

APPELLATE DIVISION OF THE SUPREME COURT OF THE STATE OF NEW YORK, THIRD DEPARTMENT

Matter of DalCortivo

2026 NY Slip Op 03351 (Appellate Division of the Supreme Court of the State of New York Third Department 2026) · No. PM-110-26 · Decided May 28, 2026

SUMMARY

The Appellate Division, Third Department granted Kathleen Mary DalCortivo's motion for reinstatement to the practice of law following her suspension under Judiciary Law § 468-a. The court found by clear and convincing evidence that she satisfied the applicable reinstatement requirements, complied with the suspension order and court rules, possessed the requisite character and fitness, and that reinstatement was in the public interest.

CASE DETAILS

COURT	Appellate Division of the Supreme Court of the State of New York, Third Department
WRITING FOR THE COURT	Reynolds Fitzgerald, J.P.; Ceresia, J.; Powers, J.; Corcoran, J.; Ryba, J.
JURISDICTION	New York Appellate Division, Third Department
DECIDED	May 28, 2026
DOCKET	PM-110-26
DISPOSITION	other
PROCEDURAL POSTURE	Respondent attorney moved for reinstatement to the practice of law following suspension by an October 2021 order of the court.
STANDARD OF REVIEW	The court determined by clear and convincing evidence whether the requirements for reinstatement had been satisfied.
PRECEDENTIAL VALUE	Published intermediate appellate decision
PARTIES	Kathleen Mary DalCortivo v. Attorney Grievance Committee for the Third Judicial Department

TOPICS

appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether respondent satisfied the statutory and court-rule requirements for reinstatement to the practice of law after suspension.
2. Whether respondent should be reinstated based on clear and convincing evidence of compliance, character and fitness, and the public interest.

HOLDINGS

1. Respondent satisfied the requirements for reinstatement because clear and convincing evidence established that she met the applicable rule requirements, complied with the suspension order and court rules, possessed the requisite character and fitness to practice law, and that reinstatement was in the public interest.

KEY QUOTATIONS

*“having determined, by clear and convincing evidence, that (1) respondent has satisfied the requirements of Rules of the Appellate Division, Third Department (22 NYCRR) § 806.16 (c) (5), (2) respondent has complied with the order of suspension and the rules of this Court, (3) respondent has the requisite character and fitness to practice law, and (4) it would be in the public interest to reinstate respondent to the practice of law” ([*1])*

*“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.” ([*1])*

FACTUAL BACKGROUND

DalCortivo had previously been suspended from practicing law by an October 2021 order of the Third Department. She submitted a motion, affidavit, and exhibit seeking reinstatement. The court found that she had complied with the suspension order and court rules, satisfied the applicable reinstatement requirements, possessed the requisite character and fitness, and that reinstatement would serve the public interest.

PROCEDURAL HISTORY

Kathleen Mary DalCortivo was suspended from the practice of law by an October 2021 order of the Third Department. She moved for reinstatement, and the Attorney Grievance Committee submitted responsive correspondence. The court granted the motion and reinstated her effective immediately.

DISPOSITION

other

CASES CITED

- Matter of Attorneys in Violation of Judiciary Law § 468-a, 198 AD3d 1068, 1074 (3d Dept 2021)

OPINION

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PER CURIAM.

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2026 NY Slip Op 03351

May 28, 2026

Appellate Division, Third Department

Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431.

This decision is uncorrected and subject to revision before publication in the Official Reports.

In the Matter of Attorneys in Violation of Judiciary Law § 468-a. Attorney Grievance Committee for the Third Judicial Department, Petitioner; Kathleen Mary DalCortivo, Respondent. (Attorney Registration No. 5076351)

Decided and Entered: May 28, 2026

PM-110-26

Calendar Date: May 4, 2026

Before: Reynolds Fitzgerald, J.P., Ceresia, Powers, Corcoran And Ryba, JJ., Concur.

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.

Kathleen Mary DalCortivo, Lanoka Harbor, New Jersey, respondent pro se.

*1

Motion by respondent for an order reinstating her to the practice of law following her 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 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 exhibit sworn to March 31, 2026 and the April 27, 2026 responsive correspondence from the Attorney Grievance Committee for the Third Judicial Department, and having determined, by clear and convincing evidence, that (1) respondent has satisfied the requirements of Rules of the Appellate Division, Third Department (22 NYCRR) § 806.16 (c) (5), (2) respondent has complied with the order of suspension and the rules of this Court, (3) respondent has the requisite character and fitness to practice law, and (4) 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]), 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.

Reynolds Fitzgerald, J.P., Ceresia, Powers, Corcoran and Ryba, JJ., concur.

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PER CURIAM.

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