

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

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In the Matter of ALTON MADDOX, a  
suspended attorney and counselor-at-law,

91-01728

GRIEVANCE COMMITTEE FOR THE SECOND  
AND ELEVENTH JUDICIAL DISTRICTS,

: AFFIRMATION

Petitioner,

ALTON H. MADDOX,

Ret. - APR 24 1992

:

*(Signature)*

Respondent.

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ROBERT H. STRAUS, an attorney duly admitted to  
practice in the State of New York, affirms the following state-  
ments to be true, under penalty of perjury:

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

2. This affirmation is submitted in opposition to  
respondent's motion to dismiss the petition served upon him or,  
in the alternative, to reinstate him as an attorney and counselor-  
at-law.

3. By order of this Court, dated May 21, 1990,  
respondent was ordered suspended, pursuant to Section 691.4(1) of  
the Rules Governing the Conduct of Attorneys [22 NYCRR 691.4(1)],  
based upon his continuing refusal to cooperate with the peti-  
tioner in its investigation of allegations that respondent had  
engaged in serious professional misconduct.

4. Following his suspension, respondent failed to  
comply with this Court's Rules requiring the filing of an

affidavit showing his compliance with the order of suspension. Respondent also failed to offer that cooperation which he had been suspended for withholding.

5. By order of this Court, dated March 20, 1991, the petitioner Grievance Committee was authorized to institute and prosecute a disciplinary proceeding against respondent, based upon his continuing non-cooperation and his non-compliance with the order of suspension.

6. Pursuant to that order, on March 31, 1992, respondent was served with a notice of petition and petition.

7. The petition contains two charges:

a. The failure to cooperate for which respondent had been suspended on an interim basis; and

b. Respondent's failure to file an affidavit of compliance with this Court's Rules governing suspended attorneys.

8. Respondent was required to file his answer to the petition on or before April 24, 1992.

9. Instead of filing an answer to the charges, respondent has chosen to engage in the same tactics of obstruction, delay and obfuscation which led to his interim suspension.

10. Without asserting any factual basis for the relief he requests, respondent alleges that the charges against him must be dismissed because they are "infested by racism."


11. The basis for respondent's claim is, apparently, the fact that the notice of petition and petition were served



upon him by "a Caucasian." It should be noted that respondent does not deny that he has been properly served nor that he has received notice of the charges. In view of respondent's continuing attempts to evade, for more than a year, service of these very charges, such claims would lack the ring of truth.

12. In a supplemental affidavit, dated April 22, 1992, respondent once more asserts claims of racism as a basis for having the charges against him dismissed. This Court previously considered and rejected similar claims in ordering respondent's interim suspension.

13. It is respectfully submitted that respondent has failed to allege any factual basis for the relief he requests. Therefore, his motion should be denied and he should be directed to file his answer to the petition forthwith.

  
ROBERT H. STRAUS

Dated: Brooklyn, New York  
April 27, 1992