

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 17, 2011.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
Richard T. Andrias
Karla Moskowitz
Dianne T. Renwick, Justices.

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In the Matter of Norman Leonard Cousins,
an Attorney and Counselor-at-law:

Departmental Disciplinary Committee M-5850
For the First Judicial Department,
Petitioner,

Norman Leonard Cousins,
(OCA Atty. Reg. No. 1437425),
Respondent.

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An order of this Court having been entered on October 19, 2010 (M-288), inter alia, disbarring respondent and striking his name from the roll of attorneys and counselors-at-law in the State of New York, effective November 18, 2010,

And respondent having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the order of this Court entered on October 19, 2010 (M-288),

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied.

E N T E R:

APPELLATE DIVISION SUPREME COURT FIRST DEPARTMENT
STATE OF NEW YORK

I, SUSANNA ROJAS, Clerk of the Appellate Division of the Supreme Court First Judicial Department, do hereby certify that I have compared this copy with the original thereof filed in said office on 2/17/2011 and that the same is a correct transcript thereof, and of the whole of said original.
IN WITNESS WHEREOF I have hereunto set my hand and affixed the seal of this Court on 2/17/2011.


Clerk.


CLERK

Appellate Division, First Judicial Department

22 NYCRR § 603.13 (2010)

§ 603.13 Conduct of disbarred, suspended and resigned attorneys

(a) Compliance with Judiciary Law. Disbarred, suspended and resigned attorneys at law shall comply fully and completely with the letter and spirit of sections 478, 479, 484 and 486 of the Judiciary Law relating to practicing as attorneys at law without being admitted and registered, and soliciting of business on behalf of an attorney at law and the practice of law by an attorney who has been disbarred, suspended or convicted of a felony.

(b) Compensation. A disbarred, suspended or resigned attorney may not share in any fee for legal services performed by another attorney during the period of his removal from the bar. A disbarred, suspended or resigned attorney may be compensated on a quantum meruit basis for legal services rendered and disbursements incurred by him prior to the effective date of the disbarment or suspension order or of his resignation. The amount and manner of payment of such compensation and recoverable disbursements shall be fixed by the court on the application of either the disbarred, suspended or resigned attorney or the new attorney, on notice to the other as well as on notice to the client. Such applications shall be made at special term in the court wherein the action is pending or at special term of the Supreme Court in the county wherein the moving attorney maintains his office if an action has not been commenced. In no event shall the combined legal fees exceed the amount the client would have been required to pay had no substitution of attorneys been required.

(c) Notice to clients not involved in litigation. A disbarred, suspended or resigned attorney shall promptly notify by registered or certified mail, return receipt requested, all clients being represented in pending matters, other than litigated or administrative matters or proceedings pending in any court or agency, of his disbarment or suspension or resignation and his consequent inability to act as an attorney after the effective date of his disbarment or suspension or resignation and shall advise said clients to seek legal advice elsewhere.

(d) Notice to clients involved in litigation. (1) A disbarred or suspended or resigned attorney shall promptly notify, by registered or certified mail, return receipt requested, each of his clients whom he is representing in litigated matters or administrative proceedings, and the attorney or attorneys for every other party in such matter or proceeding, of his disbarment or suspension or resignation and consequent inability to act as an attorney after the effective date of his disbarment or suspension or resignation. The notice to be given to the client shall advise the prompt substitution of another attorney or attorneys in his place.

(2) In the event the client does not obtain substitute counsel before the effective date of the disbarment or suspension or resignation, it shall be the responsibility of the disbarred or suspended or resigned attorney to move in the court in which the action is pending, or before the body in which an administrative proceeding is pending, for leave to withdraw from the action or proceeding.

(3) The notice to be given to the attorney or attorneys for each other party shall state the place or residence of the client of the disbarred or suspended or resigned attorney. In addition, notice shall be given in like manner to the Office of Court Administration of the State of New York in each matter in which a retainer statement has been filed.

(e) Conduct after entry of order. The disbarred or suspended or resigned attorney, after entry of the disbarment or suspension order, or after entry of the order accepting the resignation, shall not accept any new retainer or engage as attorney for another in any new case or legal matter of any nature. However, during the period between the entry date of the order and its effective date he may wind up and complete, on behalf of any client, all matters which were pending on the entry date.

(f) Filing proof of compliance and attorney's address. Within 10 days after the effective date of the disbarment or suspension order or the order accepting the resignation, the disbarred or suspended or resigned attorney shall file with the clerk of this court, together with proof of service upon the Departmental Disciplinary Committee, an affidavit showing that he has fully complied with the provisions of the order and with these rules. Such affidavit shall also set forth the residence or other address of the disbarred or suspended or resigned attorney where communications may be directed to him.

(g) Appointment of attorney to protect clients' interests and interests of disbarred, suspended or resigned attorney. Whenever it shall be brought to the court's attention that a disbarred or suspended or resigned attorney shall have failed or may fail to comply with the provisions of subdivision (c), (d) or (f) of this section, this court, upon such notice to such attorney as this court may direct, may appoint an attorney or attorneys to inventory the files of the disbarred or suspended or resigned attorney and to take such action as seems indicated to protect the interests of his clients and for the protection of the interests of the suspended or disbarred or resigned attorney.

(h) Disclosure of Information. Any attorney so appointed by this court shall not be permitted to disclose any information contained in any file so inventoried without the consent of the client to whom such file relates except as necessary to carry out the order of this court.

(i) This court may fix the compensation to be paid to any attorney appointed by this court under this section. This compensation may be directed by this court to be paid as an incident to the costs of the proceeding in which the charges are incurred and shall be charged in accordance with law.

(j) Required records. A disbarred or suspended or resigned attorney shall keep and maintain records of the various steps taken by him under this Part so that, upon any subsequent proceeding instituted by or against him, proof of compliance with this Part and with the disbarment or suspension order or with the order accepting the resignation will be available.