

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

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real estate

appellate procedure

PRACTICE AREAS

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legal ethics

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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)