE TERMS: professional misconduct, parcel of real property, fraudulent scheme, false instrument, home mortgage, second degree, own use, participated, misdemeanor, guaranteed ...

96. *In re Rubin*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, Second Department, 59 A.D.2d 41; 397 N.Y.S.2d 135; 1977 N.Y. App. Div. LEXIS 12446, August 8, 1977

CORE TERMS: professional misconduct, indorsement, signature, disbarred, confirm, cashing

97. *In re Caplan*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, Second Department, 59 A.D.2d 42; 397 N.Y.S.2d 133; 1977 N.Y. App. Div. LEXIS 12447, August 8, 1977

CORE TERMS: disbarment, professional misconduct, failure to protect, fiduciary

capacity, failure to file, legal matter, withholding, misleading, disbarred, neglect ...

98. *In re Gordon*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, Second Department, 59 A.D.2d 43; 397 N.Y.S.2d 136; 1977 N.Y. App. Div. LEXIS 12448, August 8, 1977

OVERVIEW: An attorney was guilty of serious professional misconduct when he grossly neglected the interests of his clients and when he failed to cooperate with the investigation of complaints against him.

CORE TERMS: professional misconduct, executor, practice of law, sale of real property, letters testamentary, fiduciary duty, neglecting, co-operate, suspended, effective ...

99. *In re Roth*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, Second Department, 59 A.D.2d 95; 397 N.Y.S.2d 138; 1977 N.Y. App. Div. LEXIS 12462, August 8, 1977

OVERVIEW: An attorney was disbarred for professional misconduct after he was convicted for violations of federal securities laws.

CORE TERMS: professional misconduct, unlawfully, willfully, knowingly, convicted, Securities Exchange Act, Securities Act, interstate commerce, contravention, endeavoring ...

100. *In re Carlisi*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, Second Department, 58 A.D.2d 508; 397 N.Y.S.2d 10; 1977 N.Y. App. Div. LEXIS 12439, August 1, 1977

OVERVIEW: In disciplinary proceedings instituted by Joint Bar Association Grievance Committee, a referee properly sustained charges of professional misconduct against attorney, where he converted down payment and falsely suggested that down payment was stolen.

CORE TERMS: falsely, down payment, purchasers', escrow, professional misconduct, full restitution, escrow account, real property, own use, discipline ...

101. *In re Effron*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, Second Department, 58 A.D.2d 510; 397 N.Y.S.2d 100; 1977 N.Y. App. Div. LEXIS 12440, August 1, 1977

CORE TERMS: intentionally, unlawfully, knowingly, disbarred, roll, plea of guilty, misdemeanors, distribute, convicted, struck ...

102. *In re Sparrow*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate

Division, Second Department, 58 A.D.2d 396; 396 N.Y.S.2d 479; 1977 N.Y. App. Div. LEXIS 12421, July 20, 1977

CORE TERMS: professional misconduct, settlement check, authorization, entrusted, disbarred, confirm

103. *In re Sweeney*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, Second Department, 57 A.D.2d 130; 393 N.Y.S.2d 585; 1977 N.Y. App. Div. LEXIS 10935, April 11, 1977

OVERVIEW: Because the evidence indicated that the attorney was guilty of numerous charges of professional misconduct, the attorney was suspended from the practice of law for a period of one year.

CORE TERMS: co-operate, widow, professional misconduct, unblemished record, legal matter, administratrix, enumerated, misconduct, suspended, emotional ...

104. *In re Frank*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, Second Department, 56 A.D.2d 429; 393 N.Y.S.2d 58; 1977 N.Y. App. Div. LEXIS 10455, April 4, 1977

OVERVIEW: Attorney, disbarred in the District of Columbia after being convicted of mail fraud and other charges, was reciprocally disbarred in New York, where the attorney failed to alleged facts sufficient to constitute a defense under the rules of the court.

CORE TERMS: transportation, resignation, interstate, disbarred, stolen, facts sufficient to constitute, imposition of discipline, professional misconduct, scheme to defraud, disbarment ...

