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

Decided and Entered: April 21, 2016 D-25-16

In the Matter of CHARLES P. MURDTER, an Attorney.

COMMITTEE ON PROFESSIONAL STANDARDS, MEMORANDUM AND ORDER

Petitioner;

CHARLES P. MURDTER,

Respondent.

(Attorney Registration No. 1708148)

Calendar Date: March 28, 2016

Before: Lahtinen, J.P., McCarthy, Lynch, Clark and Mulvey, JJ.

Monica A. Duffy, Committee on Professional Standards, Albany (Alison M. Coan of counsel), for petitioner.

Per Curiam.

Charles P. Murdter was admitted to practice by this Court in 1981. He was subsequently admitted in the District of Columbia in 1983 – where he presently maintains an office for the practice of law – and in California in 1997.

In April 2011, Murdter pleaded guilty to two misdemeanor counts of contempt of court in the Superior Court of the District of Columbia. The guilty plea arose out of Murdter's neglect of various criminal appeals to which he had been assigned by the federal District of Columbia Court of Appeals, which ultimately resulted in that Court vacating his assignments and issuing an order to show cause why he should not be held in criminal contempt. Murdter was thereafter sentenced to four months of incarceration; however, the execution of the sentence was suspended in lieu of nine months of unsupervised probation,

subject to certain conditions.

Murdter's conviction for criminal contempt constitutes a "serious crime" as that term is defined in Judiciary Law § 90 (4) (d) (see Matter of Tatko, 55 AD3d 1127, 1128 [2008]; see also Matter of Samuel, 103 AD3d 134, 136-137 [2013]; Matter of Green, 72 AD3d 142, 142 [2010]; Matter of Brecker, 309 AD2d 77, 78 [2003]). The Committee on Professional Standards now moves for a final order of discipline pursuant to Judiciary Law § 90 (4) (g) as Murdter has been convicted and sentenced. Murdter has not responded or otherwise appeared on the motion.

Upon consideration of the facts and circumstances, especially the nature of Murdter's conviction, his failure to timely file a copy of the record of his conviction with this Court (see Judiciary Law § 90 [4] [c]), the underlying professional misconduct and his disinterest in his fate as an attorney as evidenced by his lack of response in this matter, we grant the Committee's uncontested motion for such relief and conclude that Murdter should be suspended from the practice of law for a period of six months, effective immediately (see Matter of Avigdor, 105 AD3d 1247, 1248 [2013]; see also Matter of Mueller, 131 AD3d 762, 762 [2015]; Matter of Briggs, 120 AD3d 1522, 1523 [2014]).

Lahtinen, J.P., McCarthy, Lynch, Clark and Mulvey, JJ., concur.

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

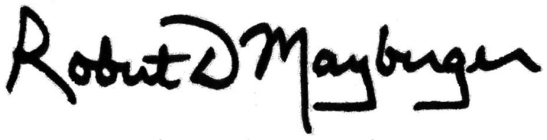
ORDERED that Charles P. Murdter is suspended from the practice of law for a period of six months, effective immediately, and until further order of this Court; and it is further

ORDERED that, for the period of suspension, Charles P. Murdter 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 Murdter is 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 Charles P. Murdter shall comply with the provisions of this Court's rules regulating the conduct of suspended attorneys (see Rules of App Div, 3d Dept [22 NYCRR] § 806.9).

ENTER:



Robert D. Mayberger
Clerk of the Court