

Lawyer Can't Stop Practicing, Even after the Judges Tell Him to Stop

From: New York attorney Gary E. Rosenberg (personal injury and accident attorney and lawyer; serving Brooklyn Queens Bronx; Queens Injury Lawyer)

In Re: Bertram Brown

Please pay attention to this timeline:

December 15, 1954 - Bertram Brown is admitted to the practice of law in the State of New York.

On May 5, 2004 - a complaint was made by Lucia Santiago that Bertram Brown had represented the Santiago family in the sale of real property in Richmond Hill that netted proceeds of \$61,498.35. Bertram Brown allegedly put the money into his personal bank account and spent some.

July 21, 2004 - a complaint was made that Bertram Brown took \$74,000 of client funds, which he denies. A judge makes this complaint against him. Allegedly he sold a property for an estate (of a dead person) and kept the money from the sale, depositing it into his personal bank account, which money was supposed to go to the deceased's heirs.

December 8, 2004 - a complaint was made by Janice Ryan who hired Bertram Brown to represent her in a foreclosure proceeding and to get her mortgage with Chase Manhattan Bank reinstated. The mortgage was \$85,000 in arrears at that time. In order to facilitate the reinstatement, Ryan entrusted Bertram Brown with \$73,069.00. After the bank rejected the application for reinstatement of the mortgage, Bertram Brown advised Ryan to file for chapter 13 bankruptcy protection. Bertram Brown also suggested he retain the money to hide it for the duration of the bankruptcy proceedings (which is bankruptcy fraud). Once Ryan demanded the return of the funds, however, Bertram Brown repaid only \$7,500.00, and only after repeated demands. The checks totaling the \$7,500.00 were drawn from Bertram Brown's private account.

September 27, 2005 - Bertram Brown is immediately suspended from the practice of law, even before the charges against him are finally decided. This is to protect the public.

Further proceedings are held.

The Court notes:

"This Court's order of suspension was entered on September 27, 2005, and was served via overnight mail on [Bertram Brown's] then counsel in the afternoon of September 28th. On September 30th, [Bertram Brown] appeared before New York Civil Court Judge Jeffrey Oing, on behalf of his client Third Avenue Wireless, Inc. According to an affidavit from [Bertram Brown's] adversary, [Bertram Brown] appeared that day and made an application for an adjournment so that he could prepare and submit opposition papers to a motion, and entered into a stipulation adjourning the motion for that purpose.

On October 3, 2005, the adversary telephoned [Bertram Brown] asking him if he was suspended. [Bertram

Brown] initially did not admit to it, indicating that the Committee was only looking into allegations, but WJD SUPRA pressed, finally admitted he was indeed suspended. On or about October 1, 2005, [Bertram Brown] served the Committee with his affidavit of compliance with the order of suspension as required by 22 NYCRR 603.14(a)(I), swearing therein that he had fully complied with the provisions of the suspension order and the rules.

Nevertheless, two days later, on October 19, 2005, [Bertram Brown] again appeared in court on behalf of a client, Virginia Khublall, this time before Queens Supreme Court Justice Allan B. Weiss. Prior to the call of the calender, [Bertram Brown] engaged in negotiations with his opponent. [Bertram Brown] then appeared on behalf of the plaintiff never alerting the court or his adversary to the fact that he was interimly suspended. While [Bertram Brown] eventually advised opposing counsel that he had to be substituted because of a disciplinary "problem", he did not do so until Friday, October 21, during a settlement discussion. To date, [Bertram Brown] has never advised counsel that he has been suspended."

October 25, 2005 - Bertram Brown is questioned under oath and denies that he practiced law

in the Khublall matter because he had informed his client that he had been suspended before the court appearance and only appeared in court to obtain an adjournment.

November 2, 2005 - a complaint was made by Andrea Conyers alleging that Bertram Brown, among other things, had been holding a real estate buyer's down payment in the amount of \$30,000 since November 2004. Bertram Brown claims the money is preserved intact and had been returned to the buyer's attorneys, but his bank records reflect that from October 14 through November 7, 2005 (after the effective date of his suspension), he made six withdrawals to himself totaling \$24,000, causing the balance in his account to fall below the amount required to be maintained on behalf of that third-party buyer.

April 13, 2006 - Bertram Brown is disbarred (loses his law license) for good.

You would think this would be the end of this matter, but it's not.

January 2007 - Bertram Brown is caught representing a client in The Bronx while using the name and credentials of a former associate, then again in Queens in September using the same alias. Both times, he is punished only with probation.

January 2009 - Bertram Brown, 81 years-old, surrenders to Brooklyn prosecutors for allegedly using a phony name to represent a client in a housing-court case. He was caught representing a Brooklyn landlord in a suit brought against him by a tenant. He faces mandatory jail time if he's convicted of another felony.

Comment: Does anyone think to check if he's mentally competent?

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