

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

In the Matter of Mark Jonathan Nussbaum

Matter of Nussbaum, 2025 NY Slip Op 07101 (App. Div. 1st Dep't Dec. 18, 2025) · No. Motion No. 2025-03827; Case No. 2025-04288 · Decided December 18, 2025

SUMMARY

The Appellate Division, First Department accepted Mark Jonathan Nussbaum's resignation from the New York bar pursuant to 22 NYCRR 1240.10 and ordered his disbarment effective nunc pro tunc to July 9, 2025. The court held that his description of professional misconduct involving the handling of funds in his IOLA account sufficiently identified the specific nature of the allegations despite an ongoing criminal investigation.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, First Judicial Department
WRITING FOR THE COURT	Cynthia S. Kern; Tanya R. Kennedy; Julio Rodriguez III; John R. Higgitt; Margaret A. Chan
JURISDICTION	New York Supreme Court, Appellate Division, First Department
DECIDED	December 18, 2025
DOCKET	Motion No. 2025-03827; Case No. 2025-04288
DISPOSITION	other
PROCEDURAL POSTURE	Attorney disciplinary proceeding in which respondent moved to resign from the New York bar pursuant to 22 NYCRR 1240.10 while under investigation by the Attorney Grievance Committee.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Attorney Grievance Committee for the First Judicial Department v. Mark Jonathan Nussbaum

TOPICS

- appellate procedure statutory interpretation plain meaning rule

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether respondent's affidavit adequately identified the specific nature of the professional-misconduct allegations as required by 22 NYCRR 1240.10.
2. Whether the court should accept respondent's resignation and enter the resulting order of disbarment.

HOLDINGS

1. A resignation affidavit satisfies 22 NYCRR 1240.10 when it identifies the specific nature of the professional-misconduct allegations; the rule does not require a recitation of factual particulars or evidence, particularly when additional detail could risk self-incrimination in a parallel criminal prosecution.
2. The court accepted respondent's resignation, disbarred him, and struck his name from the roll of attorneys and counselors-at-law, effective nunc pro tunc to July 9, 2025.

KEY QUOTATIONS

*“This description sufficiently identifies the “specific nature” of the allegations against respondent and therefore satisfies the plain language of 22 NYCRR 1240.10.” (*1)*

*“Notably, nothing in this rule requires a recitation of factual particulars or evidence in addition to identifying the “specific nature” of allegations, particularly in circumstances where providing additional detail would risk self-incrimination in a parallel criminal prosecution.” (*1)*

FACTUAL BACKGROUND

Mark Jonathan Nussbaum was admitted to practice law in New York in 2009 and maintained an office in the First Judicial Department. The Attorney Grievance Committee investigated alleged professional misconduct involving a shortfall in his IOLA escrow account; respondent was also indicted on felony charges arising from alleged theft of more than \$1,000,000. Respondent sought to resign, stating that the resignation was voluntary and that he could not successfully defend against the allegations.

PROCEDURAL HISTORY

The Attorney Grievance Committee was investigating allegations concerning respondent's handling of funds in his IOLA account. Respondent moved to resign, acknowledging that he could not successfully defend against the allegations and consenting to disbarment and possible restitution. The Committee opposed the motion, arguing that respondent had not adequately identified the specific acts of misconduct required by 22 NYCRR 1240.10(a) and Appendix A. The Appellate Division granted the motion and disbarred respondent.

DISPOSITION

other

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