

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

Decided and Entered: July 16, 2026

PM-146-26

In the Matter of MORGAN MERCEDES
WIENER, an Attorney.

MEMORANDUM AND ORDER
ON MOTION

(Attorney Registration No. 4843892)

Calendar Date: June 29, 2026

Before: Clark, J.P., Pritzker, Ceresia, McShan and Ryba, JJ.

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

Per Curiam.

In 2010, respondent was admitted to the practice of law in New York and in Colorado, where she previously operated a trust and estates practice. By April 2025 order of the Supreme Court of Colorado, respondent was suspended in that jurisdiction for nine months, with three months to be served and six months to be stayed pending her successful completion of a three-year term of probation and other conditions, upon her admissions that she had engaged in client neglect, failed to communicate with her clients and failed to comply with the directives of a tribunal, among other misconduct. By order to show cause, the Attorney Grievance Committee for the Third Judicial Department (hereinafter AGC) now seeks the imposition of discipline on respondent as a consequence of her established misconduct in Colorado. To date, respondent has not responded to AGC's motion, despite being notified of same.

"Upon application by [AGC] containing proof that a person . . . covered by these Rules has been disciplined by a foreign jurisdiction, the Court shall direct that person . . .

to demonstrate, on terms it deems just, why discipline should not be imposed in New York for the underlying misconduct" (Rules for Atty Disciplinary Matters [22 NYCRR] § 1240.13 [a]; *see* Rules of App Div, 3d Dept [22 NYCRR] § 806.13). In response to AGC's motion, the attorney may avail himself or herself of three affirmative defenses and may likewise present any appropriate mitigating factors (*see Matter of Hahn*, 235 AD3d 1234, 1235 [3d Dept 2025]). Here, the record of the Colorado disciplinary proceeding reveals that respondent entered into a stipulation with the Colorado Office of Attorney Regulation Counsel, wherein she admitted that that she violated various Rules of Professional Conduct in that jurisdiction and, as argued by AGC, such misconduct, if committed here, would likewise constitute misconduct (*see* Rules of Prof Conduct [22 NYCRR 1200] rules 1.3 [a]; 1.4; 3.4 [c]; 8.4 [d]). While respondent has not responded to AGC's motion, thereby waiving any affirmative defenses she had available to her (*see e.g. Matter of Singh*, 245 AD3d 1061, 1062 [3d Dept 2026]), we note that the record of the Colorado disciplinary proceeding included respondent's acknowledgement that she freely and voluntarily entered into the stipulation to both the facts and rule violations, further indicating that there was no coercion or duress in entering into the stipulation and that she had waived her right to a hearing (*see e.g. Matter of Lee*, 238 AD3d 1316, 1317 n [3d Dept 2025]). As such, we deem the misconduct established and turn to the sanction to be imposed.

We are not obligated to impose the same sanction imposed by the foreign jurisdiction (*see Matter of Tabe*, 233 AD3d 1166, 1167 [3d Dept 2024]), but rather we are charged with crafting a sanction that is "appropriate to protect the public, maintain the honor and integrity of the profession, or deter others from committing similar misconduct" (Rules for Atty Disciplinary Matters [22 NYCRR] § 1240.8 [b] [2]). Notwithstanding this, we often impose the same sanction imposed by the foreign jurisdiction, unless aggravating or mitigating factors warrant an upward or downward departure (*see Matter of Tabe*, 233 AD3d at 1167). While respondent was suspended for nine months in Colorado, with three months to be served and six months to be stayed on her completion of a term of probation subject to various conditions, we note that a stayed suspension is not a form of discipline available under our applicable Rules (*see* Rules for Atty Disciplinary Matters [22 NYCRR] § 1240.2 [c], [g], [k]; *see also Matter of Heath*, 234 AD3d 1239, 1241 [3d Dept 2025]). In this vein, in failing to respond to AGC's motion, respondent has not provided any information concerning her compliance with the term of probation in Colorado, or any mitigating factors outside of the ones presented in the Colorado disciplinary proceeding (*see* ABA Standards for Imposing Lawyer Sanctions standard 9.32 [a]-[c], [e], [g], [l]). Given the totality of the circumstances, including the aggravating factors cited by AGC (*see* ABA Standards for Imposing

Lawyer Sanctions standard 9.22 [c], [d]), we see no reason to deviate from the nine-month suspension imposed in Colorado (*see e.g. Matter of Chu*, ___ AD3d ___, 2026 NY Slip Op 04026 [3d Dept 2026]; *Matter of Singh*, 245 AD3d at 1063). Accordingly, we grant AGC's motion and suspend respondent from the practice of law for nine months, effective immediately.

Clark, J.P., Pritzker, Ceresia, McShan and Ryba, JJ., concur.

ORDERED that the motion by the Attorney Grievance Committee for the Third Judicial Department is granted; and it is further

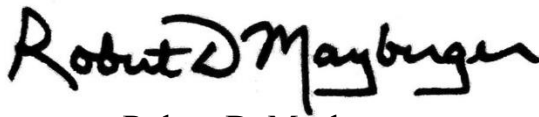
ORDERED that respondent is suspended from the practice of law for nine months, effective immediately, and until further notice of this Court (*see generally* Rules for Atty Disciplinary Matters [22 NYCRR] § 1240.16); and it is further

ORDERED that respondent is commanded to desist and refrain from the practice of law in any form in the State of New York, either as principal or as agent, clerk or employee of another; and respondent is hereby forbidden to appear as an attorney or counselor-at-law before any court, judge, justice, board, commission or other public authority, or to give to another an opinion as to the law or its application, or any advice in relation thereto, or to hold herself out in any way as an attorney and counselor-at-law in this State; and it is further

ORDERED that respondent shall comply with the provisions of the Rules for Attorney Disciplinary Matters regulating the conduct of suspended attorneys and shall duly certify to the same in her affidavit of compliance (*see* Rules for Attorney Disciplinary Matters [22 NYCRR] § 1240.15); and it is further

ORDERED that respondent shall, within 30 days of the date of this decision, surrender to the Office of Court Administration any Attorney Secure Pass issued to her.

ENTER:

A handwritten signature in black ink, reading "Robert D. Mayberger". The signature is written in a cursive, flowing style with a large initial "R" and "M".

Robert D. Mayberger
Clerk of the Court