

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

Matter of Halbfish

144 A.D.3d 1263 (3d Dep't 2016) · No. D-61-16 · Decided November 3, 2016

SUMMARY

The New York Supreme Court, Appellate Division, Third Department granted the Attorney Grievance Committee’s motion to impose reciprocal discipline on Michael D. Halbfish following his disbarment in New Jersey. The court disbarred Halbfish in New York, struck his name from the roll of attorneys, and ordered him to cease practicing law.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Third Department
WRITING FOR THE COURT	Per Curiam; McCarthy, J.P.; Egan Jr., J.; Rose, J.; Clark, J.; Mulvey, J.
JURISDICTION	New York
DECIDED	November 3, 2016
DOCKET	D-61-16
DISPOSITION	other
PROCEDURAL POSTURE	The Attorney Grievance Committee moved to impose New York discipline on respondent based on his disbarment by the Supreme Court of New Jersey. Respondent did not oppose the motion or raise any available defenses.
PRECEDENTIAL VALUE	published and precedential
PARTIES	Attorney Grievance Committee for the Third Judicial Department v. Michael D. Halbfish

TOPICS

- administrative law
- appellate procedure
- agency adjudication

PRACTICE AREAS

- legal ethics
- attorney discipline
- reciprocal discipline
- professional responsibility

QUESTIONS PRESENTED

1. Whether respondent's failure to respond to the Attorney Grievance Committee's motion waived the available defenses to reciprocal discipline.
2. Whether respondent should be disbarred in New York based on his disbarment and serious professional misconduct in New Jersey.

HOLDINGS

1. A respondent who fails to reply to a disciplinary motion or otherwise raise available defenses waives those defenses.
2. Respondent should be disbarred in New York based on his New Jersey disbarment, serious and unrepentant professional misconduct, and failure to participate in the New York proceeding.

KEY QUOTATIONS

“Under all of the circumstances presented – including the serious and unrepentant nature of respondent's considerable professional misconduct in New Jersey – we conclude that respondent should be disbarred in this state” (144 A.D.3d at 1264)

“respondent has evinced a disregard for his professional responsibilities and a disinterest in his fate as an attorney in this state by not responding to the instant motion or otherwise appearing in this proceeding” (144 A.D.3d at 1264)

FACTUAL BACKGROUND

Michael D. Halbfish was admitted to practice law in New York and New Jersey. New Jersey censured him in 2010 for misconduct including negligent misappropriation of client trust funds, and New York consequently suspended him for six months. New Jersey disbarred him in 2015 for gross neglect of client matters and failure to cooperate with disciplinary authorities. Halbfish did not respond to the New York disciplinary motion or otherwise appear.

PROCEDURAL HISTORY

Respondent was admitted to practice in New York in 1997. After New Jersey censured him in 2010, the New York Appellate Division suspended him for six months; the suspension remained in effect because he never sought reinstatement. New Jersey later disbarred him in 2015. The Attorney Grievance Committee then moved for reciprocal discipline in New York, and the Appellate Division granted the motion and disbarred respondent.

DISPOSITION

other

CASES CITED

- Matter of Dasent, 130 A.D.3d 1315 (2015)
- Matter of Lewis, 132 A.D.3d 1017 (2015)

- Matter of Morin, 131 A.D.3d 799, 800 (2015)
- Matter of Hock Loon Yong, 130 A.D.3d 1428, 1429 (2015)
- Matter of Felli, 116 A.D.3d 1335, 1335 (2014)

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