

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

Decided and Entered: February 25, 2021

PM-17-21

---

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

ATTORNEY GRIEVANCE COMMITTEE  
FOR THE THIRD JUDICIAL  
DEPARTMENT,

MEMORANDUM AND ORDER  
ON MOTION

Petitioner;

SINEAD EILEEN FITZPATRICK,  
Respondent.

(Attorney Registration No. 4944476)

---

Calendar Date: January 11, 2021

Before: Lynch, J.P., Clark, Pritzker, Reynolds Fitzgerald and  
Colangelo, JJ.

---

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

Tesser, Ryan & Rochman LLP, New York City (Randy Tesser of  
counsel), for respondent.

---

Per Curiam.

Respondent was admitted to practice by this Court in 2011  
and was later admitted to practice as a solicitor in the  
Republic of Ireland in 2012, where she currently serves as a  
Senior Policy and Research Officer for the Irish Human Rights

and Equality Commission. By May 2019 order of this Court, respondent was suspended from the practice of law indefinitely for conduct prejudicial to the administration of justice arising from her failure to comply with the attorney registration requirements of Judiciary Law § 468-a since the 2015-2016 biennial period (Matter of Attorneys in Violation of Judiciary Law § 468-a, 172 AD3d 1706, 1723 [2019]). Having cured her registration delinquency in August 2020, respondent now moves for her reinstatement (see Rules for Attorney Disciplinary Matters [22 NYCRR] § 1240.16 [a]; Rules of App Div, 3d Dept [22 NYCRR] § 806.16 [a]). The Attorney Grievance Committee for the Third Judicial Department (hereinafter AGC) has submitted correspondence opposing the motion and respondent has submitted a reply with this Court's permission.

As a threshold matter, as an attorney seeking reinstatement from a suspension of six months or greater, respondent has properly submitted a duly sworn affidavit in the form prescribed in appendix C to the Rules for Attorney Disciplinary Matters (22 NYCRR) part 1240, along with the required exhibits (see Matter of Attorneys in Violation of Judiciary Law § 468-a [Oketunji], 186 AD3d 923, 923-924 [2020]). However, respondent has not provided proof that she has successfully taken the Multistate Professional Responsibility Examination (hereinafter MPRE) within one year of filing her application for reinstatement. Instead, respondent seeks a waiver of that requirement as part of her application (see Matter of Attorneys in Violation of Judiciary Law § 468-a [Holtz], 185 AD3d 1277, 1279 [2020]).

In support of her request, respondent highlights her continuing pro bono work advocating "to improve access to justice for people with disabilities" and further adds that she has provided pro bono training to attorneys and others "on matters such as equality protection for people living with HIV, education of children's rights, and representing children with mental disabilities in judicial proceedings" (see Matter of Attorneys in Violation of Judiciary Law § 468-a [Giordano], 186 AD3d 1827, 1829 [2020]; Matter of Attorneys in Violation of Judiciary Law § 468-a [Sauer], 178 AD3d 1191, 1193 [2019]).

Respondent also provides proof that she is compliant with the professional development requirements in her home jurisdiction (see Matter of Attorneys in Violation of Judiciary Law § 468-a [Thompson], 185 AD3d 1379, 1380-1381 [2020]; Matter of Attorneys in Violation of Judiciary Law § 468-a [Ohm], 183 AD3d 1221, 1223 [2020]). Finally, we have considered that respondent is seeking her reinstatement from a disciplinary suspension arising from a registration delinquency, which, considered along with the foregoing factors, lessens the need to reemphasize the importance of ethical conduct to her (see Matter of Attorneys in Violation of Judiciary Law § 468-a [Thurston], 186 AD3d 963, 964 [2020]). Accordingly, we find that respondent has established good cause for a waiver of the MPRE requirement, and we grant her request.

Turning to the merits of her application, we first find that respondent has clearly and convincingly demonstrated her compliance with the order suspending her based upon her statements in her belated affidavit of compliance and her appendix C affidavit, wherein she attests to having only practiced law in her home jurisdiction of Ireland during the relevant time period (see Matter of Attorneys in Violation of Judiciary Law § 468-a [Kearney], 186 AD3d 972, 974 [2020]; Matter of Attorneys in Violation of Judiciary Law § 468-a [Summons], 186 AD3d 968, 969-970 [2020]). Further, we find that respondent has clearly and convincingly demonstrated her character and fitness for reinstatement. To this end, respondent has submitted proof that she is a solicitor in good standing in Ireland. Respondent further attests in her form affidavit that she has no criminal or disciplinary history, and there is no indication in the record of any governmental investigations, financial circumstances or medical or substance abuse history that would negatively impact her reinstatement (see Matter of Attorneys in Violation of Judiciary Law § 468-a [Thompson], 185 AD3d at 1381). Moreover, respondent's compliance with the professional development requirements of her home jurisdiction is indicative of her fitness to resume practicing law in this state (see Matter of Attorneys in Violation of Judiciary Law § 468-a [Oketunji], 186 AD3d 923, 925 [2020]). Finally, we find that respondent has established that

her reinstatement is in the public interest, as her dedication to continuing her important work in public service provides a tangible benefit to the public, and there is no indication that any detriment would result from her reinstatement (see Matter of Attorneys in Violation of Judiciary Law § 468-a [Timourian], 153 AD3d 1513, 1515 [2017]). Altogether, we find that respondent has satisfied the three-part test applicable to all attorneys seeking reinstatement from suspension, and we therefore grant her motion and reinstate her to the practice of law (see Matter of Attorneys in Violation of Judiciary Law § 468-a [Nenninger], 180 AD3d 1317, 1317-1318 [2020]; Rules for Attorney Disciplinary Matters [22 NYCRR] § 1240.16 [a]).

Lynch, J.P., Clark, Pritzker, Reynolds Fitzgerald and Colangelo, 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, effectively immediately.

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