

SUPREME COURT, APPELLATE DIVISION
FIRST JUDICIAL DEPARTMENT

Peter Tom, Justice Presiding,
David B. Saxe
David Friedman
Luis A. Gonzalez
Milton L. Williams, Justices.

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In the Matter of James P. Colliton,
(admitted as James Patrick Colliton),
an attorney and counselor-at-law:

Departmental Disciplinary Committee
for the First Judicial Department,
Petitioner,

M-6039

James P. Colliton,
Respondent.

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Disciplinary proceedings instituted by the Departmental
Disciplinary Committee for the First Judicial Department.
Respondent, James P. Colliton, was admitted to the Bar of
the State of New York at a Term of the Appellate Division of
the Supreme Court for the Third Judicial Department on
January 24, 1989.

Alan W. Friedberg, Chief Counsel, Departmental
Disciplinary Committee, New York
(Raymond Vallejo, of counsel), for petitioner.

Howard Greenberg, for respondent.

M-6039 - December 14, 2007

In the Matter of James P. Colliton, an Attorney

Per Curiam

Respondent James Patrick Colliton was admitted to the practice of law in the State of New York by the Third Judicial Department on January 24, 1989. At all times relevant to this proceeding, he maintained an office for the practice of law within the First Judicial Department.

On October 2, 2007, respondent pleaded guilty in Supreme Court, New York County, to rape in the second degree in violation of Penal Law § 130.30(1), a class D felony, and to patronizing a prostitute in the third degree in violation of Penal Law § 230.04, a class A misdemeanor, in full satisfaction of Indictment No. 0861-2006. On that same day, respondent also pleaded guilty to rape in the third degree in violation of Penal Law § 130.25(2), a class E felony, in full satisfaction of Indictment No. 1748-2006. The charges to which respondent pled guilty alleged that he engaged in sexual intercourse with a person who was less than 15 years old and a person who was less than 17 years old, and that he patronized a prostitute who was less than 17 years old. On October 11, 2007, respondent was sentenced to a term of imprisonment of one year on each charge, to be served concurrently, and was required to register as a sex offender.

The Departmental Disciplinary Committee now seeks an order

striking respondent's name from the roll of attorneys pursuant to Judiciary Law § 90(4)(b) on the ground that he was automatically disbarred upon his conviction of a New York State felony, as defined by Judiciary Law § 90(4)(e). Although respondent's counsel was served with this petition, no response has been submitted.

As respondent has been convicted of a felony within the meaning of Judiciary Law § 90(4)(e), he automatically ceased to be an attorney by operation of law upon entry of his guilty plea (see *Matter of Ashdjian*, 287 AD2d 217 [2001]; *Matter of Berns*, 46 AD3d 116 [2007]; *Matter of Silberman*, 31 AD3d 21 [2006]).

Accordingly, the Disciplinary Committee's petition should be granted and respondent's name stricken from the roll of attorneys and counselors-at-law in the State of New York, effective nunc pro tunc to October 2, 2007.

All concur.

Order filed.

(February 7, 2008)