

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

Matter of Sherman

2023 NY Slip Op 01126 (Appellate Division of the Supreme Court of the State of New York Third Department 2023) · No. PM-38-23 · Decided March 2, 2023

SUMMARY

The Appellate Division, Third Department, granted the Attorney Grievance Committee's motion to discipline Jeffrey Marc Sherman based on the revocation of his Virginia law license and his disbarment in the District of Columbia for misconduct involving client funds. The court ordered Sherman disbarred in New York, struck his name from the roll of attorneys, and imposed related restrictions and compliance obligations.

CASE DETAILS

COURT	Appellate Division of the Supreme Court of the State of New York, Third Department
WRITING FOR THE COURT	Garry, P.J.; Egan Jr., J.; Clark, J.; Aarons, J.; Ceresia, J.
JURISDICTION	New York
DECIDED	March 2, 2023
DOCKET	PM-38-23
DISPOSITION	other
PROCEDURAL POSTURE	The Attorney Grievance Committee moved by order to show cause to impose New York attorney discipline based on respondent's consent revocation of his Virginia license and consent disbarment by the District of Columbia Court of Appeals. Respondent did not object and affirmatively consented to disbarment in New York.
PRECEDENTIAL VALUE	Published New York Appellate Division opinion
PARTIES	Attorney Grievance Committee for the Third Judicial Department v. Jeffrey Marc Sherman

TOPICS

[administrative law](#) [agency adjudication](#) [appellate procedure](#)

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether New York may impose discipline based on respondent's revocation of his license in Virginia and disbarment in the District of Columbia.
2. What sanction should be imposed in New York when an attorney consents to revocation or disbarment in a foreign jurisdiction and consents to reciprocal discipline in New York.

HOLDINGS

1. Under Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.13(c), the Appellate Division may discipline a respondent for misconduct committed in a foreign jurisdiction. Respondent's failure to object effectively waived his available defenses.
2. The Appellate Division is not required to impose the same sanction imposed by a foreign tribunal; it must craft a sanction that protects the public, maintains the honor and integrity of the profession, or deters similar misconduct.
3. Respondent was disbarred from the practice of law in New York, his name was stricken from the roll of attorneys and counselors-at-law, and he was prohibited from practicing law in the state.

KEY QUOTATIONS

"this Court is 'not obliged to impose the same sanction that was imposed by the foreign tribunal, but rather [is] charged with crafting a sanction that protects the public, maintains the honor and integrity of the profession or deters others from engaging in similar misconduct'" (183 N.Y.S.3d at 327)

"an attorney's consent to disbarment or revocation of his or her license while under investigation 'in a foreign jurisdiction is 'tantamount to a disciplinary resignation in this state'" (183 N.Y.S.3d at 327)

FACTUAL BACKGROUND

Jeffrey Marc Sherman was admitted to practice in New York in 1983 and was later suspended for longstanding registration delinquency. He was also admitted in Virginia and before the District of Columbia Court of Appeals. In 2020, Virginia revoked his license upon consent and the District of Columbia disbarred him upon consent based on allegations that he mismanaged client funds while representing bankruptcy clients.

PROCEDURAL HISTORY

Respondent had been admitted to practice in New York but was suspended in September 2022 for registration delinquency. After Virginia revoked his license and the District of Columbia disbarred him upon consent based on alleged mismanagement of client funds, the Attorney Grievance Committee sought reciprocal discipline in New York. The Appellate Division granted the motion and ordered respondent disbarred, with his name stricken from the roll.

DISPOSITION

other

CASES CITED

- Matter of Attorneys in Violation of Judiciary Law § 468-a, 208 A.D.3d 1421, 1441 (3d Dep't 2022)
- Matter of Hanks, 210 A.D.3d 1282, 1282-1283 (3d Dep't 2022)
- Matter of Canney, 165 A.D.3d 1461, 1461-1462 (3d Dep't 2018)
- Matter of Vega, 147 A.D.3d 1196, 1198 (3d Dep't 2017)
- Matter of Friedman, 166 A.D.3d 1208, 1209 (3d Dep't 2018)

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