

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

Decided and Entered: February 13, 2025

PM-41-25

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,

DECISION AND ORDER
ON MOTION

Petitioner;

MADIBINET CISSE,

Respondent.

(Attorney Registration No. 4065470)

Calendar Date: December 30, 2024

*Monica A. Duffy, Attorney Grievance Committee for the Third Judicial
Department, Albany (Alison M. Coan of counsel), for petitioner.*

Foley Griffin, LLP, Garden City (Thomas J. Foley of counsel), for respondent.

Motion by respondent for an order reinstating him to the practice of law following his suspension by January 2014 order of this Court (*Matter of Attorneys in Violation of Judiciary Law § 468-a*, 113 AD3d 1020, 1027 [3d Dept 2014]; see Rules for Atty Disciplinary Matters [22 NYCRR] § 1240.16; Rules of App Div, 3d Dept [22 NYCRR] § 806.16).

Upon reading respondent's notice of motion and affidavit with exhibits sworn to November 13, 2024, and the December 23, 2024 responsive correspondence from petitioner, and having determined, by clear and convincing evidence, that (1) respondent has complied with the order of suspension and the rules of this Court,¹ (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* Rules for Atty Disciplinary Matters [22 NYCRR] § 1240.16 [a]), we grant his application. Notwithstanding his satisfaction of the substantive requirements for reinstatement, we direct respondent to (1) demonstrate his completion of four continuing legal education credits in the areas of Skills and/or Law Practice Management (*see* Rules of App Div, All Depts [22 NYCRR] § 1500.2 [d], [e]) that specifically relate to the practice of law in New York (*see* Rules of App Div, 3d Dept [22 NYCRR] § 806.16 [c] [5] [i]); and (2) provide proof of his compliance with this condition to both this Court and petitioner within 60 days of this Court's order. Accordingly, 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, subject to the conditions set forth in this decision.

¹ While respondent attests to his compliance with both the requirements of the order of suspension and Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.15, we note that respondent is not compliant with said rule, inasmuch as his affidavit of compliance is not in the prescribed form (*see* Rules for Atty Disciplinary Matters [22 NYCRR] § 1240.15 [f]). It is noted that the instructions accompanying Rules for Attorney Disciplinary Matters (22 NYCRR) part 1240, appendix B specifically states that the respondent "should not omit any passages" contained within the affidavit of compliance and, should the respondent be "unable to swear to any of the required statements set forth in the form affidavit, [he or she] must, for each such statement, alternatively explain all facts and circumstances relevant to why the respondent is unable to swear to the statement." Notwithstanding this, a review of respondent's materials, as a whole, supports his assertions that he is compliant with our Rules and the order of suspension.

Garry, P.J., Lynch, Fisher, McShan and Powers, JJ., concur.

ENTER:

A handwritten signature in black ink that reads "Robert D. Mayberger". The signature is written in a cursive style with a large, stylized 'R' and 'M'.

Robert D. Mayberger
Clerk of the Court