

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

Matter of Allan Baldwin Cruikshank Jr., an Attorney

2026 NY Slip Op 00650 · No. PM-30-26 · Decided February 11, 2026

SUMMARY

The Appellate Division, Third Department, considers an Attorney Grievance Committee motion seeking discipline against Allan Baldwin Cruikshank Jr. based on misconduct found by the U.S. Court of Appeals for the Second Circuit. The court denies discipline for conduct previously addressed, finds respondent’s neglect of a criminal appeal established, and censures him.

CASE DETAILS

|                       |                                                                                                                                                                                                           |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Appellate Division of the Supreme Court of the State of New York, Third Department                                                                                                                        |
| WRITING FOR THE COURT | Garry, P.J.; Aarons, J.; Ceresia, J.; McShan, J.; Mackey, J.                                                                                                                                              |
| JURISDICTION          | New York Appellate Division, Third Department                                                                                                                                                             |
| DECIDED               | February 11, 2026                                                                                                                                                                                         |
| DOCKET                | PM-30-26                                                                                                                                                                                                  |
| DISPOSITION           | other                                                                                                                                                                                                     |
| PROCEDURAL POSTURE    | The Attorney Grievance Committee moved to impose New York discipline based on misconduct for which respondent had been publicly reprimanded by the United States Court of Appeals for the Second Circuit. |
| PRECEDENTIAL VALUE    | Published and precedential                                                                                                                                                                                |
| PARTIES               | Attorney Grievance Committee for the Third Judicial Department v. Allan Baldwin Cruikshank Jr., respondent                                                                                                |

TOPICS

- sanctions
- appellate procedure
- civil procedure

PRACTICE AREAS

- legal ethics
- attorney discipline
- professional responsibility
- appellate procedure

## QUESTIONS PRESENTED

1. Whether respondent's failure to effectively and timely prosecute a criminal appeal constituted client neglect warranting discipline in New York.
2. Whether New York could impose additional discipline for respondent's failure to respond to Second Circuit directives after the Third Department had already disciplined him for that conduct.
3. What disciplinary sanction was appropriate in light of the misconduct and aggravating and mitigating factors.

## HOLDINGS

1. The court denied the motion to the extent it sought discipline based on respondent's failure to respond to Second Circuit directives because the court had already disciplined him for that conduct in its August 2024 order of censure.
2. Respondent's admitted failure to effectively and timely prosecute the criminal appeal constituted client neglect and established misconduct warranting discipline in New York.
3. A public censure was the appropriate sanction for respondent's neglect of the criminal appeal.

## KEY QUOTATIONS

*“Accordingly, we grant AGC’s motion, find respondent’s misconduct established as to his neglect of the criminal appeal and turn to consideration of the appropriate penalty” (\*2)*

*“Given these facts, particularly the assertions made by respondent in his supplemental affirmation, and in order to protect the public, maintain the honor and integrity of the profession and deter others from engaging in similar misconduct, we censure respondent” (\*3)*

## FACTUAL BACKGROUND

Respondent, an attorney admitted to practice in New York in 1999, represented a criminal client before the Second Circuit. He admitted before that court that he failed to effectively and timely prosecute the criminal appeal and failed to comply with directives relating to the court's grievance investigation. The Third Department had already censured him for the failure to comply with the grievance-panel directive, while the Second Circuit later publicly reprimanded him for the deficient representation.

## PROCEDURAL HISTORY

Respondent had previously been censured by the Third Department for misconduct involving his failure to comply with a Second Circuit grievance-panel directive. The Second Circuit later publicly reprimanded him for failing to effectively and timely prosecute a criminal appeal and other conduct. The Attorney Grievance Committee moved for additional discipline in New York; the Third Department denied the motion in part as duplicative, granted it as to neglect of the criminal appeal, and imposed a censure.

## DISPOSITION

other

#### CASES CITED

- Matter of Cruikshank, 230 AD3d 901, 903 [3d Dept 2024]
- Matter of Beckett, 241 AD3d 1034, 1034-1035 [3d Dept 2025]
- Matter of D'Amico, 166 AD3d 1375 [3d Dept 2018]
- Matter of Bailey, 145 AD3d 1182 [3d Dept 2016]
- Matter of Joffe, 158 AD3d 11 [1st Dept 2018]
- Matter of Shedlick, 234 AD3d 1101, 1102-1103 [3d Dept 2025]
- Matter of Matemu, 197 AD3d 1433 [3d Dept 2021]
- Matter of Rudrakumaran, 113 AD3d 107 [1st Dept 2013]

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