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

Decided and Entered: February 7, 2019   PM-12-19
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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   MEMORANDUM AND ORDER
   JUDICIAL DEPARTMENT,   ON MOTION
               Petitioner;

MICHAEL MURANO CASTLE,
               Respondent.

(Attorney Registration No. 1858166)
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Calendar Date: December 24, 2018

Before: Lynch, J.P., Clark, Devine, Aarons and Pritzker, JJ.

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

Michael Murano Castle, Ballston Spa, respondent pro se.

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Per Curiam.

Respondent was admitted to practice in 1983 and currently resides in Saratoga County. He was admitted in Florida in 1991, but is currently listed as ineligible to practice in that jurisdiction.

By September 2009 order, this Court suspended respondent from the practice of law in New York for conduct prejudicial to the administration of justice arising from his noncompliance with the attorney registration requirements of Judiciary Law § 468-a and Rules of the Chief Administrator of the Courts (22 NYCRR) § 118.1 since 2001 (Matter of Attorneys in Violation of Judiciary Law § 468, 65 AD3d 1447, 1452 [2009]; see Rules of Professional Conduct [22 NYCRR 1200.0] rule 8.4 [d]). Respondent cured his registration delinquency in 2017 and initially applied in January 2018 for reinstatement in this state, but such application was denied by this Court in May 2018 (161 AD3d 1443 [2018]) due to respondent's failure to provide evidence of his successful passage of the Multistate Professional Responsibility Examination (hereinafter MPRE) (see Rules for Attorney Disciplinary Matters [22 NYCRR] § 1240.16 [b]). Respondent now moves again for his reinstatement by motion marked returnable December 24, 2018. The Lawyers Fund for Client Protection indicates that it has no objection to respondent's application. Petitioner raises no objection, notes respondent's successful passage of the MPRE in conformance with this Court's May 2018 order and advises that it defers to the Court's discretion with respect to respondent's second application.

As an initial matter, we note that respondent has met his threshold burden for reinstatement through his submission of the required documentation in support of his application. Office of Court Administration records demonstrate that respondent has cured the delinquency that resulted in his suspension and that he is current with his biennial registration requirements (see Judiciary Law § 468-a; Rules of the Chief Admin of Cts [22 NYCRR] § 118.1).[1] As noted above, respondent also provides, among other things, proof that he has successfully completed the MPRE, as is required for attorneys seeking reinstatement following suspensions of six months or more (see Rules for Attorney Disciplinary Matters [22 NYCRR] § 1240.16 [b]; see e.g. Matter of Attorneys in Violation of Judiciary Law § 468-a [Katz], 166 AD3d 1469, 1470 [2018]). Moreover, having reviewed

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[1] Respondent has certified as "retired" since 2001 (see Rules of Chief Admin of Cts [22 NYCRR] § 118.1 [g]).

respondent's affidavit and supporting documentation, we are
satisfied that he has complied with the order of suspension and
the rules of this Court, that he has the requisite character and
fitness for the practice of law and that it would be in the
public's interest to reinstate him to the practice of law in New
York (see Matter of Attorneys in Violation of Judiciary Law
§468-a [Freedman], 166 AD3d 1161 [2018]; Matter of Attorneys in
Violation of Judiciary Law § 468-a [Ettelson], 161 AD3d 1478,
1480 [2018]; Rules for Attorney Disciplinary Matters [22 NYCRR]
§ 1240.16 [a]). Accordingly, we grant respondent's motion.

        Lynch, J.P., Clark, Devine, Aarons and Pritzker, JJ.,
concur.

        ORDERED that respondent's motion for reinstatement is
granted; and it is further

        ORDERED that respondent is reinstated as an attorney and
counselor-at-law in the State of New York, effective
immediately.

                        ENTER:

                        Robert D. Mayberger
                        Clerk of the Court