

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION: SECOND JUDICIAL DEPARTMENT

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In the Matter of Alton H. Maddox, Jr.,
an attorney and counselor-at-law,

GRIEVANCE COMMITTEE FOR THE SECOND
AND ELEVENTH JUDICIAL DISTRICTS,

AFFIRMATION

Petitioner,

ALTON H. MADDOX, JR.

Respondent.

APPELLATE DIVISION
SECOND JUDICIAL DEPARTMENT

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CHAMBERS OF THE
PRESIDING JUSTICE

STATE OF NEW YORK)

ss.:

COUNTY OF KINGS)

ROBERT H. STRAUS, an attorney duly admitted to practice in the State of New York, affirms the following under the penalties of perjury:

1. I am Chief Counsel to the Grievance Committee for the Second and Eleventh Judicial Districts. I am fully familiar with the relevant facts and circumstances.

2. This affirmation is submitted in response to respondent's cross-motion pertaining to petitioner's application to suspend him from the practice of law, based upon his refusal to obey an Order of this Court and his failure to comply with the petitioner's lawful demands.

3. In a Decision and Order of this Court dated November 30, 1989, respondent was directed to appear before the petitioner Grievance Committee to give testimony and to provide

materials relevant to the Committee's pending investigation of allegations of professional misconduct involving the respondent.

4. In denying petitioner's application to suspend respondent from the practice of law, this Court afforded respondent one final opportunity to appear before the Grievance Committee. In its Decision and Order this Court, in direct and unambiguous terms, made it clear that if respondent failed to appear he would be suspended from the practice of law:

The respondent's failure to appear will result in his suspension from the practice of law pending consideration of the charges against him (See, 22 NYCRR 691.4[1][1]).

5. It is undisputed that respondent, afforded two additional opportunities to appear, has refused to do so.

6. Based upon respondent's refusal to comply with this Court's Order and his continuing failure to comply with the petitioner's repeated requests for his cooperation, it is respectfully submitted that respondent must be suspended from the practice of law, pursuant to 22 NYCRR 691.4(1)(1).

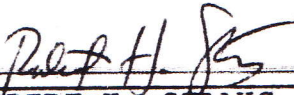
7. In view of this Court's previous decisions, considering and rejecting those same contentions which respondent again repeats, no additional response to those claims is merited.

8. With respect to respondent's references to a "hostile environment" and an "armed camp" (Paragraphs 13-15 of respondent's affirmation), it should be noted that respondent

was accompanied on his visits to the Grievance Committee's offices by some 50 to 75 supporters. The Committee's waiting room is designed to accommodate 10 to 12 people, at most. Respondent was well aware that some arrangements would have to be made for the safety and security of all concerned. When he arrived, respondent made no objection (in fact, not even a reference) to the presence of court officers. There were no "incidents" and no "hostilities."

WHEREFORE, it is respectfully submitted that respondent's cross-motion should be denied in all respects and that respondent should be suspended from the practice of law, pending consideration of the allegations against him.

Dated: Brooklyn, New York
January 23, 1990


ROBERT H. STRAUS