

**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)