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

Decided and Entered: April 7, 2016 D-21-16

In the Matter of MARCIA J. DOYLE,
a Disbarred Attorney.

MEMORANDUM AND ORDER ON MOTION

(Attorney Registration No. 2489102)

Calendar Date: April 4, 2016

Before: Lahtinen, J.P., Garry, Egan Jr., Devine and Mulvey, JJ.

Monica A. Duffy, Committee on Professional Standards, Albany (Michael G. Gaynor of counsel), for Committee on Professional Standards.

Dreyer Boyajian LLP (Lauren S. Owens of counsel), Albany, for Marcia J. Doyle.

Per Curiam.

Marcia J. Doyle was admitted to practice by this Court in 1992 and previously maintained an office for the practice of law in the Town of Averill Park, Rensselaer County.

By order entered October 24, 2014, this Court suspended Doyle from the practice of law for three years on the basis of sustained charges of professional misconduct that included engaging in misleading and deceptive conduct that adversely reflected upon her fitness as a lawyer (121 AD3d 1401 [2014]). Subsequently, on March 7, 2016, Doyle resolved a 13-count indictment by pleading guilty before Albany County Court (Herrick, J.) to one count of criminal tax fraud in the third degree (see Tax Law § 1804), a class D felony, and one count of scheme to defraud in the first degree (see Penal Law § 190.65 [1] [b]), a class E felony.

The Committee on Professional Standards now moves pursuant to Judiciary Law § 90 (4) (a) and (b) to strike Doyle's name from the roll of attorneys. Doyle does not oppose this relief.

It is undisputed that Doyle was automatically disbarred and ceased to be an attorney by operation of law when she entered her guilty plea to a felony, which "was equivalent to a conviction for attorney discipline purposes" (Matter of Russell, 216 AD2d 790, 791 [1995]; see Judiciary Law § 90 [4] [a]; Matter of Sanderson, 119 AD3d 1318, 1318 [2014]). Consequently, the Committee's "motion to strike [her] name from the [roll] of attorneys [is] a formality which merely confirms [her] disbarred status" (Matter of Brunet, 106 AD3d 1443, 1443 [2013]; see Matter of Sanderson, 119 AD3d at 1318).

Accordingly, we grant the Committee's motion and strike Doyle's name from the roll of attorneys nunc pro tunc to the date of her guilty plea (see Matter of Dawson, 133 AD3d 1083 [2015]).

Lahtinen, J.P., Garry, Egan Jr., Devine and Mulvey, JJ., concur.

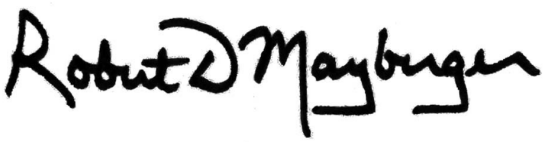
ORDERED that the motion of the Committee on Professional Standards is granted; and it is further

ORDERED that Marcia J. Doyle's name is hereby stricken from the roll of attorneys and counselors-at-law of the State of New York, effective nunc pro tunc to March 7, 2016; and it is further

ORDERED that Marcia J. Doyle is commanded to desist and refrain from the practice of law in any form, either as a principal or as agent, clerk or employee of another; and Doyle 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 Marcia J. Doyle shall comply with the provisions of this Court's rules regulating the conduct of disbarred attorneys (see Rules of App Div, 3d Dept [22 NYCRR] § 806.9).

ENTER:



Robert D. Mayberger
Clerk of the Court