105. *In re Waltman*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, Second Department, 56 A.D.2d 343; 392 N.Y.S.2d 477; 1977 N.Y. App. Div. LEXIS 10440, March 14, 1977

OVERVIEW: Suspension of attorney for gross neglect in representing clients and testifying falsely before bar association was proper where court rejected referee's dismissal of false testimony charge but accepted mitigating circumstances found by referee.

CORE TERMS: failing to file, afore-mentioned, neglecting, neglected, disaffirm, grossly, adoption agency, personal injury, co-operate, suspended ...

106. *In re Finn*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, Second Department, 54 A.D.2d 503; 389 N.Y.S.2d 393; 1976 N.Y. App. Div. LEXIS 14528, December 13, 1976

OVERVIEW: It was proper for the court to disbar an attorney who had been found guilty of misconduct in connection with the management of an estate and trust.

CORE TERMS: beneficiaries, professional misconduct, income tax, contempt, failing to communicate, shares of stock, failing to file, trust funds, neglecting, co-operate ...

107. *In re Boehner*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, Second Department, 53 A.D.2d 269; 385 N.Y.S.2d 808; 1976 N.Y. App. Div. LEXIS 13048, July 27, 1976

CORE TERMS: professional misconduct, suspended, insufficient funds, unethical, checks drawn, one year, discipline, suspension, confirm, corrupt

108. *In re Parise*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, Second Department, 53 A.D.2d 272; 385 N.Y.S.2d 805; 1976 N.Y. App. Div. LEXIS 13050, July 27, 1976

OVERVIEW: Disbarment was the appropriate discipline for an attorney who was adjudged guilty of serious professional misconduct, which included neglect of a prosecution of a matter in which he had been retained that resulted in the action being time-barred.

CORE TERMS: co-operate, professional misconduct, substituted, disbarred, retainer, failed to file, time-barred, neglecting, neglected, prosecute ...

109. *In re Giresi*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, Second Department, 52 A.D.2d 399; 384 N.Y.S.2d 845; 1976 N.Y. App. Div. LEXIS 12008, June 14, 1976

CORE TERMS: converted, escrow fund, own use, conversion, censured, financial loss, sister-in-law, misconduct, segregate, confirm

110. *In re Longo*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, Second Department, 51 A.D.2d 20; 379 N.Y.S.2d 116; 1976 N.Y. App. Div. LEXIS 10655, February 2, 1976

CORE TERMS: plea of nolo contendere, income tax return, fraudulent, misconduct, willfully, knowingly, censured, mitigating circumstances, professional misconduct, calendar year ...

111. *In re Smith*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, Second Department, 48 A.D.2d 510; 370 N.Y.S.2d 637; 1975 N.Y. App. Div. LEXIS 9930, July 21, 1975

OVERVIEW: An attorney was suspended from practice of law for two years after he

pled guilty to misdemeanor crime of tampering with witness, failed to institute action for divorce on behalf of client, lied to client about case status, and falsified a judgment.

CORE TERMS: divorce, deceived, cause of action, suspended, neglected, tampering, professional ethics, practice of law, pleaded guilty, afore-mentioned ...

112. *In re Grimes*, Second Department,, 47 A.D.2d 914; 367 N.Y.S.2d 37; 1975 N.Y. App. Div. LEXIS 9350, April 21, 1975, Decided

OVERVIEW: Where an attorney charged with professional misconduct submitted a resignation from the Bar and attested that he could not successfully defend himself against the charges, the acknowledgement was a sufficient admission of the charges.

CORE TERMS: cotrustee, resignation, coexecutor, converted, checking account, own use, above-mentioned, totaling, supplemental petition, bank account ...

