

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

Decided and Entered: December 15, 2022

PM-218-22

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

ATTORNEY GRIEVANCE COMMITTEE  
FOR THE THIRD JUDICIAL  
DEPARTMENT,

DECISION AND ORDER  
ON MOTION

Petitioner;

JAMES BRENDAN DAY,

Respondent.

(Attorney Registration No. 4865549)

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Calendar Date: October 31, 2022

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

James Brendan Day, Chesterfield, New Jersey, respondent  
pro se.

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Motion by respondent for an order reinstating him to the  
practice of law following his suspension by October 2021 order  
of this Court (*Matter of Attorneys in Violation of Judiciary Law*  
§ 468-a, 198 AD3d 1068, 1074 [3d Dept 2021]; see Rules for

Attorney Disciplinary Matters [22 NYCRR] § 1240.16; Rules of App Div, 3d Dept [22 NYCRR] § 806.16).

Upon reading respondent's notice of motion, affidavit with exhibits sworn to September 23, 2022 and supplemental affidavit with exhibit sworn to September 23, 2022, and the October 24, 2022 responsive correspondence from the Attorney Grievance Committee for the Third Judicial Department, and having determined, by clear and convincing evidence, that (1) respondent has complied with the order of suspension and the Rules of this Court, (2) respondent has the requisite character and fitness to practice law, and (3) it would be in the public interest to reinstate respondent to the practice of law (*see Matter of Attorneys in Violation of Judiciary Law § 468-a [Freedman]*, 166 AD3d 1161, 1162 [3d Dept 2018]), it is

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, effective immediately.

Lynch, J.P., Clark, Aarons, Pritzker and Reynolds  
Fitzgerald, JJ., concur.

ENTER:



Robert D. Mayberger  
Clerk of the Court