

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

Matter of Attorneys in Violation of Judiciary Law § 468-a (Baseri)

2022 NY Slip Op 02856 (App. Div. 2022) · No. PM-95-22 · Decided April 28, 2022

SUMMARY

The Appellate Division, Third Department granted Nazanin Baseri's application for reinstatement to the New York bar after her suspension for failing to comply with attorney registration requirements under Judiciary Law § 468-a. The court found that she satisfied the procedural requirements, demonstrated compliance with the suspension order and court rules, and established the requisite character and fitness for practice.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Third Department
WRITING FOR THE COURT	Egan Jr., J.P.; Lynch, J.; Aarons, J.; Colangelo, J.; Fisher, J.
JURISDICTION	New York
DECIDED	April 28, 2022
DOCKET	PM-95-22
DISPOSITION	other
PROCEDURAL POSTURE	Respondent attorney applied for reinstatement to the practice of law after a suspension lasting more than six months. The Attorney Grievance Committee opposed the application based on identified deficiencies.
STANDARD OF REVIEW	The court reviewed the reinstatement application to determine whether respondent satisfied the procedural and substantive requirements of 22 NYCRR 1240.16, including whether she demonstrated by clear and convincing evidence the requisite character and fitness and whether reinstatement would serve the public interest.
PRECEDENTIAL VALUE	Published
PARTIES	Attorney Grievance Committee for the Third Judicial Department v. Nazanin Baseri

TOPICS

appellate procedure

remedies

PRACTICE AREAS

attorney discipline

professional responsibility

legal ethics

QUESTIONS PRESENTED

1. Whether respondent satisfied the procedural requirements for reinstatement after a suspension of more than six months.
2. Whether respondent demonstrated compliance with the suspension order and court rules, the requisite character and fitness to practice law, and that reinstatement would be in the public interest.

HOLDINGS

1. Respondent satisfied the applicable procedural requirements by submitting a sworn affidavit in the proper form and sufficient threshold documentation, including proof that she successfully completed the Multistate Professional Responsibility Examination within one year of her application.
2. Respondent met the reinstatement standard because she demonstrated compliance with the order of suspension and the court's rules, clearly and convincingly possessed the requisite character and fitness to practice law, and showed that reinstatement would be in the public interest.

FACTUAL BACKGROUND

Respondent was admitted to practice in New York in 2011 and resides in Virginia. She was suspended in May 2019 for noncompliance with attorney registration requirements beginning in 2015. She cured the registration delinquency in January 2021, completed the Multistate Professional Responsibility Examination within the required period, and attested that she did not practice law during her suspension.

PROCEDURAL HISTORY

Respondent was suspended by the Appellate Division in May 2019 for noncompliance with attorney registration requirements. After curing the registration delinquency in January 2021, she applied for reinstatement under 22 NYCRR 1240.16. The Attorney Grievance Committee opposed the application, respondent submitted a supplemental affidavit, and the Appellate Division granted reinstatement.

DISPOSITION

other

CASES CITED

- Matter of Attorneys in Violation of Judiciary Law § 468, 172 AD3d 1706, 1711 (2019)
- Matter of Attorneys in Violation of Judiciary Law § 468-a (Nenninger), 180 AD3d 1317, 1318 (2020)
- Matter of Attorneys in Violation of Judiciary Law § 468-a (Castle), 161 AD3d 1443, 1444 (2018)

- Matter of Attorneys in Violation of Judiciary Law § 468-a (Gibson), 186 AD3d 961, 962 (2020)
- Matter of Attorneys in Violation of Judiciary Law § 468-a (Toussaint), 196 AD3d 830, 830-831 (2021)
- Matter of Attorneys in Violation of Judiciary Law § 468-a (Hermanson), 188 AD3d 1555, 1556 (2020)

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