

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

Matter of Zweben

2026 NY Slip Op 02192 · No. PM-64-26 · Decided April 9, 2026

SUMMARY

The Appellate Division, Third Department, partially granted and partially denied the Attorney Grievance Committee's motion concerning attorney Andrew Paul Zweben. The court declined to impose an indefinite suspension based on medical incapacity because the record was insufficient, but suspended Zweben immediately and until further order for failing to comply with lawful investigative demands. The order also requires compliance with suspended-attorney rules and warns that failure to participate in further proceedings within six months may result in disbarment.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Third Department
WRITING FOR THE COURT	Garry, P.J.; Aarons, J.; McShan, J.; Powers, J.; Mackey, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Third Department
DECIDED	April 9, 2026
DOCKET	PM-64-26
DISPOSITION	other
PROCEDURAL POSTURE	The Attorney Grievance Committee for the Third Judicial Department moved to suspend respondent Andrew Paul Zweben on an interim basis for failure to comply with lawful investigative demands, or alternatively to impose an indefinite suspension based on medical incapacity.
PRECEDENTIAL VALUE	Published opinion

TOPICS

- appellate procedure
- default
- sanctions
- civil procedure

PRACTICE AREAS

- attorney discipline
- professional responsibility
- appellate procedure

QUESTIONS PRESENTED

1. Whether respondent should receive an indefinite suspension based on alleged medical incapacity under 22 NYCRR 1240.14 (b).
2. Whether respondent's failure to substantially comply with the Attorney Grievance Committee's lawful investigative demands warranted an interim suspension under 22 NYCRR 1240.9 (a) and (a) (3).

HOLDINGS

1. An indefinite suspension based on medical incapacity was not warranted because the limited evidence supported contradictory but equally plausible inferences concerning respondent's capacity and did not establish incapacity.
2. An attorney's substantial failure to comply with the Attorney Grievance Committee's repeated and lawful investigative demands constitutes professional misconduct immediately threatening the public interest and warrants an interim suspension under 22 NYCRR 1240.9.

KEY QUOTATIONS

“a respondent's demonstrated failure to cooperate and comply with AGC's lawful demands not only constitutes professional misconduct immediately threatening the public interest, it also clearly jeopardizes the effectiveness of the attorney disciplinary system” ([*2])

“the mere failure to comply with a lawful demand of AGC during its investigation is sufficient to form the basis for a suspension” ([*2])

FACTUAL BACKGROUND

Respondent, an attorney admitted in 1973, maintained a business address in Ulster County and was the subject of an investigation concerning his attorney escrow account. His bank reported six escrow checks issued against insufficient funds. After respondent's daughter informed the Attorney Grievance Committee of respondent's medical issues, respondent received two extensions, but the resulting documentation did not substantially comply with the Committee's lawful demands and no further response was received.

PROCEDURAL HISTORY

The Attorney Grievance Committee commenced an investigation into respondent's attorney escrow account after receiving an overdraft report concerning six escrow checks issued against insufficient funds. Respondent received two extensions of time to respond, but the submissions made by his daughter were substantially deficient and no further correspondence was received. The Appellate Division granted the motion in part by imposing an immediate suspension during the investigation and until further order, while denying the request for an indefinite medical-incapacity suspension.

DISPOSITION

other

CASES CITED

- Matter of O'Phelan, 225 AD3d 1095, 1095-1096 (3d Dept 2024)
- Matter of Scharf, 219 AD3d 1602, 1603 (3d Dept 2023)
- Matter of Purser, 195 AD3d 1146, 1147 (3d Dept 2021)
- Matter of Hall, 171 AD3d 1446, 1447-1448 (3d Dept 2019)
- Matter of Roussin, 208 AD3d 174, 176-177 (1st Dept 2022)
- Matter of Figueroa, 241 AD3d 1670, 1671 (3d Dept 2025)
- Matter of Brown, 232 AD3d 981, 982-983 (3d Dept 2024)
- Matter of Fischer, 239 AD3d 1229, 1230-1232 (3d Dept 2025)
- Matter of Krinsky, 195 AD3d 1149, 1150-1151 (3d Dept 2021)
- Matter of Nestler, 193 AD3d 1320, 1321-1322 (3d Dept 2021)
- Matter of Russell-Ward, 179 AD3d 11, 13 (1st Dept 2019)
- Matter of Co, 148 AD3d 142, 145 (1st Dept 2017)

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