113. *In re Fredrickson*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, Second Department, 47 A.D.2d 77; 365 N.Y.S.2d 34; 1975 N.Y. App. Div. LEXIS 8715, March 10, 1975

OVERVIEW: Where attorney was found guilty of failing to file federal and state estate tax returns when he was attorney for executor and of willfully filing fraudulent joint federal income tax returns, court disbarred attorney and removed his name from roll.

CORE TERMS: executor, misrepresentations, failed to file, estate tax, settlement, final accounting, checking account, income tax, fraudulent, demanding ...

114. *In re Perelstein*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, Second Department, 46 A.D.2d 647; 359 N.Y.S.2d 692; 1974 N.Y. App. Div. LEXIS 4041, October 2, 1974

115. *In re Murphy*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, Second Department, 44 A.D.2d 675; 354 N.Y.S.2d 415; 1974 N.Y. App. Div. LEXIS 5343, April 1, 1974

116. *In re Mildner*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, Second Department, 43 A.D.2d 350; 352 N.Y.S.2d 13; 1974 N.Y. App. Div. LEXIS 5847, January 28, 1974

OVERVIEW: Petitioner was entitled to the granting of his motion to disaffirm a justice's finding that an attorney was not guilty of misconduct, as substantial

evidence supported the charges of misconduct.

CORE TERMS: judicial inquiry, false testimony, practice of law, suspended, converted, obstruct, false statement, own use, wrongfully, contrition ...

117. *In re Crisona*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, Second Department, 43 A.D.2d 299; 351 N.Y.S.2d 883; 1974 N.Y. App. Div. LEXIS 5904, January 21, 1974

OVERVIEW: A justice's report sustaining allegations of an attorney's professional misconduct was confirmed where there was evidence that the attorney's participation in the crimes was active and knowing.

CORE TERMS: professional misconduct, false testimony, advance fee, appropriated, convicted, disbarred, mortgage, fraudulently induced, perpetrators, interstate ...

118. *In re Maidman*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, Second Department, 42 A.D.2d 44; 345 N.Y.S.2d 82; 1973 N.Y. App. Div. LEXIS 4061, June 25, 1973

OVERVIEW: The town justice was publicly censured for the way he actively tried to resolve petit larceny charge for shoplifting brought against his law partner because the town justice met with the parties in court chambers and while attired in a judicial robe.

CORE TERMS: chambers, canon, appearance, judicial office, removal, petty larceny, predicated, ticket, general release, law partner ...

119. *In re Ennis*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, Second Department, 41 A.D.2d 445; 344 N.Y.S.2d 300; 1973 N.Y. App. Div. LEXIS 4333, May 29, 1973

OVERVIEW: Because the evidence sustained the charges against the attorney and the attorney clearly lacked the character and fitness required to practice law, he was disbarred from the further practice of law.

CORE TERMS: abandoned, professional misconduct, notifying, disbarred, confirm, roll, respondent failed, personal injury, law practice, arranging

120. *In re Paggioli*, [NO NUMBER IN ORIGINAL], Supreme Court of New York, Appellate Division, Second Department, 37 A.D.2d 224; 323 N.Y.S.2d 612; 1971 N.Y. App. Div. LEXIS 3509, July 23, 1971

OVERVIEW: An attorney was subject to censure after he misrepresented the status of a client's separation action against her husband.

CORE TERMS: temporary alimony, separation action, misrepresenting, instituting, discipline, neglected, censured, deceived, grossly, pressed ...

121. Mr. Cooper, Of Counsel to John E, Morris, Esq., represented the defendant: *In re Estate of Loud*, [NO NUMBER IN ORIGINAL], Surrogate's Court of New York, Kings County, 70 Misc. 2d 1026; 334 N.Y.S.2d 969; 1972 N.Y. Misc. LEXIS 1677, August 1, 1972

OVERVIEW: Life insurance policy beneficiary was not entitled to recover money payable on the death of the insured because a hearing established that the beneficiary intentionally and feloniously killed the insured.

CORE TERMS: beneficiary, decedent, killer, insanity, paramour, intestacy, stabbed, inherit, intentional homicide, felonious assault ...