

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

Decided and Entered: December 9, 2021

PM-172-21

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

ATTORNEY GRIEVANCE COMMITTEE
FOR THE THIRD JUDICIAL
DEPARTMENT,

Petitioner;

MEMORANDUM AND ORDER
ON MOTION

XIMENA T. CAJIAO,

Respondent.

(Attorney Registration No. 2811479)

Calendar Date: September 13, 2021

Before: Garry, P.J., Lynch, Clark, Aarons and Colangelo, JJ.

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

Ximena T. Cajiao, Bogotá, Colombia, respondent pro se.

Per Curiam.

Respondent was admitted to practice by this Court in 1997
and currently lists a business address in Bogotá, Colombia. 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 2013-2014 biennial period (Matter of Attorneys in Violation of Judiciary Law § 468-a, 172 AD3d 1706, 1717 [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 has submitted correspondence opposing respondent's motion.

Any attorney seeking reinstatement from suspension must establish, by clear and convincing evidence, (1) that he or she has complied with the order of suspension and the Rules of this Court, (2) that he or she has the requisite character and fitness for the practice of law, and (3) that it would be in the public interest to reinstate the attorney to practice in New York (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])). Respondent's submission sufficiently demonstrates that she has made the required showing and is entitled to reinstatement (see Matter of Attorneys in Violation of Judiciary Law § 468-a [Stone], 195 AD3d 1226, 1228 [2021]; Rules for Attorney Disciplinary Matters [22 NYCRR] § 1240.16 [a])). Respondent has clearly established that she has complied with the order suspending her and has not utilized her New York law license during the period of her suspension (see Matter of Attorneys in Violation of Judiciary Law § 468-a [Vatti], 195 AD3d 1231, 1232 [2021])). Further, our review of respondent's application reveals no concerns regarding her character and fitness, as she provides proof that she is an attorney in good standing in her home jurisdiction, has not been the subject of any criminal or governmental investigations, and has no 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 [Toussaint], 196 AD3d 830, 832 [2021]; Matter of Attorneys in Violation of Judiciary Law § 468-a [Serbinowski], 164 AD3d 1049, 1050 [2018])). Finally, we find that respondent's reinstatement would not result in any detriment to the public, and that the public would realize a tangible benefit from her return to practice (see Matter of Attorneys in Violation of Judiciary Law § 468-a [Kearney], 186

AD3d 972, 974 [2020])). Accordingly, we grant respondent's application and reinstate her to the practice of law in this state (see Matter of Attorneys in Violation of Judiciary Law § 468-a [Breslow], 193 AD3d 1175, 1776-1177 [2021]; Rules for Attorney Disciplinary Matters [22 NYCRR] § 1240.16 [a])).

Garry, P.J., Lynch, Clark, Aarons 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, reading "Robert D. Mayberger". The signature is written in a cursive, flowing style with a large, stylized "R" and "M".

Robert D. Mayberger
Clerk of the Court