

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

Matter of Anthony Servall Chilliest

2026 NY Slip Op 01407 · No. Motion No. 2025-06803; Case No. 2023-04980 · Decided March 12, 2026

SUMMARY

The Appellate Division, First Department granted the Attorney Grievance Committee's motion to immediately suspend Anthony Servall Chilliest from practicing law. The court found sufficient evidence of approximately \$210,000 in escrow-fund conversion or misappropriation and determined that his failure to answer complaints, appear for examination, and produce requested documents warranted interim suspension under 22 NYCRR 1240.9(a)(1), (3), and (5). The suspension remains effective until further order of the court.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, First Judicial Department
WRITING FOR THE COURT	Per Curiam; Dianne T. Renwick, Presiding Justice; Barbara R. Kapnick, Justice; Ellen Gesmer, Justice; Julio Rodriguez III, Justice; Shlomo S. Hagler, Justice
JURISDICTION	New York Supreme Court, Appellate Division, First Department
DECIDED	March 12, 2026
DOCKET	Motion No. 2025-06803; Case No. 2023-04980
DISPOSITION	other
PROCEDURAL POSTURE	Attorney disciplinary proceeding in which the Attorney Grievance Committee moved for respondent's immediate interim suspension pending further order of the court.
STANDARD OF REVIEW	Whether the Attorney Grievance Committee met its burden to warrant an immediate interim suspension under 22 NYCRR 1240.9(a)(1), (3), and (5).
PRECEDENTIAL VALUE	Published
PARTIES	Attorney Grievance Committee for the First Judicial Department v. Anthony Servall Chilliest

TOPICS

remedies

real estate

appellate procedure

PRACTICE AREAS

attorney discipline

legal ethics

professional responsibility

real estate escrow

QUESTIONS PRESENTED

1. Whether testimonial and documentary evidence sufficiently established conversion or misappropriation of escrow funds to warrant an immediate interim suspension under 22 NYCRR 1240.9(a)(5).
2. Whether respondent's failures to answer complaints, appear for examination, and produce subpoenaed documents warranted an immediate interim suspension under 22 NYCRR 1240.9(a)(1) and (3).
3. Whether the record sufficiently established the venal intent required for intentional conversion under New York Rule of Professional Conduct 8.4(c) based on the alleged undisclosed loan disbursement.

HOLDINGS

1. The Attorney Grievance Committee met its burden under 22 NYCRR 1240.9(a)(5) because witness testimony and bank records sufficiently evinced that respondent converted or misappropriated approximately \$210,000 in escrow funds.
2. Respondent's failure to answer the two complaints, appear for a deposition or examination, and produce specified documents as directed by the Attorney Grievance Committee and judicial subpoena warranted interim suspension under 22 NYCRR 1240.9(a)(1) and (3).
3. The present record did not sufficiently establish the venal intent required for intentional conversion under Rule 8.4(c) based on the alleged failure to disclose the respondent's relationships and the allegedly unauthorized \$140,000 disbursement.

KEY QUOTATIONS

*"However, this alleged misconduct does not, based on the present record, sufficiently establish the "venal intent" required for intentional conversion under rule 8.4(c), i.e., "evidence that the attorney knowingly withdrew IOLA or escrow funds, without permission or authority, and that he used said funds for his own purposes"" ([*1])*

*"Accordingly, AGC's motion should be granted and respondent suspended from the practice of law, effective immediately, and until further order of this Court." ([*1])*

FACTUAL BACKGROUND

Respondent represented an estate in the sale of a residential apartment and was alleged to have deposited part of the buyer's down payment into business accounts and distributed sale proceeds before completion of Surrogate's Court proceedings. In a separate real estate transaction, testimonial and bank-record evidence indicated that respondent converted or misappropriated approximately \$210,000 in escrow funds. The record also showed that respondent failed to answer two complaints, appear for an examination or deposition, and produce documents requested by the Attorney Grievance Committee and required by subpoena.

PROCEDURAL HISTORY

The Attorney Grievance Committee served respondent with disciplinary charges in October 2023. After initially moving for a default determination, the Committee was directed to permit respondent to answer; respondent filed an answer denying the charges. The court later appointed a referee to conduct a hearing on all charges, and that hearing concluded. While the disciplinary matter remained pending, the Committee moved for respondent's immediate interim suspension based on alleged escrow-fund conversion or misappropriation and failures to cooperate with the investigation. The Appellate Division granted the motion.

