State of New York
Supreme Court, Appellate Division
Third Judicial Department

Decided and Entered: February 5, 2015 D-13-15

In the Matter of LOUIS MACCHIAVERNA, a Suspended Attorney.

MEMORANDUM AND ORDER ON MOTION

(Attorney Registration No. 2922870)

Calendar Date: January 5, 2015

Before: Lahtinen, J.P., Garry, Rose, Devine and Clark, JJ.

Monica A. Duffy, Committee on Professional Standards, Albany (Anna E. Remet of counsel), for Committee on Professional Standards.

Per Curiam.

Louis Macchiaverna was admitted to practice by this Court in 1998 and was also admitted to practice in New Jersey that same year, where he maintained an office for the practice of law. He was suspended by this Court, effective March 3, 2014, due to his failure to comply with the attorney registration requirements (see Matter of Attorneys in Violation of Judiciary Law § 468–a, 113 AD3d 1020, 1042 [2014]).

By two orders entered July 17, 2014, the Supreme Court of New Jersey imposed upon Macchiaverna consecutive one-year and two-year periods of suspension based upon Macchiaverna engaging in conduct prejudicial to the administration of justice by practicing law during separate periods of temporary suspension.

As a result of the discipline imposed in New Jersey, the Committee on Professional Standards moves for an order imposing

discipline pursuant to this Court's rules (see Rules of the App Div, 3d Dept [22 NYCRR] § 806.19). Macchiaverna has not replied to the motion or otherwise raised any available defenses (see Rules of the App Div, 3d Dept [22 NYCRR] § 806.19 [d]), and we, therefore, grant the Committee's motion.

In determining the appropriate discipline, we note the presence of several aggravating factors, including Macchiaverna's previous September 2011 censure by this Court (Matter of Macchiaverna, 87 AD3d 1176 [2011]), his default herein and his failure to pay applicable registration payments in this state since 2006. Having considered the nature of Macchiaverna's misconduct and the consequent discipline imposed in New Jersey, we conclude that Macchiaverna should be suspended from the practice of law in this state for a period of three years (see e.g. Matter of Doyle, 121 AD3d 1401, 1402 [2014]; Matter of Gold, 64 AD3d 990, 992 [2009]).

Lahtinen, J.P., Garry, Rose, Devine and Clark, JJ., concur.

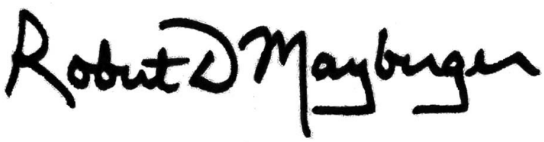
ORDERED that the motion of the Committee on Professional Standards is granted; and it is further

ORDERED that Louis Macchiaverna is suspended from the practice of law for a period of three years, effective immediately, and until further order of this Court; and it is further

ORDERED that, for the period of suspension, Louis Macchiaverna is commanded to desist and refrain from the practice of law in any form, either as principal or as agent, clerk or employee of another; and Macchiaverna 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; and it is further

ORDERED that Louis Macchiaverna shall comply with the provisions of this Court's rules regulating the conduct of suspended attorneys (see Rules of the App Div, 3d Dept [22 NYCRR] § 806.9).

ENTER:



Robert D. Mayberger
Clerk of the Court