

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

Matter of Zankowski

2022 NY Slip Op 05194 (N.Y. Ct. App. 2022) · No. PM-162-22 · Decided September 15, 2022

SUMMARY

The Appellate Division, Third Department imposed reciprocal discipline on Doreen Marie Zankowski after Massachusetts suspended her from practicing law for two years for misconduct including intentionally billing clients for services not rendered. The court granted the Attorney Grievance Committee's motion and suspended respondent from practicing law in New York for two years, effective immediately, rejecting her request for retroactive application.

CASE DETAILS

COURT	Appellate Division of the Supreme Court of the State of New York, Third Department
WRITING FOR THE COURT	Garry, P.J.; Lynch, J.; Aarons, J.; Reynolds Fitzgerald, J.; Fisher, J.
JURISDICTION	New York
DECIDED	September 15, 2022
DOCKET	PM-162-22
DISPOSITION	other
PROCEDURAL POSTURE	The Attorney Grievance Committee moved to impose reciprocal discipline in New York based on respondent's two-year suspension by the Massachusetts Supreme Judicial Court. Respondent raised no substantive defense to reciprocal discipline but requested that any New York suspension be imposed retroactively.
PRECEDENTIAL VALUE	published
PARTIES	Attorney Grievance Committee for the Third Judicial Department v. Doreen Marie Zankowski

TOPICS

appellate procedure

remedies

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether reciprocal discipline should be imposed in New York based on respondent's Massachusetts suspension when respondent raised no substantive defense under 22 NYCRR 1240.13(b).
2. What sanction should be imposed in New York for respondent's misconduct and Massachusetts discipline.
3. Whether the New York suspension should be imposed retroactively, nunc pro tunc, to coincide with the expiration of respondent's Massachusetts suspension.

HOLDINGS

1. Reciprocal discipline should be imposed because respondent raised no substantive defense to the Attorney Grievance Committee's motion under 22 NYCRR 1240.13(b).
2. A two-year suspension from the practice of law in New York, effective immediately and continuing until further order of the court, is an appropriate sanction.
3. The suspension should not be imposed retroactively; it is effective immediately.

KEY QUOTATIONS

“Accordingly, we conclude that a sanction consistent with the two-year suspension from the practice of law imposed in Massachusetts is appropriate in this state” (at *1)

“Finally, inasmuch as we perceive no basis in the record to grant respondent's request for a retroactive sanction, said suspension will be effective immediately.” (at *2)

FACTUAL BACKGROUND

Doreen Marie Zankowski was admitted to practice in New York in 2006 and was also admitted in Massachusetts. In March 2021, a full panel of the Massachusetts Supreme Judicial Court for Suffolk County suspended her for two years based on findings that she violated three Massachusetts professional-conduct rules, including intentionally billing multiple clients for services that were not rendered. She failed to notify the New York court and the Attorney Grievance Committee of the Massachusetts discipline within 30 days and had also failed to timely register for New York's 2022 biennial attorney-registration period.

PROCEDURAL HISTORY

Respondent was suspended for two years in Massachusetts after findings that she violated three Massachusetts Rules of Professional Conduct, including dishonestly billing clients for services not rendered. She failed to notify the New York court and the Attorney Grievance Committee of the Massachusetts discipline within the required 30-day period. The Attorney Grievance Committee moved for reciprocal discipline, and the Appellate Division granted the motion and imposed an immediate two-year suspension.

DISPOSITION

other

CASES CITED

- Matter of Zankowski, 487 Mass 140, 141 (2021)
- Matter of Bailey, 177 AD3d 1079, 1080 (3d Dept 2019)
- Matter of Harmon, 191 AD3d 1149, 1152 (3d Dept 2021)
- Matter of Hoines, 185 AD3d 1349, 1350 (3d Dept 2020)
- Matter of Attorneys in Violation of Judiciary Law § 468-a (Roberts), 197 AD3d 815, 815-816 (3d Dept 2021)
- Matter of Rosenthal, 57 AD3d 1085, 1086 (3d Dept 2008), lv denied 12 NY3d 739 (2009), cert denied 558 US 820 (2009)
- Matter of Larsen, 50 AD3d 41, 47 (1st Dept 2008)
- Matter of Ziankovich, 192 AD3d 180, 184-185 (1st Dept 2021)
- Matter of Kachroo, 180 AD3d 183, 188 (1st Dept 2020), lv denied 35 NY3d 917 (2020)

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