

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

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A. GAIL PRUDENTI, P.J.
WILLIAM F. MASTRO
REINALDO E. RIVERA
ROBERT A. SPOLZINO
PETER B. SKELOS, JJ.

2008-05539

OPINION & ORDER

In the Matter of Beth Mansfield Modica,
admitted as Beth Mansfield Gardner,
an attorney and counselor-at-law.

Grievance Committee for the Second
and Eleventh Judicial Districts,
petitioner; Beth Mansfield Modica,
respondent.

(Attorney Registration No. 2222768)

Motion by the Grievance Committee for the Second and Eleventh Judicial Districts to strike the respondent's name from the roll of attorneys and counselors-at-law, pursuant to Judiciary Law § 90(4), upon her felony convictions. The respondent was admitted to the Bar at a term of the Appellate Division of the Supreme Court in the Second Judicial Department on December 14, 1988, under the name Beth Mansfield Gardner.

Diana Maxfield Kearsse, Brooklyn, N.Y. (Mark DeWan of counsel), for petitioner.

Deborah A. Scalise, Scarsdale, N.Y., for respondent.

PER CURIAM.

On April 11, 2008, the respondent pleaded guilty before the Honorable Catherine M. Bartlett in the County Court, Rockland County, to rape in the third November 18, 2008

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degree, in violation of Penal Law § 130.25(2), a class E felony, and criminal sexual act in the third degree, in violation of Penal Law § 130.40(2), a class E felony. Sentencing was scheduled for July 9, 2008.

The Grievance Committee for the Second and Eleventh Judicial Districts (hereinafter Grievance Committee) now moves for an order striking the respondent's name from the roll of attorneys based upon her felony convictions pursuant to Judiciary Law § 90(4)(b).

By virtue of her felony convictions upon her entry of a plea of guilty, the respondent ceased to be an attorney and counselor-at-law pursuant to Judiciary Law § 90(4)(a) and was automatically disbarred on April 11, 2008. Accordingly, the Grievance Committee's motion to now strike the respondent's name from the roll of attorneys is granted.

PRUDENTI, P.J., MASTRO, RIVERA, SPOLZINO and SKELOS, JJ., concur.

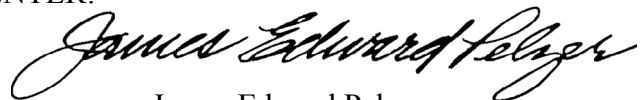
ORDERED that pursuant to Judiciary Law § 90(4)(a), the respondent, Beth Mansfield Modica, admitted as Beth Mansfield Gardner, is disbarred, effective April 11, 2008, and her name is now stricken from the roll of attorneys and counselors-at-law, pursuant to Judiciary Law § 90(4)(b); and it is further,

ORDERED that the respondent, Beth Mansfield Modica, admitted as Beth Mansfield Gardner, shall comply with this Court's rules governing the conduct of disbarred, suspended, and resigned attorneys (*see* 22 NYCRR 691.10); and it is further,

ORDERED that pursuant to Judiciary Law § 90, the respondent, Beth Mansfield Modica, admitted as Beth Mansfield Gardner, is commanded to desist and refrain from (1) practicing law in any form, either as principal or as agent, clerk, or employee of another, (2) appearing as an attorney or counselor-at-law before any court, Judge, Justice, board, commission, or other public authority, (3) giving to another an opinion as to the law or its application or any advice in relation thereto, and (4) holding herself out in any way as an attorney and counselor-at-law; and it is further,

ORDERED that if the respondent, Beth Mansfield Modica, admitted as Beth Mansfield Gardner, has been issued a secure pass by the Office of Court Administration, it shall be returned forthwith to the issuing agency and the respondent shall certify to the same in her affidavit of compliance pursuant to 22 NYCRR 691.10(f).

ENTER:



James Edward Pelzer
Clerk of the Court