

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

Decided and Entered: June 10, 2021

PM-81-21

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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;

JOHN ALEXANDER STONE,  
Respondent.

(Attorney Registration No. 2143667)

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Calendar Date: March 15, 2021

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

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

John Alexander Stone, Hoboken, New Jersey, respondent  
pro se.

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Per Curiam.

Respondent was admitted to practice by this Court in 1987.  
He was previously admitted in his home jurisdiction of New  
Jersey in 1985, where he currently resides and is a partner at a

law firm. Respondent was suspended from the practice of law by May 2019 order of this Court for conduct prejudicial to the administration of justice arising from his failure to comply with his attorney registration obligations beginning in 2015 (Matter of Attorneys in Violation of Judiciary Law § 468-a, 172 AD3d 1706, 1755 [2019]). Having cured his longstanding registration delinquency in October 2020, respondent now moves for his 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) opposes respondent's motion, and respondent has submitted two affidavits in reply in an attempt to address AGC's points in opposition.

As an initial matter, respondent has met the procedural requirements for reinstatement by submitting an affidavit in the form provided in appendix C to the Rules for Attorney Disciplinary Matters (22 NYCRR) part 1240, along with the necessary documents for our review. Further, records from the Office of Court Administration demonstrate that respondent has cured his delinquency and is now current in his registration requirements. However, as part of his application, respondent seeks a waiver of the requirement that he take and pass the Multistate Professional Responsibility Examination (hereinafter MPRE) within one year prior to applying for reinstatement, and we begin with the merits of his request (see Matter of Attorneys in Violation of Judiciary Law § 468-a [Alimanova], 156 AD3d 1223, 1224 [2017]; Rules for Attorney Disciplinary Matters [22 NYCRR] § 1240.16 [b]).

In determining whether a respondent has established good cause, we consider the purpose of the MPRE requirement itself, which is to "reemphasize[] the importance of ethical conduct to attorneys who have been subjected to serious public discipline, and . . . reassure[] the general public that such attorneys have undergone retraining in the field of professional responsibility" (Matter of Cooper, 128 AD3d 1267, 1267 [2015]; see Matter of Attorneys in Violation of Judiciary Law § 468-a [Holtz], 185 AD3d 1277, 1279 [2020]). In support of his waiver request, respondent has provided "proof of analogous

professional responsibility course work or retraining in [his] home jurisdiction" (Matter of Attorneys in Violation of Judiciary Law § 468-a [Alimanova], 156 AD3d at 1224). Specifically, respondent provides certificates evidencing his completion of additional continuing legal education (hereinafter CLE) credit hours in ethics and professionalism well beyond the requirements of his home jurisdiction. Considering respondent's CLE coursework along with his otherwise clean disciplinary history in the other jurisdictions in which he is admitted, as well the fact that respondent's suspension in this state resulted from misconduct of a lesser degree in severity, we find that a waiver is appropriate (see Matter of Attorneys in Violation of Judiciary Law § 468-a [Giordano], 186 AD3d 1827, 1829 [2020]; cf. Matter of Sklar, 186 AD3d 1773, 1775 [2020]).

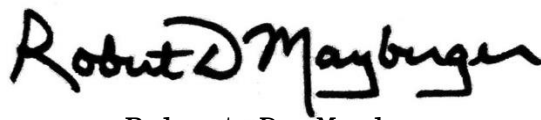
Turning to the merits of his application, we find that respondent has sufficiently met the requirements for reinstatement (see Matter of Attorneys in Violation of Judiciary Law § 468-a [Kearney], 186 AD3d 972, 974 [2020]; Rules for Attorney Disciplinary Matters [22 NYCRR] § 1240.16 [a]). We further note that respondent has expressed his sincere remorse for his registration delinquency, providing a lengthy explanation as to the factors that led to him overlooking this statutory obligation and taking responsibility for his misconduct (see Judiciary Law § 468-a). Accordingly, we grant respondent's application and reinstate him to the practice of law in this state (see Matter of Attorneys in Violation of Judiciary Law § 468-a [Breslow], 193 AD3d 1175, 1176-1177 [2021]; Rules for Attorney Disciplinary Matters [22 NYCRR] § 1240.16 [a]).

Garry, P.J., Lynch, Clark, Aarons and Reynolds Fitzgerald, 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