

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

Matter of Margarita Claribel Tejada

2026 NY Slip Op 00020 (N.Y. Ct. App. 2026) · No. Motion No. 2025-05379; Case No. 2025-05981 · Decided January 6, 2026

SUMMARY

The Appellate Division, First Department granted the Attorney Grievance Committee's motion for reciprocal discipline against Margarita Claribel Tejada. Based on her Utah discipline by consent for excessive fees and improper handling of client funds, the court publicly censured her in New York.

CASE DETAILS

COURT	Appellate Division of the Supreme Court of the State of New York, First Department
JURISDICTION	New York Appellate Division, First Department
DECIDED	January 6, 2026
DOCKET	Motion No. 2025-05379; Case No. 2025-05981
DISPOSITION	other
PROCEDURAL POSTURE	The Attorney Grievance Committee sought reciprocal discipline based on a Utah discipline-by-consent order imposing a one-year probationary term on respondent. The First Department granted the motion and publicly censured respondent.
PRECEDENTIAL VALUE	published
PARTIES	Attorney Grievance Committee for the First Judicial Department v. Margarita Claribel Tejada

TOPICS

- appellate procedure
- immigration
- adjustment of status
- violence against women act

PRACTICE AREAS

- attorney discipline
- professional responsibility
- immigration law

QUESTIONS PRESENTED

1. Whether reciprocal discipline was appropriate where respondent voluntarily admitted misconduct in a foreign disciplinary proceeding and did not establish any recognized defense.
2. Whether a public censure was the appropriate New York sanction when the foreign jurisdiction imposed probation and New York's disciplinary rules did not provide for probation.

HOLDINGS

1. Reciprocal discipline was appropriate because respondent received notice and an opportunity to be heard in Utah, admitted the misconduct, and the misconduct involving excessive or illegal fees would constitute professional misconduct in New York.
2. A public censure was the appropriate New York sanction for respondent's misconduct, notwithstanding the one-year probation imposed in Utah.

KEY QUOTATIONS

“In a proceeding seeking reciprocal discipline pursuant to 22 NYCRR 1240.13, respondent may raise the following defenses: (1) a lack of notice and opportunity to be heard in the foreign jurisdiction; (2) an infirmity of proof establishing the misconduct; or (3) that the misconduct at issue in the foreign jurisdiction would not constitute misconduct in New York” ([*1])

“Only in rare instances will this Court depart from its general rule” ([*1])

FACTUAL BACKGROUND

Respondent accepted a \$5,000 retainer to represent a client in an adjustment-of-status immigration proceeding, deposited the retainer into her operating account, and did not place it in a client trust account. She billed excessive or improper fees for clerical work, administrative tasks, unincurred expenses, and work performed at an attorney rate, and the client's application was never filed. Respondent admitted violating Utah rules governing reasonable fees and client funds and agreed to a one-year probationary sanction in Utah.

PROCEDURAL HISTORY

Respondent entered into a discipline-by-consent and settlement agreement with the Utah Office of Professional Conduct after admitting violations involving excessive fees, improper billing, and failure to segregate a client's retainer funds. On May 7, 2025, the Utah Third Judicial District Court approved the agreement and ordered discipline in accordance with it. The Attorney Grievance Committee then moved in the First Department for reciprocal discipline; respondent did not appear or assert any defense.

DISPOSITION

other

CASES CITED

- Matter of Milara, 194 AD3d 108, 110 (1st Dept 2021)
- Matter of Blumenthal, 165 AD3d 85, 86 (1st Dept 2018)

- Matter of Jaffe, 78 AD3d 152 (1st Dept 2010)
- Matter of Tustaniwsky, 204 AD3d 162, 165 (1st Dept 2022)
- Matter of Doria, 165 AD3d 33 (1st Dept 2018)
- Matter of Kuzmin, 98 AD3d 266 (1st Dept 2012)
- Matter of Wertheimer, 286 AD2d 44 (1st Dept 2001)
- Matter of Cipolla, 233 AD2d 58 (1st Dept 1997)

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