

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

In re Tsapogas

65 A.D.3d 221 (2d Dep't 2009) · Decided June 23, 2009

SUMMARY

The Supreme Court of New York, Appellate Division, Second Department, accepted Pericles Tsapogas's voluntary resignation as an attorney. Effective immediately, the court disbarred him and struck his name from the roll of attorneys based on his acknowledgment that he could not successfully defend against allegations involving excessive billing and 60 pending professional-misconduct complaints.

CASE DETAILS

COURT	Appellate Division of the Supreme Court of the State of New York, Second Department
WRITING FOR THE COURT	Per Curiam; Prudenti, P.J.; Mastro, J.; Rivera, J.; Spolzino, J.; Skelos, J.
JURISDICTION	New York
DECIDED	June 23, 2009
DISPOSITION	other
PROCEDURAL POSTURE	An attorney submitted a voluntary resignation while the Grievance Committee was investigating 60 complaints of professional misconduct. The Appellate Division accepted the resignation and immediately disbarred him.
PRECEDENTIAL VALUE	published
PARTIES	Pericles Tsapogas v. Grievance Committee for the Second, Eleventh and Thirteenth Judicial Districts

TOPICS

remedies

appellate procedure

PRACTICE AREAS

attorney discipline

professional responsibility

legal ethics

QUESTIONS PRESENTED

1. Whether Tsapogas's resignation complied with the requirements of 22 NYCRR 691.9.
2. Whether the Appellate Division should accept the resignation and remove Tsapogas from the active roll of attorneys.

HOLDINGS

1. The resignation complied with the substance of 22 NYCRR 691.9 and was properly accepted.
2. Upon accepting the resignation, the court immediately disbarred Tsapogas and struck his name from the roll of attorneys and counselors-at-law.

KEY QUOTATIONS

“Inasmuch as the resignation complies with the substance of 22 NYCRR 691.9, and in the interest of immediately removing Mr. Tsapogas from the active roll of attorneys and thereby avoiding potential additional complaints, the resignation is accepted and, effective immediately, Pericles Tsapogas is disbarred, and his name is stricken from the roll of attorneys and counselors-at-law.” (222)

FACTUAL BACKGROUND

Pericles Tsapogas, admitted to the New York bar in 1998, submitted a resignation affidavit stating that his resignation was voluntary and made with full awareness of its consequences. The Grievance Committee was investigating 60 complaints alleging that he grossly overcharged clients in connection with legal services concerning reductions in New York City property-tax assessments. Tsapogas acknowledged that he could not successfully defend himself on the merits and understood that restitution or reimbursement obligations could arise under Judiciary Law § 90 (6-a).

PROCEDURAL HISTORY

Tsapogas submitted an affidavit tendering his resignation as an attorney and counselor-at-law. The Grievance Committee recommended acceptance of the resignation, noting the pending misconduct complaints and absence of pending claims with the Lawyers' Fund for Client Protection. The Appellate Division accepted the resignation, disbarred Tsapogas, and ordered compliance with the rules governing disbarred, suspended, and resigned attorneys.

DISPOSITION

other

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