

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

Matter of Previto

110 A.D.3d 816, 971 N.Y.S.2d 895 (N.Y. App. Div. 2013) · Decided October 9, 2013

SUMMARY

The court granted Michael L. Previto’s motion for reinstatement to the New York bar. The court directed that he be reinstated immediately and that his name be restored to the roll of attorneys and counselors-at-law.

CASE DETAILS

COURT	Appellate Division of the Supreme Court of the State of New York, Second Department
WRITING FOR THE COURT	Eng, P.J.; Rivera, J.; Skelos, J.; Dillon, J.; Angiolillo, J.
JURISDICTION	New York
DECIDED	October 9, 2013
DISPOSITION	other
PROCEDURAL POSTURE	Michael L. Previto moved for reinstatement to the New York bar after having been disbarred upon resignation. The Appellate Division referred the reinstatement matter to its Committee on Character and Fitness and, after reviewing the committee's report and the papers submitted, granted the motion.
PRECEDENTIAL VALUE	published

TOPICS

appellate procedure

PRACTICE AREAS

professional responsibility

attorney reinstatement

bar admission and discipline

QUESTIONS PRESENTED

1. Whether Michael L. Previto should be reinstated as an attorney and counselor-at-law after disbarment upon resignation.

HOLDINGS

1. The motion for reinstatement was granted, effective immediately, and Previto's name was ordered restored to the roll of attorneys and counselors-at-law.

KEY QUOTATIONS

“it is Ordered that the motion is granted; and it is further, Ordered that, effective immediately, Michael L. Previto, is reinstated as an attorney and counselor-at-law, and the Clerk of the Court is directed to restore the name of Michael L. Previto to the roll of attorneys and counselors-at-law.” (110 A.D.3d at 817)

FACTUAL BACKGROUND

Michael L. Previto was admitted to the New York bar in 1984 and disbarred upon his resignation in 2000. His prior reinstatement efforts involved concerns about the late filing of his affidavit of compliance and 20 traffic violations accumulated from 2005 through 2007. For the present motion, the Committee on Character and Fitness investigated and reported on his current fitness to practice law.

PROCEDURAL HISTORY

Previto was admitted to the bar in 1984 and disbarred upon resignation effective immediately in 2000. His earlier reinstatement motion was denied in 2009 after referral concerning his late affidavit of compliance and traffic violations. His present motion was held in abeyance and referred for a current fitness investigation before the court granted reinstatement.

DISPOSITION

other

CASES CITED

- Matter of Previto, 265 A.D.2d 84 (N.Y. App. Div. 2000)

OPINION

PER CURIAM.

Motion by Michael L. Previto for reinstatement to the bar as an attorney and counselor-at-law. Mr. Previto was admitted to the bar at a term of the Appellate Division of the Supreme Court in the Second Judicial Department on September 12, 1984. By opinion and order of this Court dated February 28, 2000, Mr. Previto was disbarred upon his resignation, effective immediately (see Matter of Previto, 265 AD2d 84 [2000]).

By decision and order on motion of this Court dated June 10, 2008, Mr. Previto's prior motion for reinstatement was held in abeyance and the matter was referred to the Committee on Character and Fitness to investigate and report on Mr. Previto's fitness to practice law, including, but not limited

to, the late filing of his affidavit of compliance and the 20 traffic violations he accumulated during the period from 2005 through 2007.

By decision and order on motion of this Court dated May, *81727, 2009, Mr. Previto's prior motion for reinstatement was denied. By decision and order on motion of this Court dated November 20, 2012, Mr. Previto's present motion for reinstatement was held in abeyance and the matter was referred to the Committee on Character and Fitness to investigate and report on his current fitness to practice law.

Upon the papers filed in support of the motion and the papers filed in relation thereto, and upon the report of the Committee on Character and Fitness and the exhibits annexed thereto, it is Ordered that the motion is granted; and it is further, Ordered that, effective immediately, Michael L. Previto, is reinstated as an attorney and counselor-at-law, and the Clerk of the Court is directed to restore the name of Michael L. Previto to the roll of attorneys and counselors-at-law.

Eng, P.J., Rivera, Skelos, Dillon and Angiolillo, JJ., concur.