

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

Decided and Entered: December 5, 2024

PM-238-24

In the Matter of ANONYMOUS, an
Applicant for Admission to
Practice as an Attorney and
Counselor-at-Law.

MEMORANDUM AND ORDER

Calendar Date: November 25, 2024

Before: Garry, P.J., Reynolds Fitzgerald, Fisher, McShan and Powers, JJ.

Per Curiam.

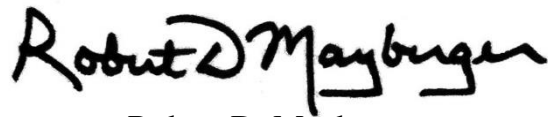
Applicant, a 30-year-old resident of Nevada, graduated from law school in 2018 and passed the bar examination in New York in July 2022. Following an investigation of her application for admission, including an interview of applicant, a member of this Court's Committee on Character and Fitness referred this matter for a formal hearing (*see* Rules of App Div, 3d Dept [22 NYCRR] § 805.1 [d] [2]). Applicant thereafter formally waived her right to a hearing, and the matter has now been referred to the Court for determination.

It is applicant's burden to demonstrate that she possesses the character and general fitness requisite for admission (*see Matter of Anonymous*, 97 NY2d 332, 334 [2002]; *Matter of Anonymous*, 172 AD3d 1522, 1523 [3d Dept 2019]). As relevant here, Judiciary Law § 466 mandates that "[e]ach person, admitted [to the practice of law in this State] must, upon his or her admission, take the constitutional oath of office in open court." Here, applicant has made plain that she cannot unequivocally take and subscribe to an oath or affirmation that she will support the Constitutions of the United States and the State of New York, as is statutorily required to be admitted to the practice of law in this State (*see* Judiciary Law § 466). Accordingly, we are constrained to conclude that applicant has failed to demonstrate that she presently possesses the character and general fitness requisite for an attorney and counselor-at-law (*see* Judiciary Law § 90 [1] [a]) and, therefore, we deny her application.

Garry, P.J., Reynolds Fitzgerald, Fisher, McShan and Powers, JJ., concur.

ORDERED that the application for admission is denied.

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