

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

Decided and Entered: March 11, 2021

PM-28-21

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;

JENNIFER LYNNE MURRAY,
Respondent.

(Attorney Registration No. 4618419)

Calendar Date: February 8, 2021

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

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

Jennifer Lynne Murray, Centerville, Massachusetts,
respondent pro se.

Per Curiam.

Respondent was admitted to practice by this Court in 2008
and was also admitted that same year in Connecticut. Respondent
was admitted the following year in Massachusetts, where she
currently resides and is employed as an attorney-advisor for the

United States Department of Veterans Affairs, Board of Veterans Appeals. 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 2014-2015 biennial period (Matter of Attorneys in Violation of Judiciary Law § 468-a, 172 AD3d 1706, 1742 [2019]). Having cured her registration delinquency in February 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]). By February 2021 correspondence, the Attorney Grievance Committee for the Third Judicial Department (hereinafter AGC) advises that it does not oppose respondent's motion.¹

Respondent has met her threshold obligations by properly submitting a duly-sworn form affidavit as provided for in appendix C to the Rules for Attorney Disciplinary Matters (22 NYCRR) part 1240, along with the necessary exhibits (see Rules for Attorney Disciplinary Matters [22 NYCRR] § 1240.16 [b]). Further, respondent provides proof that she successfully passed the August 2020 administration of the Multistate Professional Responsibility Examination, which falls within one year of the date of her application. Finally, we note that respondent is no longer delinquent in her registration requirements. We therefore find that respondent has satisfied the threshold obligations for her reinstatement application and proceed to the merits of her application (see Matter of Attorneys in Violation of Judiciary Law § 468-a [Oketunji], 186 AD3d 923, 923-924 [2020]).

To that end, every attorney seeking reinstatement from a suspension in this state must satisfy the three-part test, requiring him or her to demonstrate, by clear and convincing evidence, that he or she has complied with the order of suspension and the Rules of this Court, that he or she has the

¹ The Lawyers' Fund for Client Protection has advised that there are no open claims against respondent and that it defers to this Court's discretion on respondent's application.

requisite character and fitness for the practice of law, and that it would be in the public interest to allow the attorney to resume practicing law 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]). As to the first requirement, although respondent concedes that she failed to file a timely affidavit of compliance following her suspension, she has since submitted that affidavit alongside her application for reinstatement, and her statements in that affidavit, together with her statements in her appendix C, affidavit provide assurances of her compliance with the suspension order and the Rules of this Court (see Rules for Attorney Disciplinary Matters [22 NYCRR] § 1240.15 [f]; part 1240, appendix C, ¶21; see also Matter of Attorneys in Violation of Judiciary Law § 468-a [Kearney], 186 AD3d 972, 974 [2020]). Consequently, we find that respondent has sufficiently established this aspect of the three-part test (see Matter of Attorneys in Violation of Judiciary Law § 468-a [Catanzarite], ___ AD3d ___, ___, 2021 NY Slip Op 01186, *1 [2021]).

Concerning her character and fitness, respondent has no disciplinary history beyond her underlying suspension for which she now seeks her reinstatement. Moreover, respondent has provided certificates from Connecticut and her home state of Massachusetts establishing that she is currently an attorney in good standing in each jurisdiction. Respondent further attests that she has not been the subject of any criminal or governmental investigations, and there are no financial circumstances or medical or substance abuse history that would negatively impact her reinstatement. Respondent also correctly notes that she is exempted from the Continuing Legal Education requirements of this state (see Rules of App Div, All Depts [22 NYCRR] §§ 1500.5 [b] [1]; 1500.22 [n] [1]). Nonetheless, respondent has provided evidence from her employer establishing that she has performed her duties at a high level and has abided by her employer's training requirements. Accordingly, we find that respondent has sufficiently demonstrated her character and fitness for reinstatement (see Matter of Attorneys in Violation

of Judiciary Law § 468-a [Kelly], 190 AD3d 1253, 1254-1255 [2021]).

Finally, we find that respondent has established that her reinstatement is in the public interest. Respondent's application reveals that no detriment would inure to the public from her reinstatement, and her continued public service provides a clear tangible benefit (see generally Matter of Attorneys in Violation of Judiciary Law § 468-a [Fitzpatrick], ___ AD3d ___, ___, 2021 NY Slip Op 01184, *2 [2021]; Matter of Attorneys in Violation of Judiciary Law § 468-a [Giordano], 186 AD3d 1827, 1829 [2020]). We therefore grant respondent's motion and reinstate her to the practice of law.

Lynch, J.P., Clark, Aarons, Pritzker 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:

Handwritten signature of Robert D. Mayberger in black ink.

Robert D. Mayberger
Clerk of the Court