

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

Matter of Murray-Nolan

2026 NY Slip Op 03365 · No. Motion Nos. 2025-06562, 2026-00612; Case No. 2025-07773 · Decided May 28, 2026

SUMMARY

The Appellate Division, First Department imposed reciprocal discipline on attorney Gwyneth Kathleen Murray-Nolan based on a public censure issued by the Supreme Court of New Jersey. The court determined that the New Jersey misconduct, involving a conflict of interest and submission of documents in a client's name without approval, constituted misconduct in New York. The court granted the Attorney Grievance Committee's motion and denied Murray-Nolan's motion to dismiss.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, First Judicial Department
WRITING FOR THE COURT	Per Curiam; Dianne T. Renwick; Barbara R. Kapnick; Lizbeth González; Llinét M. Rosado; Kelly O'Neill Levy
JURISDICTION	Supreme Court, Appellate Division, First Judicial Department, New York
DECIDED	May 28, 2026
DOCKET	Motion Nos. 2025-06562, 2026-00612; Case No. 2025-07773
DISPOSITION	other
PROCEDURAL POSTURE	Reciprocal attorney-discipline proceeding initiated by the Attorney Grievance Committee for the First Judicial Department based on public censure imposed on respondent by the Supreme Court of New Jersey. Respondent opposed reciprocal discipline and moved to dismiss.
PRECEDENTIAL VALUE	Published

TOPICS

- appellate procedure
- remedies

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether respondent established any defense to reciprocal discipline under 22 NYCRR 1240.13.
2. Whether the misconduct for which respondent was disciplined in New Jersey would constitute misconduct in New York.
3. Whether respondent's pending legal-malpractice action against her New Jersey counsel warranted dismissal or a stay of the reciprocal-discipline proceeding.
4. What sanction should be imposed in New York based on the discipline imposed in New Jersey.

HOLDINGS

1. Respondent did not establish any permissible defense to reciprocal discipline because she received notice and an opportunity to be heard in New Jersey, the record contained sufficient proof of misconduct, and the misconduct would constitute misconduct in New York.
2. A respondent's pending legal-malpractice action against former disciplinary counsel does not establish an infirmity of proof and does not warrant staying adjudication of reciprocal discipline.
3. Public censure was the appropriate New York sanction because it was commensurate with the discipline imposed in New Jersey.

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” (at *3)*

*“significant weight should be given to the sanction imposed by the jurisdiction where the misconduct occurred because the foreign jurisdiction has the greatest interest in fashioning sanctions for misconduct” (at *4)*

*“Only in rare instances will this Court depart from its general rule” (at *4)*

FACTUAL BACKGROUND

Respondent represented two co-owners of a real-estate investment LLC and the LLC itself in connection with the sale of commercial property and related litigation. A conflict arose when the co-owners disagreed over the sale price, and respondent continued representing both individuals while favoring one over the other. Respondent submitted documents in one client's name, including documents concerning her fees and payments to the favored client, without that client's review or approval. New Jersey authorities found that this conduct violated NJRPC rule 1.7(a) and imposed a public censure.

PROCEDURAL HISTORY

A New Jersey ethics proceeding resulted in findings that respondent violated New Jersey Rule of Professional Conduct 1.7(a), followed by a recommendation of censure by the New Jersey Disciplinary Review Board. The Supreme Court of New Jersey affirmed and publicly censured respondent on June 13, 2025. Respondent notified the New York Third Department of the discipline; the matter was transferred to the First Department, where the Attorney Grievance Committee sought reciprocal discipline. The First Department granted the Committee's motion, publicly censured respondent, and denied her motion to dismiss.

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 Mueller, 194 AD3d 68 [1st Dept 2021]
- Matter of Baldinger, 109 AD3d 322 [1st Dept 2013]
- Matter of Gold, 240 AD2d 74 [1st Dept 1998]