

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

In re Owen

109 A.D.3d 241 (N.Y. App. Div. 2d Dep't 2013) · Decided July 10, 2013

SUMMARY

The Supreme Court, Appellate Division, Second Department granted the Grievance Committee's motion to deem disciplinary charges established after Edward J. Owen failed to answer the petition or oppose the motion. The court suspended Owen indefinitely, effective immediately, and directed him to cease practicing law and comply with applicable rules governing suspended attorneys.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Department
WRITING FOR THE COURT	Per Curiam; Eng, J.; Mastro, J.; Rivera, J.; Skelos, J.; Chambers, J.
JURISDICTION	New York
DECIDED	July 10, 2013
DISPOSITION	other
PROCEDURAL POSTURE	Attorney disciplinary proceeding in which the Grievance Committee moved, based on respondent's default, to deem the charges in a verified petition established and impose discipline.
PRECEDENTIAL VALUE	published

TOPICS

default sanctions civil procedure administrative law

PRACTICE AREAS

attorney discipline professional responsibility administrative law civil procedure

QUESTIONS PRESENTED

1. Whether the Grievance Committee's motion should be granted and the disciplinary charges deemed established based on respondent's default.
2. What discipline should be imposed for the established charges.

HOLDINGS

1. Because respondent was properly served and failed to answer, seek an adjournment, oppose the motion, or otherwise respond, the charges in the verified petition were deemed established.
2. Respondent was suspended from the practice of law for an indefinite period, effective immediately and continuing until further order of the Court.

KEY QUOTATIONS

“Accordingly, the Grievance Committee’s motion is granted, the charges in the verified petition are deemed established and, effective immediately, the respondent is suspended for an indefinite period, until further order of the Court” (242)

FACTUAL BACKGROUND

The verified petition alleged that respondent failed to file biennial attorney-registration statements with the Office of Court Administration for five registration periods. It also alleged that he failed to cooperate with legitimate Grievance Committee demands during an investigation into his professional conduct. After personal service, respondent failed to answer or otherwise respond.

PROCEDURAL HISTORY

The Court authorized the Grievance Committee for the Tenth Judicial District to institute and prosecute a disciplinary proceeding. Respondent was personally served with the authorization order and verified petition but did not answer, seek an adjournment, oppose the Committee's motion, or otherwise respond. The Appellate Division granted the motion, deemed the charges established, and suspended respondent indefinitely.

DISPOSITION

other

CASES CITED

- Matter of Malone, 98 A.D.3d 263 (2012)
- Matter of Atkins, 84 A.D.3d 97 (2011)

OPINION

PER CURIAM.

*242OPINION OF THE COURT Per Curiam. By decision and order on application of this Court dated February 16, 2012, the Grievance Committee for the Tenth Judicial District was authorized to institute and prosecute a disciplinary proceeding against the respondent based upon a verified petition dated October 18, 2011. That petition alleged that the respondent was guilty of, inter alia, failing to file biennial registration statements with the Office of Court Administration (hereinafter the OCA) for five biennial registration periods and failing to cooperate with the legitimate

demands of the Grievance Committee in connection with an investigation into his professional conduct.

After this Court granted an extension of time to effect service, on April 10, 2012, the respondent was personally served with a copy of the decision and order dated February 16, 2012, together with notice of entry, as well as a copy of the verified petition dated October 18, 2011. More than 20 days have elapsed without an answer to the petition, as directed, or a request for an adjournment.

The Grievance Committee now moves to deem the charges against the respondent established, and to impose such discipline upon him as the Court deems appropriate, based upon his default. The respondent has neither opposed the Grievance Committee's motion nor interposed any response thereto.

Accordingly, the Grievance Committee's motion is granted, the charges in the verified petition are deemed established and, effective immediately, the respondent is suspended for an indefinite period, until further order of the Court (see *Matter of Malone*, 98 AD3d 263 [2012]; *Matter of Atkins*, 84 AD3d 97 [2011]). Eng, EJ., Mastro, Rivera, Skelos and Chambers, JJ., concur.

Ordered that the motion of the Grievance Committee for the Tenth Judicial District is granted; and it is further, Ordered that, pursuant to Judiciary Law § 90, effective immediately, the respondent, Edward J. Owen, admitted as Edward James Owen, is suspended for an indefinite period, until further order of the Court; and it is further, Ordered that the respondent, Edward J. Owen, admitted as Edward James Owen, shall comply with this Court's rules governing the conduct of disbarred, suspended, and resigned attorneys (see 22 NYCRR 691.10); and it is further, Ordered that pursuant to Judiciary Law § 90, the respondent, Edward J. Owen, admitted as Edward James Owen, is com*243manded to desist and refrain from (1) practicing law in any form, either as principal, agent, clerk, or employee of another, (2) appearing as an attorney or counselor-at-law before any court, judge, justice, board, commission, or other public authority, (3) giving to another an opinion as to the law or its application or any advice in relation thereto, and (4) holding himself out in any way as an attorney and counselor-at-law; and it is further, Ordered that if the respondent, Edward J. Owen, admitted as Edward James Owen, has been issued a secure pass by the Office of Court Administration, it shall be returned forthwith to the issuing agency and the respondent shall certify to the same in his affidavit of compliance pursuant to 22 NYCRR 691.10 (f).