

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

In re Karlick

98 A.D.3d 251 (1st Dep't 2012) · Decided July 17, 2012

SUMMARY

The court granted the Departmental Disciplinary Committee's motion to immediately suspend Gideon Joseph Karlick from practicing law. The suspension was based on his willful failure to cooperate with the Committee's investigation, including failure to appear for scheduled proceedings and failure to produce a subpoenaed client file.

CASE DETAILS

COURT	Appellate Division of the Supreme Court of the State of New York, First Department
WRITING FOR THE COURT	Per Curiam; Mazzairelli, J.P.; Saxe, J.; Moskowitz, J.; Renwick, J.; Freedman, J.
JURISDICTION	New York
DECIDED	July 17, 2012
DISPOSITION	other
PROCEDURAL POSTURE	The Departmental Disciplinary Committee moved for an immediate interim suspension of respondent attorney based on his failure to cooperate with its investigation of a disciplinary complaint.
STANDARD OF REVIEW	Immediate interim suspension is appropriate when the public interest is threatened because an attorney has demonstrated noncompliance with a disciplinary committee investigation.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Departmental Disciplinary Committee v. Gideon Joseph Karlick

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether respondent's repeated failure to cooperate with the Departmental Disciplinary Committee's investigation threatened the public interest and warranted immediate interim suspension under 22 NYCRR 603.4(e)(1)(i).

HOLDINGS

1. An immediate interim suspension was warranted because respondent willfully failed to cooperate with the Committee's investigation despite numerous opportunities and accommodations, including failing to comply with two court-ordered subpoenas, appear for examinations under oath, and produce the relevant client file.

KEY QUOTATIONS

“Immediate suspension on an interim basis is appropriate where the public interest is threatened because an attorney has demonstrated noncompliance with a Committee investigation” (254)

FACTUAL BACKGROUND

A client complained that respondent had neglected a medical malpractice wrongful-death matter and failed to return her calls for approximately one year. Respondent repeatedly failed to attend mediation, comply with subpoenas for the client file, appear for examinations under oath, or communicate with the Departmental Disciplinary Committee despite repeated notices, accommodations, and warnings. He did not oppose the Committee's motion for interim suspension.

PROCEDURAL HISTORY

A client filed a disciplinary complaint in August 2009. After respondent failed to cooperate with mediation, failed to comply with subpoenas, failed to appear for scheduled depositions, and failed to produce the client file, the Committee moved for an interim suspension. Respondent did not submit an opposition, and the First Department granted the motion.

DISPOSITION

other

CASES CITED

- Matter of Maruggi, 87 A.D.3d 201 (1st Dep't 2011)
- Matter of Bautista, 78 A.D.3d 75 (1st Dep't 2010)
- Matter of Holubar, 73 A.D.3d 214 (1st Dep't 2010)
- Matter of Burke, 54 A.D.3d 70 (1st Dep't 2008)