DISPOSITION

other

CASES CITED

- Matter of Kreger, 235 AD3d 85, 88 (1st Dept 2025)
- Matter of Schwartz, 214 AD3d 153 (1st Dept 2023)
- Matter of Carlebach, 156 AD3d 44 (1st Dept 2017)
- Matter of Kiss, 152 AD3d 129 (1st Dept 2017)
- Matter of Karan, 149 AD3d 14 (1st Dept 2017)
- Matter of Gard, 230 AD3d 96 (1st Dept 2024)
- Matter of Tessler, 215 AD3d 61 (1st Dept 2023)
- Matter of Greenblum, 199 AD3d 84 (1st Dept 2021)
- Matter of Doris, 186 AD3d 23 (1st Dept 2020)

OPINION

Matter of Chilliast 2026 NY Slip Op 01407

PER CURIAM.

Matter of Chilliast (2026 NY Slip Op 01407) Matter of Chilliast 2026 NY Slip Op 01407 Decided on March 12, 2026 Appellate Division, First Department Per Curiam 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: March 12, 2026

SUPREME COURT, APPELLATE DIVISION

First Judicial Department Present — Hon. Dianne T. Renwick Presiding Justice Barbara R. Kapnick Ellen Gesmer Julio Rodriguez III Shlomo S. Hagler Justices. Motion No. 2025-06803 Case No.2023-04980 In the Matter of Anthony Servall Chilliast An attorney counselor-at-law: Attorney Grievance Committee for the First Judicial Department Petitioner Anthony Servall Chilliast (OCA Atty. Reg. No. 2691574) Respondent. Motion No. 2025-06803|Case No. 2023-04980| [*1]In the Matter of Anthony Servall Chilliast, An Attorney and Counselor-at-Law: Attorney Grievance Committee for the First Judicial Department, Petitioner, Anthony Servall Chilliast (OCA Atty. Reg. No. 2691574), Respondent. Disciplinary proceedings instituted by the

Attorney Grievance Committee for the First Judicial Department. Respondent, Anthony Servall Chilliest, was admitted to the Bar of the State of New York at a Term of the Appellate Division of the Supreme Court for the Second Judicial Department on June 28, 1995. Jorge Dopico, Chief Attorney, Attorney Grievance Committee, New York City (Orlando Reyes, of counsel), for petitioner. Respondent, pro se. Per Curiam Respondent Anthony S. Chilliest was admitted to the practice of law in the State of New York by the Second Judicial Department on June 28, 1995, under the name Anthony Servall Chilliest. Respondent maintains an office for the practice of law in the First Judicial Department. In October 2023, the Attorney Grievance Committee (AGC) served respondent with a notice and petition of charges alleging that, in connection with the sale of a residential apartment owned by an estate he represented, respondent committed non-venal misappropriation of client/third party funds by depositing a portion of the buyer's downpayment into his business accounts and by remitting all the sale proceeds he was holding to one of the three estate heirs prior to the completion of Surrogate Court proceedings involving the estate, in violation of New York Rules of Professional Conduct (22 NYCRR 1200.0) rules 1.15(a) and 8.4(d); failed to segregate the estate funds and commingled them with his law firm's business funds in violation of rules 1.15(a) and 1.15(b); failed to keep required bookkeeping records in violation of rule 1.15(d)(1)(i), (ii), and (2); and by engaging in other conduct that adversely reflects on his fitness as a lawyer in violation of rule 8.4(h). In January 2024, the AGC moved for an order finding respondent in default based on his failure to serve and file an answer to the charges, deeming the allegations and charges in the petition admitted, immediately suspending respondent from the practice of law based upon his default, and referring the matter to a referee for a hearing on the issue of sanction only. Respondent opposed and requested that the Court extend his time to answer the charges. By unpublished order dated March 8, 2024 (M-5706), the Court granted the AGC's motion to the extent of directing respondent to file an answer to the petition within 30 days of the date of the order. On or about April 7, 2024, respondent filed an answer denying all the charges. On or about April 30, 2024, pursuant to the Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.8(a)(2), the AGC filed a statement of disputed and undisputed facts. Respondent did not file his own statement of disputed and undisputed facts. By corrected, unpublished order dated February 14, 2025 (M-5969), the Court appointed George A. Davidson as Referee to conduct a hearing on all of the charges, to make findings of fact and conclusions of law, and to recommend such sanction as may be appropriate. The hearing has concluded. Now, by notice of motion dated December 12, 2025, the AGC seeks an order pursuant to 22 NYCRR 1240.9(a)(1), (3), and (5) immediately suspending respondent from the practice of law until further order of this Court, based on testimonial and documentary evidence that he converted and/or misappropriated escrow funds, failed to comply with the AGC's repeated requests that he answer two complaints, and failed to appear for an examination under oath and produce specified documents as directed by the AGC in a notice to appear and also by judicial subpoena. AGC argues, inter alia, that respondent's alleged deceitful failure to disclose to one

