

SUPREME COURT, APPELLATE DIVISION  
FIRST JUDICIAL DEPARTMENT

Angela M. Mazzairelli,  
David B. Saxe  
David Friedman  
Eugene Nardelli  
John T. Buckley,

Justice Presiding,  
  
Justices.

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In the Matter of Attorneys Who Are  
in Violation of Judiciary Law  
Section 468-a:

Departmental Disciplinary Committee  
for the First Judicial Department,

M-1084

Petitioner,

Attorneys in Violation of  
Judiciary Law Section 468-a,

Respondents.

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Disciplinary proceedings instituted by the Departmental  
Disciplinary Committee for the First Judicial Department.

Thomas J. Cahill, Chief Counsel, Departmental  
Disciplinary Committee, New York  
(Mady J. Edelstein, of counsel), for petitioner.

No appearances for respondents.

Motion No. 1084 - March 4, 2009

IN THE MATTER OF ATTORNEYS WHO ARE IN VIOLATION OF JUDICIARY LAW  
§ 468-A FOR FAILING TO REGISTER - WHOSE LAST NAMES BEGIN WITH THE  
LETTERS A THROUGH K

PER CURIAM

Section 468-a of the Judiciary Law requires every resident and nonresident attorney admitted to practice in the State of New York to file a biennial registration statement with the administrative office of the courts. A biennial registration fee must be paid at the time the statement is filed. This registration statement, which is mailed every two years by the Office of Court Administration to every attorney so admitted, must be timely filed and the fee paid regardless of whether the attorney is actually engaged in the practice of law in New York or elsewhere. Attorneys who certify to the Chief Administrator of the Courts that they have retired from the practice of law are exempt from paying the registration fee at the time the statement is filed. Subdivision (5) of the statute provides further that "[n]oncompliance by an attorney with the provisions of this section and the rules promulgated hereunder shall constitute conduct prejudicial to the administration of justice and shall be referred to the appropriate appellate division of the supreme court for disciplinary action."

Pursuant to this provision, petitioner Departmental Disciplinary Committee seeks an order suspending from the

practice of law certain attorneys (whose last name begins with the letters A through K) who are in violation of the statute, in that they have failed to file the registration statement and pay the registration fee for one or more registration periods after due purported notification. This is another in a series of motions to suspend attorneys who have failed to file biennial registration statements with the Office of Court Administration. This Court has previously held that failure to register or re-register, and pay the biennial registration fee constitutes professional misconduct warranting discipline (see *Matter of Pierini*, 21 AD3d 42 [2005]). Since 1997 this Court granted similar motions and suspended attorneys en masse for such failure to register or re-register, and pay the registration fee pursuant to Judiciary Law § 468-a (see *Matter of Attorneys in Violation of Judiciary Law § 468-a*, 230 AD2d 366 [1997]; 240 AD2d 106 [1998]; 247 AD2d 158 [1998]; 257 AD2d 127 [1999]; 36 AD3d 34 [2006]; 51 AD3d 1 [2008]).

The attorneys in question have been duly notified of their noncompliance and given an opportunity to cure their default. The Office of Court Administration mailed each of the defaulting attorneys a biennial registration form to their last known home address, a second notice to their last known business address, and a final notice to their home address. Attorneys who remained in default following these three notices were referred to the

Disciplinary Committee. On October 31, 2008, this Court published notice in the New York Law Journal that the Disciplinary Committee would institute an omnibus disciplinary proceeding seeking immediate suspension from the practice of law against those attorneys who did not cure their default by November 24, 2008. A list of approximately 952 attorneys who failed to submit satisfactory proof of registration and payment of fees was forwarded to the Committee. The Committee then filed its motion for service by publication of the notice of petition to suspend.

Pursuant to the order of this Court entered December 30, 2008, which provided for service of the suspension motion by publication in the New York Law Journal for five consecutive days, a list of the defaulting attorneys along with their last known business addresses was so published commencing January 21, 2009. A notice was also posted on the Court's website. The order further provided that attorneys on the default list who failed to register and pay all outstanding fees, or provide proof of prior registration and payment of such fees, within thirty (30) days of the last date of the published order, would be subject to further order of the Court immediately suspending them from the practice of law in the State of New York.

The attorneys who remain in noncompliance with Judiciary Law § 468-a despite the notification process described above are the

subject of the Committee's instant motion for suspension. No opposition has been filed.

Accordingly, due to the continued failure to comply with the statute, petitioner's motion to suspend such attorneys shall be granted to the extent of suspending those attorneys whose names are enumerated in the attached schedule from the practice of law in the State of New York, effective immediately.

All concur.

Orders filed.

**Schedule of Attorneys  
Suspended for Violation  
of Judiciary Law §468-a  
Last Names Beginning  
With Letters A-K  
(M-1084)**