

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

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

2026 NY Slip Op 00299 · Decided January 22, 2026

SUMMARY

The Appellate Division, Third Department denied Michael Kevin Nolan’s motion for reinstatement to the practice of law following his suspension under Judiciary Law § 468-a. The court held that he had not demonstrated by clear and convincing evidence his compliance with the applicable court rules, including 22 NYCRR § 806.16(c)(5)(i).

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Third Department
WRITING FOR THE COURT	Reynolds Fitzgerald, J.P.; Ceresia, J.; Fisher, J.; Powers, J.; Corcoran, J.
JURISDICTION	New York Appellate Division, Third Department
DECIDED	January 22, 2026
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Respondent Michael Kevin Nolan moved for reinstatement to the practice of law following his suspension. The Attorney Grievance Committee for the Third Judicial Department opposed the motion, and the Appellate Division denied reinstatement.
STANDARD OF REVIEW	The applicant for reinstatement bears the burden of demonstrating by clear and convincing evidence compliance with the applicable attorney-discipline rules.
PRECEDENTIAL VALUE	Published opinion

TOPICS

appellate procedure

PRACTICE AREAS

attorney discipline professional responsibility attorney reinstatement

QUESTIONS PRESENTED

1. Whether Nolan demonstrated by clear and convincing evidence that he complied with the applicable rules governing reinstatement following suspension.
2. Whether Nolan's motion for reinstatement should be granted.

HOLDINGS

1. Nolan failed to demonstrate by clear and convincing evidence his compliance with the applicable rules of the Appellate Division, Third Department, including 22 NYCRR 806.16 (c) (5) (i), and therefore was not entitled to reinstatement.

KEY QUOTATIONS

*“respondent has not demonstrated, by clear and convincing evidence, his compliance with the rules of this Court” ([*1])*

FACTUAL BACKGROUND

Michael Kevin Nolan was suspended from the practice of law pursuant to a January 2014 order of the Appellate Division, Third Department. He sought reinstatement and submitted a sworn affidavit, exhibits, and a supplemental affirmation. The court determined that he had not demonstrated by clear and convincing evidence compliance with the applicable rules, specifically 22 NYCRR 806.16 (c) (5) (i).

PROCEDURAL HISTORY

Nolan had been suspended by a January 2014 order of the Appellate Division, Third Department. He moved for reinstatement under the applicable attorney-discipline rules, submitting an affidavit, exhibits, and a supplemental affirmation. After considering the submissions and the Attorney Grievance Committee's response, the court determined that Nolan failed to establish by clear and convincing evidence his compliance with the court's rules and denied the motion.

DISPOSITION

writ_denied

CASES CITED

- Matter of Attorneys in Violation of Judiciary Law § 468-a, 113 AD3d 1020, 1045 (3d Dept 2014)

OPINION

PER CURIAM.

Matter of Attorneys in Violation of Judiciary Law § 468-a (Nolan) (2026 NY Slip Op 00299)
Matter of Attorneys in Violation of Judiciary Law § 468-a (Nolan) 2026 NY Slip Op 00299
Decided on January 22, 2026 Appellate Division, Third Department Published by New York State

Law Reporting Bureau pursuant to Judiciary Law § 431. This opinion is uncorrected and subject to revision before publication in the Official Reports.

Decided and Entered: January 22, 2026 PM-11-26 [*1] In the Matter of Attorneys in Violation of Judiciary Law § 468-a. Committee on Professional Standards, Now Known as Attorney Grievance Committee for the Third Judicial Department, Petitioner; Michael Kevin Nolan, Respondent. (Attorney Registration No. 2772846.) Calendar Date: January 5, 2026 Before: Reynolds Fitzgerald, J.P., Ceresia, Fisher, Powers and Corcoran, JJ., concur.

Monica A. Duffy, Attorney Grievance Committee for the Third Judicial Department, Albany (Alison M. Coan of counsel), for petitioner. Michael Kevin Nolan, Saddle River, New Jersey, respondent pro se. Motion by respondent for an order reinstating him to the practice of law following his suspension by January 2014 order of this Court (Matter of Attorneys in Violation of Judiciary Law § 468-a, 113 AD3d 1020, 1045 [3d Dept 2014]; see Rules for Atty Disciplinary Matters [22 NYCRR] § 1240.16; Rules of App Div, 3d Dept [22 NYCRR] § 806.16).

Upon reading respondent's notice of motion and affidavit with exhibits sworn to December 1, 2025, his supplemental affirmation with exhibits dated December 30, 2025 and the December 23, 2025 responsive correspondence from the Attorney Grievance Committee for the Third Judicial Department, and having determined that respondent has not demonstrated, by clear and convincing evidence, his compliance with the rules of this Court (see Rules for Atty Disciplinary Matters [22 NYCRR] § 1240.16 [a], Rules of App Div, 3d Dept [22 NYCRR] § 806.16 [c] [5]), specifically his compliance with Rules of the Appellate Division, Third Judicial Department (22 NYCRR) § 806.16 (c) (5) (i), we deny respondent's motion for reinstatement.

ORDERED that respondent's motion for reinstatement is denied. Reynolds Fitzgerald, J.P., Ceresia, Fisher, Powers and Corcoran, JJ., concur.