

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

M245026
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WILLIAM F. MASTRO, J.P.
REINALDO E. RIVERA
MARK C. DILLON
RUTH C. BALKIN
CHERYL E. CHAMBERS, JJ.

2010-01810

DECISION & ORDER ON MOTION

In the Matter of Anthony C. Donofrio,
a suspended attorney.

(Attorney Registration No. 2386456)

Motion by Anthony C. Donofrio for reinstatement to the Bar as an attorney and counselor-at-law, and to waive the MPRE requirement under 22 NYCRR 1240.16(b). Mr. Donofrio was admitted to the Bar at a term of the Appellate Division of the Supreme Court in the Second Judicial Department on December 5, 1990. By order of the Appellate Division of the Supreme Court in the First Judicial Department, dated July 24, 1997, Mr. Donofrio was suspended from the practice of law for a period of one year (*see Matter of Donofrio*, 231 AD2d 365). Mr. Donofrio was reinstated on October 27, 1998. By decision and order on motion of this Court dated May 12, 2010, inter alia, the Grievance Committee for the Tenth Judicial District was authorized to institute and prosecute a disciplinary proceeding against Mr. Donofrio based upon a verified petition dated February 3, 2010, and the issues raised were referred to the Honorable Arthur J. Cooperman, as Special Referee, to hear and report. By decision and order on motion of this Court dated June 27, 2011, Mr. Donofrio's motion to stay the disciplinary proceeding against him and allow a diversion of the proceeding pursuant to former 22 NYCRR 691.4(m), permitting him to complete a monitoring program sponsored by a lawyers' assistance program and approved by the Court was denied. By opinion and order of this Court dated January 9, 2013, Mr. Donofrio was suspended from the practice of law for a period of two years, commencing February 8, 2013. By decision and order on motion of this Court dated March 22, 2013, the effective date of Mr. Donofrio's suspension was extended until April 22, 2013, to allow him to wind down his practice. By decision and order on motion of this Court dated May 22, 2013, his second request for a stay of his suspension, pending determination of his motion for leave to appeal to the Court of Appeals, was denied as academic in the light of the dismissal of that appeal. However, the effective date of suspension was extended until May 23, 2013. A third request for a stay was denied by decision and order on motion of this Court dated June 18, 2013. By decision and order on motion of this Court dated July 26, 2016, Mr. Donofrio's first motion for reinstatement was denied.

February 1, 2018

MATTER OF DONOFRIO, ANTHONY C.

Page 1.

Upon the papers filed in support of the motion and the papers filed in relation thereto,
it is

ORDERED that the branch of the motion which is for reinstatement is held in abeyance and the matter is referred to the Committee on Character and Fitness to investigate and report on Anthony C. Donofrio's character and fitness to practice law; and it is further,

ORDERED that the branch of the motion which is to waive the MPRE requirement under 22 NYCRR 1240.16(b) is denied as academic.

MASTRO, J.P., RIVERA, DILLON, BALKIN and CHAMBERS, JJ., concur.

ENTER:

A handwritten signature in black ink that reads "Aprilanne Agostino". The signature is written in a cursive, flowing style.

Aprilanne Agostino
Clerk of the Court