

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

Decided and Entered: February 5, 2026

PM-23-26

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 BRODY McMURTRY,
Respondent.

(Attorney Registration No. 4636601)

Calendar Date: January 20, 2026

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.

James Brody McMurtry, Honolulu, Hawaii, respondent pro se.

Motion by respondent for an order reinstating him to the practice of law following his suspension by September 2022 order of this Court (*Matter of Attorneys in Violation of Judiciary Law § 468-a*, 208 AD3d 1421, 1437 [3d Dept 2022]; *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 December 13, 2025, respondent's supplemental submission of that date and the January 12, 2026 responsive correspondence from the Attorney Grievance Committee for the Third Judicial Department, and having determined that respondent has not demonstrated, by clear and convincing evidence, his compliance with the rules of this Court (*see* Rules for Atty Disciplinary Matters [22 NYCRR] § 1240.16 [a]; Rules of App Div, 3d Dept [22 NYCRR] § 806.16 [c] [5]),¹ it is

ORDERED that respondent's motion for reinstatement is denied.

Clark, J.P., Aarons, Pritzker, McShan and Mackey, JJ., concur.

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

¹ Respondent's request for a waiver of the continuing legal education requirement as stated in Rules of the Appellate Division, Third Department (22 NYCRR) § 806.16 (c) (5) is likewise denied.