

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)