client that he was the CEO of the debtor entity to which the client loaned \$200,000 and, without the client's knowledge, disbursed \$140,000 of the loan funds to a corporate third party (for which respondent was the General Counsel) not listed on the promissory note also constitutes uncontroverted evidence that respondent intentionally converted and/or misappropriated third-party and/or client funds. However, this alleged misconduct does not, based on the present record, sufficiently establish the "venal intent" required for intentional conversion under rule 8.4(c), i.e., "evidence that the attorney knowingly withdrew IOLA or escrow funds, without permission or authority, and that he used said funds for his own purposes" (*Matter of Kreger* , 235 AD3d 85, 88 [1st Dept 2025] [internal quotation marks omitted]). Nevertheless, AGC has met its burden, and respondent should be immediately suspended pursuant to 1240.9(a)(1), (3), and (5). First, the witness testimony and bank records presented to the grand jury sufficiently evince that respondent converted and/or misappropriated approximately \$210,000 in escrow funds in connection with a second client's real estate transaction, thus warranting his interim suspension under 1240.9(a)(5) (see e.g. *Matter of Schwartz* , 214 AD3d 153 [1st Dept 2023] [interim suspension pursuant to 1240.9(a)(5) based on documentary evidence, including bank records, evincing conversion and/or misappropriation of escrow funds]; *Matter of Carlebach* , 156 AD3d 44 [1st Dept 2017]; *Matter of Kiss* , 152 AD3d 129 [1st Dept 2017]; *Matter of Karan* , 149 AD3d 14 [1st Dept 2017]). Second, respondent's failure to cooperate with the AGC's investigation of the complaints of both clients warrants his interim suspension under 1240.9(a)(1) and (3). Specifically, the record evinces that, to date, respondent has failed to comply with the AGC's repeated requests that he answer the two complaints, and he has failed to appear for a deposition and to produce specified documents, as directed by the AGC's notice to appear and judicial subpoena (see e.g. *Matter of Gard*, 230 AD3d 96 [1st Dept 2024] [interim suspension pursuant to 1240.9(a)(3) for failure to answer complaints and failure to appear for deposition]; *Matter of Tessler* , 215 AD3d 61 [1st Dept 2023] [interim suspension pursuant to, inter alia, 1240.9(a)(1) and (3) for failure to answer complaints and failure to appear for a deposition as directed by judicial subpoena]; *Matter of Greenblum* , 199 AD3d 84 [1st Dept 2021]; *Matter of Doris* , 186 AD3d 23 [1st Dept 2020]). Accordingly, AGC's motion should be granted and respondent suspended from the practice of law, effective immediately, and until further order of this Court. All concur. Wherefore, it is Ordered that the motion by the Attorney Grievance Committee for the First Judicial Department for interim suspension, pursuant to 22 NYCRR 1240.9(a)(1), (3) and (5), is granted, and respondent, Anthony Servall Chilliast, is suspended from the practice of law, effective immediately, and until further order of this Court; and It is further Ordered that, pursuant to Judiciary Law § 90, during the period of suspension, respondent, Anthony Servall Chilliast, is commanded to desist and refrain from (1) the practice of law in any form, either as principal or agent, clerk or employee of another, (2) appearing as an attorney or counselor-at-law before any court, Judge, Justice, board, commission or other public authority, (3) giving to another an opinion as to the law or its application or any advice in relation thereto, and (4) holding himself out in any way as an attorney and counselor-at-law; and It is

further Ordered that, during the period of suspension, respondent, Anthony Servall Chilliect, shall comply with the rules governing the conduct of disbarred or suspended attorneys (see 22 NYCRR 1240.15), which are made part hereof; and It is further Ordered that if respondent, Anthony Servall Chilliect, has been issued a secure pass by the Office of Court Administration, it shall be returned forthwith, and It is further Ordered that, within 20 days of the date of service of this order, respondent Anthony Servall Chilliect, may submit a request, in writing, to this Court for a post-suspension hearing (see 22 NYCRR 1240.9[c]). Entered: March 12, 2026

PER CURIAM.

Matter of Chilliect (2026 NY Slip Op 01407) Matter of Chilliect 2026 NY Slip Op 01407 Decided on March 12, 2026 Appellate Division, First Department Per Curiam 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: March 12, 2026

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