

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

Matter of Rollyn Gueco Malig

2025 NY Slip Op 06653 · No. Motion No. 2025-05315; Case No. 2025-04145 · Decided December 2, 2025

SUMMARY

The New York Appellate Division, First Department granted a joint motion for discipline by consent and publicly censured Rollyn Gueco Malig. The discipline arose from her misdemeanor criminal contempt conviction in Pennsylvania for violating an order of protection, together with her failure to timely report the conviction to the Attorney Grievance Committee. The court considered the absence of threats or malice, her cooperation and remorse, and other mitigating factors.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, First Judicial Department
WRITING FOR THE COURT	Per Curiam; Barbara R. Kapnick, Justice Presiding
JURISDICTION	New York Supreme Court, Appellate Division, First Department
DECIDED	December 2, 2025
DOCKET	Motion No. 2025-05315; Case No. 2025-04145
DISPOSITION	other
PROCEDURAL POSTURE	Attorney disciplinary proceeding arising from respondent's Pennsylvania misdemeanor criminal contempt conviction for violating an order of protection. The parties jointly moved for discipline by consent and requested a public censure.
PRECEDENTIAL VALUE	Published New York Appellate Division decision
PARTIES	Attorney Grievance Committee for the First Judicial Department v. Rollyn Gueco Malig

TOPICS

- appellate procedure
- criminal procedure
- administrative law

PRACTICE AREAS

- attorney discipline
- professional responsibility
- criminal contempt
- orders of protection

QUESTIONS PRESENTED

1. Whether the parties' joint motion for discipline by consent should be granted under 22 NYCRR 1240.8(a)(5).
2. Whether public censure was an appropriate sanction for respondent's admitted misconduct, considering the absence of threats or malice, aggravating factors, and mitigating factors.

HOLDINGS

1. The parties' joint motion for discipline by consent was granted because the required stipulation, respondent's affidavit, and aggravating and mitigating factors were submitted and respondent consented to the agreed discipline.
2. Public censure was an appropriate sanction for respondent's misconduct involving violation of an order of protection and failure to report the criminal conviction, in light of the lack of threats or malice, respondent's remorse and cooperation, absence of disciplinary history, and the identified aggravating factor.

FACTUAL BACKGROUND

Respondent obtained an order of protection against her former partner after a domestic dispute, but the order also prohibited respondent from contacting that person. Approximately one month later, respondent sent two text messages and an email attempting to repair the relationship, resulting in her arrest and conviction after a bench trial for violating the order. The communications contained no threats or malicious content, and respondent later expressed remorse, cooperated with the disciplinary investigation, and conditionally admitted that her conduct violated the New York Rules of Professional Conduct.

PROCEDURAL HISTORY

The Attorney Grievance Committee instituted disciplinary proceedings after respondent was convicted in Pennsylvania of violating 23 Pa. Stat. § 6114(a). The court had previously deemed the conviction a serious crime under Judiciary Law § 90(4)(d), appointed a referee for a sanction hearing, and the parties then jointly moved for discipline by consent under 22 NYCRR 1240.8(a)(5). The court granted the motion and publicly censured respondent.

DISPOSITION

other

CASES CITED

- Matter of Arkun, 119 AD3d 111 (1st Dept 2014)
- Matter of Samuel, 103 AD3d 134 (1st Dept 2013)
- Matter of Kunstler, 194 AD2d 233 (1st Dept 1993)
- Matter of Perry, 241 AD3d 34 (1st Dept 2025)
- Matter of Miller, 241 AD3d 30 (1st Dept 2025)

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