

SUPREME COURT, APPELLATE DIVISION  
FIRST JUDICIAL DEPARTMENT

Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
John T. Buckley  
John W. Sweeny, Jr.  
Dianne T. Renwick, Justices.

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In the Matter of Alan J. Lichtenstein,  
(admitted as Alan Lichtenstein),  
an attorney and counselor-at-law:

Departmental Disciplinary Committee  
for the First Judicial Department,  
Petitioner,

M-1860

Alan J. Lichtenstein,  
Respondent.

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Disciplinary proceedings instituted by the Departmental  
Disciplinary Committee for the First Judicial Department.  
Respondent, Alan J. Lichtenstein, was admitted to the Bar of  
the State of New York at a Term of the Appellate Division of  
the Supreme Court for the First Judicial Department on  
January 17, 1983.

Alan W. Friedberg, Chief Counsel, Departmental  
Disciplinary Committee, New York  
(Kevin E.F. O'Sullivan, of counsel), for petitioner.

Respondent pro se.

M - 1860 (April 28, 2008)

IN THE MATTER OF ALAN J. LICHTENSTEIN, AN ATTORNEY

PER CURIAM

Respondent Alan J. Lichtenstein was admitted to the practice of law in the State of New York by the First Judicial Department on January 17, 1983 and, at all times relevant to this matter, has maintained an office for the practice of law within this Department.

The Departmental Disciplinary Committee now moves for an order, pursuant to 22 NYCRR 603.11, accepting respondent's resignation from the practice of law and striking his name from the roll of attorneys. An attorney who is the subject of an investigation or pending disciplinary proceeding may resign from the practice of law by submitting an affidavit of resignation to the Committee stating his intention to resign (22 NYCRR 603.11[a]).

Respondent's affidavit of resignation, sworn to on March 19, 2008, complies with the requirements of Section 603.11 in that he avers that his resignation is freely given and voluntarily tendered, without coercion or duress, and that he is fully aware of the implications of submitting his resignation. Respondent further acknowledges that he is under investigation by the Committee based upon two clients' allegations of professional misconduct as follows: neglecting a client's action resulting in

the action being time-barred; and neglecting a client's action resulting in the dismissal of the matter for failure to prosecute. Respondent has also failed to cooperate with petitioner the Disciplinary Committee in the investigation of the aforementioned complaints.

Finally, respondent acknowledges that if charges were brought against him predicated upon the misconduct under investigation, he could not successfully defend himself against such charges.

Accordingly, the motion should be granted, respondent's resignation accepted, and his name stricken from the roll of attorneys and counselors-at-law in the State of New York, effective, nunc pro tunc, March 19, 2008.

All concur.

Order filed. [May 27, 2008]