

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

Matter of Wheatley

2026 NY Slip Op 01268 (N.Y. Ct. App. 2026) · No. PM-36-26 · Decided March 5, 2026

SUMMARY

The Appellate Division, Third Department granted Nathan Allan Wheatley's application to resign from the New York bar for nondisciplinary reasons. The court accepted his resignation, struck his name from the roll of attorneys effective immediately, prohibited him from practicing law in New York, and ordered him to surrender any Attorney Secure Pass within 30 days.

CASE DETAILS

COURT	Appellate Division of the Supreme Court of the State of New York, Third Department
WRITING FOR THE COURT	Clark, J.P.; Aarons, J.; Ceresia, J.; McShan, J.; Corcoran, J.
JURISDICTION	Appellate Division, Third Department, New York
DECIDED	March 5, 2026
DOCKET	PM-36-26
DISPOSITION	other
PROCEDURAL POSTURE	An attorney admitted to practice in New York applied for permission to resign from the New York bar for nondisciplinary reasons. The Attorney Grievance Committee did not oppose the application.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Nathan Allan Wheatley v. Attorney Grievance Committee for the Third Judicial Department

TOPICS

appellate procedure

PRACTICE AREAS

legal ethics attorney discipline bar admission and resignation

QUESTIONS PRESENTED

1. Whether Nathan Allan Wheatley was eligible to resign from the New York bar for nondisciplinary reasons under 22 NYCRR 1240.22(a).
2. Whether the court should grant the application, accept the resignation, strike Wheatley's name from the roll of attorneys, and impose the associated restrictions under 22 NYCRR 1240.22(b).

HOLDINGS

1. Wheatley was eligible to resign from the New York bar for nondisciplinary reasons under 22 NYCRR 1240.22(a), and his application for permission to resign was granted.
2. Upon accepting Wheatley's resignation, the court ordered that his name be stricken from the roll of New York attorneys, that he desist from practicing law or holding himself out as an attorney in New York, and that he surrender any Attorney Secure Pass within 30 days.

FACTUAL BACKGROUND

Nathan Allan Wheatley was admitted to practice law by the Third Department in 2012 and maintained a business address in Ohio. He sought permission to resign from the New York bar for nondisciplinary reasons. The Attorney Grievance Committee advised that it did not oppose the application, and the court determined that Wheatley was eligible for nondisciplinary resignation.

PROCEDURAL HISTORY

Wheatley submitted an affidavit seeking nondisciplinary resignation, which was filed on January 27, 2026. After reviewing the application and the Attorney Grievance Committee's response, the Appellate Division determined that Wheatley was eligible to resign and granted the application, accepted his resignation, and ordered that his name be stricken from the roll of attorneys.

DISPOSITION

other