

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

Matter of Kramer

2023 NY Slip Op 01936 (App. Div. 2023) · No. PM-81-23 · Decided April 13, 2023

SUMMARY

The Appellate Division, Third Department granted Kevin W. Kramer's application to resign from the New York bar for nondisciplinary reasons. The court accepted his resignation, struck his name from the roll of attorneys, prohibited him from practicing law in New York, and ordered him to surrender his Attorney Secure Pass.

CASE DETAILS

COURT	Appellate Division of the Supreme Court of the State of New York, Third Department
WRITING FOR THE COURT	Per Curiam; Garry, P.J.; Lynch, J.; Aarons, J.; Reynolds Fitzgerald, J.; McShan, J.
JURISDICTION	New York
DECIDED	April 13, 2023
DOCKET	PM-81-23
DISPOSITION	other
PROCEDURAL POSTURE	Kramer applied for permission to resign from the New York bar for nondisciplinary reasons. The Attorney Grievance Committee opposed the application because Kramer had not fulfilled the attorney registration requirements for the 2022-2023 biennial period.
PRECEDENTIAL VALUE	published
PARTIES	Kevin W. Kramer v. Attorney Grievance Committee for the Third Judicial Department

TOPICS

administrative law

PRACTICE AREAS

legal ethics attorney discipline professional responsibility

QUESTIONS PRESENTED

1. Whether Kevin W. Kramer was eligible to resign from the New York bar for nondisciplinary reasons despite an initially identified failure to fulfill attorney registration requirements for the 2022-2023 biennial period.

HOLDINGS

1. Kramer was eligible to resign from the New York bar for nondisciplinary reasons, and his application for permission to resign was granted.
2. Upon acceptance of Kramer's nondisciplinary resignation, his name was stricken from the roll of attorneys and counselors-at-law, he was prohibited from practicing law or holding himself out as an attorney in New York, and he was required to surrender any Attorney Secure Pass within 30 days.

KEY QUOTATIONS

“Upon reading Kramer's affidavit sworn to January 26, 2023 and filed February 1, 2023, as supplemented by Kramer's affidavit sworn to March 29, 2023 and filed March 29, 2023, and upon reading the February 24, 2023 correspondence in response by the Chief Attorney for AGC, and having determined that Kramer is eligible to resign for nondisciplinary reasons, we grant his application and accept his resignation.” ([*1])

FACTUAL BACKGROUND

Kevin W. Kramer was admitted to practice by the Third Department in 2010 and maintained a business address in Seattle, Washington. He sought to resign from the New York bar for nondisciplinary reasons. The Attorney Grievance Committee initially opposed the application because he had failed to satisfy attorney registration requirements for the 2022-2023 biennial period, but Kramer submitted additional materials addressing the deficiency.

PROCEDURAL HISTORY

Kramer submitted an application supported by affidavits. After the Attorney Grievance Committee identified a registration deficiency, Kramer submitted a reply and supplemental affidavit. The Appellate Division determined that he was eligible for nondisciplinary resignation, granted the application, accepted his resignation, and ordered that his name be stricken from the roll of attorneys.

DISPOSITION

other

OPINION

PER CURIAM.

Matter of Kramer (2023 NY Slip Op 01936) Matter of Kramer 2023 NY Slip Op 01936 Decided on April 13, 2023 Appellate Division, Third Department Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431. This opinion is uncorrected and subject to

revision before publication in the Official Reports. Decided and Entered: April 13, 2023 PM-81-23 [*1] In the Matter of Kevin W. Kramer, an Attorney.

(Attorney Registration No. 4800629.) Calendar Date: April 3, 2023 Before: Garry, P.J., Lynch, Aarons, Reynolds Fitzgerald and McShan, JJ. Kevin W. Kramer, Seattle, Washington, pro se. Monica A. Duffy, Attorney Grievance Committee for the Third Judicial Department, Albany, for Attorney Grievance Committee for the Third Judicial Department. Per Curiam. Kevin W. Kramer was admitted to practice by this Court in 2010 and lists a business address in Seattle, Washington with the Office of Court Administration.

Kramer now seeks leave to resign from the New York bar for nondisciplinary reasons (see Rules for Attorney Disciplinary Matters [22 NYCRR] § 1240.22 [a]). The Attorney Grievance Committee for the Third Judicial Department (hereinafter AGC) opposes the application, noting Kramer is ineligible for nondisciplinary resignation due to his failure to fulfill the attorney registration requirements for the 2022-2023 biennial period.

Kramer has been heard in reply in an attempt to resolve the identified deficiency. Upon reading Kramer's affidavit sworn to January 26, 2023 and filed February 1, 2023, as supplemented by Kramer's affidavit sworn to March 29, 2023 and filed March 29, 2023, and upon reading the February 24, 2023 correspondence in response by the Chief Attorney for AGC, and having determined that Kramer is eligible to resign for nondisciplinary reasons, we grant his application and accept his resignation.

Garry, P.J., Lynch, Aarons, Reynolds Fitzgerald and McShan, JJ., concur. ORDERED that Kevin W. Kramer's application for permission to resign is granted and his nondisciplinary resignation is accepted; and it is further ORDERED that Kevin W. Kramer's name is hereby stricken from the roll of attorneys and counselors-at-law of the State of New York, effective immediately, and until further order of this Court (see generally Rules for Attorney Disciplinary Matters [22 NYCRR] § 1240.22 [b]); and it is further ORDERED that Kevin W. Kramer is commanded to desist and refrain from the practice of law in any form in the State of New York, either as principal or as agent, clerk or employee of another; and Kramer is hereby forbidden to appear as an attorney or counselor-at-law before any court, judge, justice, board, commission or other public authority, or to give to another an opinion as to the law or its application, or any advice in relation thereto, or to hold himself out in any way as an attorney and counselor-at-law in this State; and it is further ORDERED that Kevin W. Kramer shall, within 30 days of the date of this decision, surrender to the Office of Court Administration any Attorney Secure Pass issued to him.