

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

Matter of Christopher John Goodson, an Attorney

2020 NY Slip Op 05278 (App. Div. 2020) · No. PM-125-20 · Decided October 1, 2020

SUMMARY

The Appellate Division, Third Department held that Christopher John Goodson's federal conviction for conspiracy to commit bank fraud was sufficiently analogous to a New York felony to trigger automatic disbarment. The court struck his name from the New York roll of attorneys nunc pro tunc to September 28, 2018, and ordered him to desist from practicing law in the state.

CASE DETAILS

COURT	Appellate Division of the Supreme Court of the State of New York, Third Department
WRITING FOR THE COURT	Per Curiam; Lynch, J.P.; Devine, J.; Pritzker, J.; Reynolds Fitzgerald, J.; Colangelo, J.
JURISDICTION	New York
DECIDED	October 1, 2020
DOCKET	PM-125-20
DISPOSITION	other
PROCEDURAL POSTURE	The Attorney Grievance Committee moved to strike respondent's name from the roll of New York attorneys nunc pro tunc to the filing of his federal guilty plea, asserting that the conviction resulted in automatic disbarment. In the alternative, it sought discipline based on the misconduct underlying respondent's New Jersey suspension.
STANDARD OF REVIEW	The court reviewed the proof submitted in support of the Attorney Grievance Committee's motion to determine whether the foreign felony was essentially similar to a New York felony for purposes of automatic disbarment.
PRECEDENTIAL VALUE	Published opinion; precedential
PARTIES	Attorney Grievance Committee for the Third Judicial Department v. Christopher John Goodson, respondent

TOPICS

administrative law

criminal procedure

appellate procedure

PRACTICE AREAS

attorney discipline

legal ethics

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criminal procedure

QUESTIONS PRESENTED

1. Whether respondent's federal conviction for conspiracy to commit bank fraud was essentially similar to a New York felony so as to result in automatic disbarment under Judiciary Law § 90(4).
2. Whether respondent's name should be stricken from the New York roll of attorneys nunc pro tunc to September 28, 2018.
3. Whether the court needed to address the Attorney Grievance Committee's alternative request for discipline based on the misconduct underlying respondent's New Jersey suspension.

HOLDINGS

1. A conviction for federal conspiracy to commit bank fraud that is sufficiently comparable to the New York class E felony of scheme to defraud in the first degree warrants automatic disbarment under Judiciary Law § 90(4)(b).
2. Respondent's name must be stricken from the roll of attorneys and counselors-at-law of New York, effective nunc pro tunc to September 28, 2018, the date the guilty plea was filed.
3. The court did not need to address the Attorney Grievance Committee's alternative request for discipline under 22 NYCRR 1240.13 because automatic disbarment was established.

KEY QUOTATIONS

"an attorney convicted of a felony in a foreign jurisdiction that is essentially similar to a New York felony is automatically disbarred"

FACTUAL BACKGROUND

Respondent was admitted to practice law in New York in 1999 and also practiced in New Jersey. He pleaded guilty to federal felony conspiracy to commit bank fraud based on his participation with two coconspirators in a mortgage-loan fraud scheme operated through his law firm. New Jersey suspended him from practice on an interim basis, and the Attorney Grievance Committee sought to strike his name from New York's roll of attorneys nunc pro tunc to the filing of his guilty plea.

PROCEDURAL HISTORY

Respondent pleaded guilty in the United States District Court for the District of New Jersey to federal felony conspiracy to commit bank fraud. New Jersey thereafter suspended him from practicing law on an interim basis pending disciplinary proceedings. The Attorney Grievance Committee moved in the Third Department to confirm respondent's automatic disbarment in New York; the court granted the motion insofar as it sought striking of respondent's name and denied the alternative disciplinary request as unnecessary to decide.

DISPOSITION

other

CASES CITED

- Matter of Butcher, 153 A.D.3d 1127, 1127 (2017)
- Matter of Ferriero, 172 A.D.3d 1698, 1699 (2019)
- Matter of Park, 95 A.D.3d 1648, 1648 (2012)
- Matter of Petiton, 155 A.D.3d 118 (2017)
- Matter of Williams, 148 A.D.3d 269 (2017)
- Matter of Duval, 148 A.D.3d 73 (2017)
- Matter of Merker, 140 A.D.3d 1 (2016)
- Matter of Hand, 164 A.D.3d 1006, 1009 (2018)
- Matter of Goncalves, 161 A.D.3d 1377, 1379 (2018)
- Matter of Goodson, 235 N.J. 329 (2018)

OPINION

PER CURIAM.

Matter of Goodson (2020 NY Slip Op 05278) Matter of Goodson 2020 NY Slip Op 05278 Decided on October 1, 2020 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: October 1, 2020 PM-125-20 [*1]In the Matter of Christopher John Goodson, an Attorney.

