

**SUPREME COURT OF THE STATE OF NEW YORK, APPELLATE DIVISION,
SECOND JUDICIAL DEPARTMENT**

Matter of Salami

2017 NY Slip Op 08526 (App. Div. 2d Dep't 2017) · No. 2017-04924 · Decided December 6, 2017

SUMMARY

The Appellate Division, Second Department imposed reciprocal discipline on Steven Hosseyn Salami based on a public censure imposed by the Supreme Court of New Jersey following his criminal conviction for simple assault. The court suspended Salami from practicing law for six months, beginning January 8, 2018, and required compliance with specified reinstatement conditions.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Per Curiam; Randall T. Eng, P.J.; William F. Mastro, J.; Reinaldo E. Rivera, J.; Mark C. Dillon, J.; Leonard B. Austin, J.
JURISDICTION	New York
DECIDED	December 6, 2017
DOCKET	2017-04924
DISPOSITION	other
PROCEDURAL POSTURE	Reciprocal attorney-discipline proceeding initiated by the Appellate Division after the respondent was publicly censured by the Supreme Court of New Jersey for misconduct underlying a criminal conviction.
PRECEDENTIAL VALUE	Published state intermediate appellate opinion

TOPICS

appellate procedure

appellate jurisdiction

PRACTICE AREAS

professional responsibility

attorney discipline

reciprocal discipline

QUESTIONS PRESENTED

1. Whether reciprocal discipline should be imposed in New York based on the respondent's criminal misconduct and resulting public censure in New Jersey.

2. What sanction was appropriate in New York, considering the nature of the criminal conduct, the similarity of the New Jersey offense to a New York disciplinary offense, mitigating circumstances, and the respondent's failure to report his conviction to the New York court.

HOLDINGS

1. Reciprocal discipline was warranted based on the misconduct underlying the New Jersey Supreme Court's order imposing public discipline.
2. A six-month suspension from the practice of law was appropriate, rather than the censure requested by the respondent.

KEY QUOTATIONS

*“Based upon the misconduct underlying the order of the Supreme Court of New Jersey dated March 29, 2017, we find that the imposition of reciprocal discipline is warranted.” (*2)*

*“Notwithstanding the respondent's request to limit any public discipline imposed to a censure, we conclude that the nature of his criminal conduct warrants his suspension from the practice of law for a period of six months” (*2)*

FACTUAL BACKGROUND

Steven Hosseyn Salami, a New York-admitted attorney, pleaded guilty in New Jersey on November 17, 2011, to downgraded simple assault arising from an incident involving an attack on a victim. He received a suspended 30-day jail sentence conditioned on anger-management counseling, plus a \$500 fine and costs. Although he promptly reported the conviction to New Jersey authorities, he failed to notify the New York court as required by Judiciary Law § 90(4)(c).

PROCEDURAL HISTORY

The respondent pleaded guilty in New Jersey to simple assault, a disorderly persons offense, and was sentenced to a suspended 30-day term of imprisonment, a fine, and costs. The New Jersey Office of Attorney Ethics sought final discipline; the New Jersey Disciplinary Review Board recommended a public censure, and the Supreme Court of New Jersey imposed that discipline. The New York Appellate Division issued an order to show cause under 22 NYCRR 1240.13 and, after considering mitigation and aggravation, imposed reciprocal discipline consisting of a six-month suspension.

DISPOSITION

other

CASES CITED

- Matter of Salami, 228 N.J. 277
- Matter of Falco, 150 A.D.3d 186

