

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

Decided and Entered: March 15, 2018

D-28-18

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In the Matter of ATTORNEYS  
IN VIOLATION OF JUDICIARY  
LAW § 468-a.

COMMITTEE ON PROFESSIONAL  
STANDARDS, Now Known as  
ATTORNEY GRIEVANCE COMMITTEE  
FOR THE THIRD JUDICIAL  
DEPARTMENT,

MEMORANDUM AND ORDER  
ON MOTION

Petitioner;

JESSICA ESSER,

Respondent.

(Attorney Registration No. 2659662)

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Calendar Date: January 9, 2018

Before: McCarthy, J.P., Devine, Mulvey, Rumsey and Pritzker JJ.

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Monica A. Duffy, Attorney Grievance Committee for the Third  
Judicial Department, Albany, for petitioner.

Jessica Esser, West Lebanon, New Hampshire, respondent  
pro se.

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Per Curiam.

Respondent was admitted to practice by this Court in 1995  
and lists a business address in Wilder, Vermont. By January 2014  
order, this Court suspended respondent from practice in New York  
for conduct prejudicial to the administration of justice arising

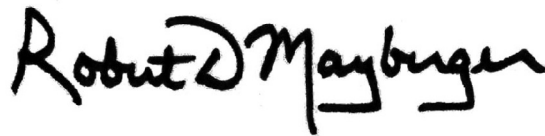
from her noncompliance with the attorney registration requirements of Judiciary Law § 468-a and Rules of the Chief Administrator of the Courts (22 NYCRR) § 118.1 (113 AD3d 1020, 1031 [2014]; see Judiciary Law § 468-a [5]; Rules of Professional Conduct [22 NYCRR 1200.0] rule 8.4 [d]). Respondent now moves for her reinstatement in New York (see Rules for Attorney Disciplinary Matters [22 NYCRR] § 1240.16 [a]; Rules of App Div, 3d Dept [22 NYCRR] § 806.16 [a]). By correspondence of its Chief Attorney, petitioner raises concerns with respondent's application but otherwise defers to the Court's discretion.

In addition to meeting the obligations of Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.16 (a) (see Matter of Edelstein, 150 AD3d 1531, 1531 [2017]), "an applicant for reinstatement must, as a threshold matter, support his or her application with certain required documentation" (Matter of Attorneys in Violation of Judiciary Law § 468-a [Goldstein], 153 AD3d 1026, 1026 [2017]). Specifically, proof that the applicant obtained a passing score on the Multistate Professional Responsibility Examination is required for all attorneys who have been suspended for more than six months (see Rules for Attorney Disciplinary Matters [22 NYCRR] § 1240.16 [b]). Although respondent states that she was scheduled to take the Multistate Professional Responsibility Examination in November 2017, she has failed to supplement her application with the required proof that she has in fact taken the examination and achieved a passing score (see Matter of Tendler, 145 AD3d 1314, 1314–1315 [2016]). Accordingly, respondent's application must be denied.

McCarthy, J.P., Devine, Mulvey, Rumsey and Pritzker JJ.,  
concur.

ORDERED that the application for reinstatement is denied.

ENTER:

A handwritten signature in black ink that reads "Robert D. Mayberger". The signature is written in a cursive, slightly slanted style.

Robert D. Mayberger  
Clerk of the Court