

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

Decided and Entered: February 25, 2021

PM-19-21

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,
Petitioner;

MEMORANDUM AND ORDER
ON MOTION

KENNETH JOSEPH CATANZARITE,
Respondent.

(Attorney Registration No. 2336774)

Calendar Date: January 4, 2021

Before: Garry, P.J., Egan Jr., Clark, Reynolds Fitzgerald and
Colangelo, JJ.

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

Kevin Joseph Catanzarite, California, respondent pro se.

Per Curiam.

Respondent was admitted to practice by this Court in 1990
and presently maintains his own law firm in California, where he
is also admitted to the practice of law. Respondent was

suspended from the practice of law in this state by January 2014 order of this Court 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 beginning in 2004 (Matter of Attorneys in Violation of Judiciary Law § 468, 113 AD3d 1020, 1026 [2014]). He cured his registration delinquency in March 2020 and now moves for his reinstatement by motion marked returnable on January 4, 2021, which motion petitioner opposes based upon certain identified deficiencies.¹

We initially note that respondent has satisfied the procedural requirements for an attorney seeking reinstatement to the practice of law from a suspension of more than six months (see Matter of Attorneys in Violation of Judiciary Law § 468-a [Nenninger], 180 AD3d 1317, 1318 [2020]) by, among other things, submitting a sworn affidavit in the proper form set forth in appendix C to Rules for Attorney Disciplinary Matters (22 NYCRR) part 1240 (see Rules for Attorney Disciplinary Matters [22 NYCRR] § 1240.16 [b]). Further, he has submitted sufficient threshold documentation in support of his application, including proof that he successfully completed the Multistate Professional Responsibility Examination as required (see Rules for Attorney Disciplinary Matters [22 NYCRR] § 1240.16 [b]; compare Matter of Attorneys in Violation of Judiciary Law § 468-a [Castle], 161 AD3d 1443, 1444 [2018]). With respect to, among other things, respondent's failure to timely file the required affidavit of compliance following the order of suspension (see Rules for Attorney Disciplinary Matters [22 NYCRR] part 1240, appendix C, ¶ 21), we find that the attestations included in his appendix C affidavit have sufficiently cured this defect (see Rules for Attorney Disciplinary Matters [22 NYCRR] § 1240.15 [c]; Rules for Attorney Disciplinary Matters [22 NYCRR] part 1240, appendix C; Matter of Attorneys in Violation of Judiciary Law § 468-a [Kelly], 190 AD3d 1253, ___, 2021 NY Slip Op 00479, *2 [2021]). Finally, we determine that respondent has satisfied the three-

¹ Finding no open claims against respondent, the Lawyers' Fund for Client Protection has advised that it defers to this Court's discretion regarding respondent's application.

part test applicable to all attorneys seeking reinstatement from suspension or disbarment (see Matter of Attorneys in Violation of Judiciary Law § 468-a [Patel], 187 AD3d 1489, 1490 [2020]; Rules for Attorney Disciplinary Matters [22 NYCRR] § 1240.16 [a]), in that his application properly demonstrates his compliance with the order of suspension and the Rules of this Court, that he clearly and convincingly possesses 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 [Hermanson], 188 AD3d 1555, 1556; Matter of Attorneys in Violation of Judiciary Law § 468-a [Wilson], 186 AD3d 1874, 1875 [2020]). Accordingly, we grant respondent's motion.

Garry, P.J., Egan Jr., Clark, 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 in the State of New York, effective 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