

APPELLATE DIVISION OF THE SUPREME COURT OF THE STATE OF NEW YORK, THIRD DEPARTMENT

Matter of Adams

2019 NY Slip Op 06148 (N.Y. Ct. App. 2019) · Decided August 15, 2019

SUMMARY

The Appellate Division, Third Department granted Joseph T. Adams's application to resign from the New York bar for nondisciplinary reasons after he corrected omissions in his original submission. The court accepted his resignation, struck his name from the roll of attorneys, prohibited him from practicing law in New York, and ordered him to surrender any Attorney Secure Pass.

CASE DETAILS

COURT	Appellate Division of the Supreme Court of the State of New York, Third Department
WRITING FOR THE COURT	Per Curiam; Garry, P.J.; Egan Jr., J.; Lynch, J.; Devine, J.; Pritzker, J.
JURISDICTION	New York
DECIDED	August 15, 2019
DISPOSITION	other
PROCEDURAL POSTURE	Original attorney-registration proceeding concerning an application to resign from the New York bar for nondisciplinary reasons.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Joseph T. Adams v. Attorney Grievance Committee for the Third Judicial Department

TOPICS

administrative law agency adjudication appellate procedure

PRACTICE AREAS

attorney discipline legal ethics bar admission and resignation

QUESTIONS PRESENTED

1. Whether Adams's supplemental affidavit corrected the deficiencies in his original application sufficiently to make him eligible to resign from the New York bar for nondisciplinary reasons.

2. Whether the court should grant the application, accept the nondisciplinary resignation, strike Adams's name from the roll of attorneys, and prohibit him from practicing law in New York.

HOLDINGS

1. Adams was eligible to resign for nondisciplinary reasons because his supplemental affidavit corrected the irregularities in his original submission and no other substantive objection remained.
2. Upon acceptance of Adams's resignation, his name was stricken from the roll of New York attorneys, he was prohibited from practicing law or holding himself out as an attorney in New York, and he was required to surrender his Attorney Secure Pass within 30 days.

KEY QUOTATIONS

*“Accordingly, with AGC voicing no other substantive objection to his application, and having determined that Adams is now eligible to resign for nondisciplinary reasons, we grant the application and accept his resignation” (*1)*

*“Joseph T. Adams' application for permission to resign is granted and his nondisciplinary resignation is accepted” (*1-*2)*

FACTUAL BACKGROUND

Adams, who had been admitted to practice by the Third Department in 1985, sought permission to resign from the New York bar for nondisciplinary reasons. His initial affidavit omitted three material responses required by the applicable attorney-disciplinary rules. After the Attorney Grievance Committee objected, Adams submitted a supplemental affidavit correcting those omissions, and the Committee raised no further substantive objection.

PROCEDURAL HISTORY

Joseph T. Adams applied to the Appellate Division, Third Department, for permission to resign from the New York bar for nondisciplinary reasons. The Attorney Grievance Committee opposed the application because Adams omitted three material responses and did not initially submit the application in the prescribed form. Adams later submitted a supplemental affidavit correcting the irregularities, and the court granted the application and accepted his resignation.

DISPOSITION

other

CASES CITED

- Matter of Lavielle, 173 AD3d 1600, 1601 (2019)

OPINION

PER CURIAM.

Matter of Adams (2019 NY Slip Op 06148) Matter of Adams 2019 NY Slip Op 06148 Decided on August 15, 2019 Appellate Division, Third Department Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431. This opinion is uncorrected and subject to revision before publication in the Official Reports. Decided and Entered: August 15, 2019 [*1] In the Matter of JOSEPH T. ADAMS, an Attorney.

(Attorney Registration No. 1963735) Calendar Date: August 12, 2019 Before: Garry, P.J., Egan Jr., Lynch, Devine and Pritzker, JJ. Joseph T. Adams, Vancouver, Washington, pro se. Monica A. Duffy, Attorney Grievance Committee for the Third Judicial Department, Albany, for Attorney Grievance Committee for the Third Judicial Department. MEMORANDUM AND ORDER Per Curiam.

Joseph T. Adams was admitted to practice by this Court in 1985 and lists a business address in Vancouver, Washington with the Office of Court Administration. Adams has applied to this Court, by affidavit sworn to June 3, 2019, for leave to resign from the New York bar for nondisciplinary reasons (see Rules for Attorney Disciplinary Matters [22 NYCRR] § 1240.22 [a]).

The Attorney Grievance Committee for the Third Judicial Department (hereinafter AGC) opposes the application on the basis that Adams omitted three material responses in his submission and, therefore, his application to resign was not in the proper form prescribed by Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.22 (a) (1) (see Rules for Attorney Disciplinary Matters [22 NYCRR] part 1240, appendix E).

In reply to AGC's opposition, however, Adams has submitted a supplemental affidavit, sworn to August 6, 2019, in which he corrects the irregularities in his prior submission. Accordingly, with AGC voicing no other substantive objection to his application, and having determined that Adams is now eligible to resign for nondisciplinary reasons, we grant the application and accept his resignation (see Matter of Lavielle, 173 AD3d 1600, 1601 [2019]).

Garry, P.J., Egan Jr., Lynch, Devine and Pritzker, JJ., concur. ORDERED that Joseph T. Adams' application for permission to resign is granted and his nondisciplinary resignation is accepted; and it is further ORDERED that Joseph T. Adams' name is hereby stricken from the roll of attorneys and counselors-at-law of the State of New York, effective immediately, and until further order of this Court (see generally Rules for Attorney Disciplinary Matters [22 NYCRR] § 1240.22 [b]); and it is further ORDERED that Joseph T. Adams is commanded to desist and refrain from the practice of law in any form in the State of New York, either as principal or as agent, clerk or employee of another; and Adams is hereby forbidden to appear as an attorney or counselor-at-law before any [*2]court, judge, justice, board, commission or other public authority, or to give to another an opinion as to the law or its application, or any advice in relation thereto, or to hold himself out in any way as an attorney and counselor-at-law in this State; and it is further ORDERED that Joseph

T. Adams shall, within 30 days of the date of this decision, surrender to the Office of Court Administration any Attorney Secure Pass issued to him.

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