



NEW YORK STATE
Unified Court System

OFFICE OF COURT ADMINISTRATION

LAWRENCE K. MARKS
CHIEF ADMINISTRATIVE JUDGE

JOHN W. McCONNELL
COUNSEL

MEMORANDUM

September 24, 2015

To: All Interested Persons

From: John W. McConnell

Re: Report and recommendations of the Chief Judge's Commission on Statewide Attorney Discipline.

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Public comment is requested on the report and recommendations of the Chief Judge's Commission on Statewide Attorney Discipline (Exh. A). The Commission was established by Chief Judge Lippman on March 30, 2015, and charged with conducting a comprehensive review of the State's attorney disciplinary system and the promulgation of recommendations to enhance the system's efficiency and effectiveness (Exh. B). The Commission, chaired initially by Chief Administrative Judge A. Gail Prudenti and more recently by former Appellate Division Justice Barry A. Cozier, consists of distinguished judges, lawyers, academics and court staff from all regions of the State. The Commission held three public hearings and received extensive oral and written input from a broad array of interested parties, including legal consumers, lawyers, bar associations, advocates and others. The Commission's report urges many significant reforms, highlighted by the following:

- Promulgation of statewide rules and procedures governing the processing of disciplinary matters at both the investigatory and adjudicatory stages, from intake to final disposition, including uniform discovery rules and information-sharing for respondent attorneys who are the subjects of disciplinary complaints.
- Establishment of a new office of Statewide Coordinator of Attorney Discipline, with powers and functions intended to help promote uniformity and consistency in procedures and sanctions among the Departments of the Appellate Division.
- Adoption of guidelines modeled after the ABA Standards for Imposing Lawyer Sanctions.
- Establishment of a clear process by which disciplinary committees may apply for

an order permitting early publication of charges under Judiciary Law § 90(10) in cases where an attorney's conduct places clients at significant risk or presents an immediate threat to the public interest.

- Creation of a simplified "administrative" suspension for failure to register or re-register as an attorney, and a streamlined process for lifting such suspensions.
- Establishment of a process to ensure that judicial determinations of prosecutorial misconduct are promptly referred to the appropriate disciplinary committee, and are better identified for record-keeping purposes.
- Implementation of a statewide diversion/alternatives to discipline program dealing with matters involving alcohol, substance abuse and mental illness.
- Development of a more accessible website, geared to the legal consumer, addressing attorney disciplinary issues.

Persons wishing to comment on the Commission's proposals should e-mail their submissions to rulecomments@nycourts.gov or write to: John W. McConnell, Esq., Counsel, Office of Court Administration, 25 Beaver Street, 11th Fl., New York, New York 10004. **Comments must be received no later than November 9, 2015.**

All public comments will be treated as available for disclosure under the Freedom of Information Law and are subject to publication by the Office of Court Administration. Issuance of a proposal for public comment should not be interpreted as an endorsement of that proposal by the Unified Court System or the Office of Court Administration.