(Attorney Registration No. 2949279.) Calendar Date: August 31, 2020 Before: Lynch, J.P., Devine, Pritzker, Reynolds Fitzgerald and Colangelo, JJ. Monica A. Duffy, Attorney Grievance Committee for the Third Judicial Department, Albany (Michael K. Creaser of counsel), for Attorney Grievance Committee for the Third Judicial Department. Nissenbaum Law Group, LLC, Union, New Jersey (Anthony C. Gunst IV), for respondent.

Per Curiam. Respondent was admitted to practice by this Court in 1999. That same year, he was also admitted to the practice of law in New Jersey, where he presently lists a business address with the Office of Court Administration. Following respondent's execution of an agreement pleading guilty to a criminal information charging him with the federal felony of conspiracy to commit bank fraud (18 USC §§ 1344, 1349), the plea agreement was filed on September 28, 2018 in the United States District Court for the District of New Jersey.

This conviction stemmed from respondent's participation, along with two coconspirators, in a mortgage loan fraud scheme operated through his law firm. By October 2018 order, the Supreme

Court of New Jersey suspended respondent from the practice of law on an interim basis pending the final resolution of disciplinary charges related to respondent's conviction (Matter of Goodson, 235 NJ 329 [2018]), and that suspension remains extant.

The Attorney Grievance Committee for the Third Judicial Department (hereinafter AGC) now moves for an order striking respondent's name from the roll of attorneys, nunc pro tunc to the date of the filing of his guilty plea to the federal felony of conspiracy to commit bank fraud, contending that this conviction resulted in his automatic disbarment in this state (see Judiciary Law § 90 [4] [a], [b]; Rules for Attorney Disciplinary Matters [22 NYCRR] § 1240.12 [c] [1]; Rules of App Div, 3d Dept [22 NYCRR] § 806.12).[FN1] In the alternative, AGC seeks to impose discipline pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.13 (a) and Rules of the Appellate Division, Third Department (22 NYCRR) § 806.13, based upon the misconduct giving rise to respondent's suspension from the practice of law in New Jersey.

Respondent has submitted papers in opposition requesting, among other things, that this Court dismiss AGC's motion pending the completion of the disciplinary proceedings in New Jersey. Notably, a guilty plea to an analogue New York felony, "for attorney discipline purposes, serve[s] as the equivalent of a conviction" (Matter of Butcher, 153 AD3d 1127, 1127 [2017]).

Moreover, "'an attorney convicted of a felony in a foreign jurisdiction that is essentially similar to a New York felony is automatically disbarred'" (Matter of Ferriero, 172 AD3d 1698, 1699 [2019], quoting Matter of Park, 95 AD3d 1648, 1648 [2012]; see Judiciary Law § 90 [4] [a], [e]). Upon review of the proof submitted in support of AGC's motion, we agree that respondent's conviction of the federal crime of conspiracy to commit bank fraud is sufficiently comparable to the New York class E felony of scheme to defraud in the first degree (see Penal Law § 190.65 [b]) so as to warrant his automatic disbarment in this state pursuant to Judiciary Law § 90 (4) (b) (see e.g. Matter of Petiton, 155 AD3d 118 [2017]; Matter of Williams, 148 AD3d 269 [2017]; Matter of Duval, 148 AD3d 73 [2017]; Matter of Merker, 140 AD3d 1 [2016]).

Given this conclusion, we therefore grant that part of AGC's motion asking this Court to confirm respondent's disbarred status by striking his name from the roll of attorneys nunc pro tunc to September 28, 2018 (see Matter of Hand, 164 AD3d 1006, 1009 [2018]; Matter of Goncalves, 161 AD3d 1377, 1379 [2018]).[FN2] Lynch, J.P., Devine, Pritzker, Reynolds Fitzgerald and Colangelo, JJ., concur.

ORDERED that the motion of the Attorney Grievance Committee for the Third Judicial Department is granted in part and denied in part in accordance with the findings set forth in this decision; and it is further ORDERED that respondent's name is hereby stricken from the roll of attorneys and counselors-at-law of the State of New York, effective nunc pro tunc to September 28, 2018; and it is further ORDERED that respondent 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 respondent 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 respondent shall comply with the provisions of the Rules for Attorney Disciplinary Matters regulating the conduct of disbarred attorneys and shall duly certify to the same in his affidavit of compliance (see Rules for Attorney Disciplinary Matters [22 NYCRR] § 1240.15).

Footnotes Footnote 1: AGC advises that respondent's sentencing date is currently postponed.

Footnote 2: In light of this result, it is unnecessary to address AGC's alternative request for the imposition of discipline pursuant to Rules for Attorney Discipline Matters (22 NYCRR) § 1240.13.