

State of New York
Supreme Court, Appellate Division
Third Judicial Department

Decided and Entered: November 27, 2024

PM-232-24

In the Matter of SEAN MICHAEL
BODEN, a Resigned Attorney.

MEMORANDUM AND ORDER
ON MOTION

(Attorney Registration No. 5685698)

Calendar Date: November 18, 2024

Before: Egan Jr., J.P., Clark, Aarons, Lynch and Powers, JJ.

Sean Michael Boden, Huntington Station, pro se.

Monica A. Duffy, Attorney Grievance Committee for the Third Judicial Department, Albany (*Alison M. Coan* of counsel), for Attorney Grievance Committee for the Third Judicial Department.

Per Curiam.

Sean Michael Boden was admitted to practice by this Court in 2019. He was granted leave to resign from the New York bar by February 2021 order of this Court (191 AD3d 1226 [3d Dept 2021]), however, citing his employment in a nonlegal position. Boden now moves for his reinstatement in New York and the Attorney Grievance Committee for the Third Judicial Department (hereinafter AGC) does not oppose Boden's reinstatement.

An attorney seeking reinstatement following his or her nondisciplinary resignation must submit an application consistent with form affidavit as provided in appendix F to Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.22 (b) (*see Matter of Nwakudu*, 227 AD3d 1369, 1369 [3d Dept 2024]; *see also* Rules of App Div, 3d Dept [22 NYCRR] § 806.22 [b] [1]). Additionally, the applicant must establish that, within two

years preceding such an application, he or she successfully completed a minimum of eight credit hours of continuing legal education (hereinafter CLE) accreditation as follows: six credit hours of Skills and/or Law Practice Management that specifically relate to the practice of law in New York; one credit in Ethics and Professionalism; and one credit in either Diversity, Inclusion and Elimination of Bias or Cybersecurity, Privacy and Data Protection (*see* Rules of App Div, 3d Dept [22 NYCRR] § 806.22 [b] [2]; *see also* Rules of App Div, All Depts [22 NYCRR] § 1500.2 [c], [d], [e], [g], [h]).

In addition to these procedural requirements, the applicant must also establish that he or she possesses both the legal education or experience, as well as the necessary character and fitness as would be required of an applicant for admission in the first instance (*see Matter of Nwakudu*, 227 AD3d at 1369-1370; *Matter of Saul*, 226 AD3d 1144, 1145 [3d Dept 2024]; *Matter of Tuve*, 171 AD3d 1392, 1393 [3d Dept 2019]). Upon AGC's response to the application, we maintain wide discretion as to the disposition of same, including the restoration of the applicant to the roll of attorneys with or without conditions, or the denial of the application with leave to renew upon the completion of the Multistate Professional Responsibility Examination or the New York Bar Examination (*see Matter of Weiss*, 166 AD3d 1159, 1160 [3d Dept 2018]; Rules of Atty Disciplinary Matters [22 NYCRR] § 1240.22 [b]).

Here, Boden has satisfied the procedural requirements, as he appropriately submitted the required form affidavit (*see* Rules for Atty Disciplinary Matters [22 NYCRR] appendix F), as well as proof that he earned the required number of CLE credits in the enumerated categories. As to the substantive requirements, we note that Boden's materials and AGC's response thereto do not present any cause for character and fitness concerns. However, we note that, absent the CLE credits required as part of his application for reinstatement following nondisciplinary resignation, the record does not indicate that Boden has engaged in any other CLE coursework since his resignation.¹ Given this, we conclude that respondent's separation from the practice of law given his employment in a nonlegal position warrants the imposition of certain additional CLE credits (*see Matter of Wenxuan Yang*, 210 AD3d 1232, 1233 [3d Dept 2022]; *Matter of Tuve*, 171 AD3d at 1393). Accordingly, we grant Boden's application for reinstatement, but condition such reinstatement upon his completion, within two years of the date of this

¹ We note that Boden was granted leave to resign prior to his first biennial registration obligation coming due in 2021 (*see* Rules of App Div, All Depts [22 NYCRR] § 1500.13 [b]).

order, of CLE accreditation commensurate with that required of all newly-admitted attorneys in New York (*see* Rules of App Div, All Depts [22 NYCRR] § 1500.12 [a]).

Egan Jr., J.P., Clark, Aarons, Lynch and Powers, JJ., concur.

ORDERED that Sean Michael Boden's application for reinstatement is granted; and it is further

ORDERED that Sean Michael Boden's name is hereby restored to the roll of attorneys and counselors-at-law of the State of New York, effective immediately; and it is further

ORDERED that Sean Michael Boden's shall, within 30 days of the date of this decision, file an attorney registration statement with the Chief Administrator of the Courts pursuant to Judiciary Law § 468-a and Rules of the Chief Administrator of the Courts (22 NYCRR) § 118.1.

ORDERED that Sean Michael Boden shall submit documentation to the Attorney Grievance Committee for the Third Judicial Department establishing his satisfaction of continuing legal education accreditation equivalent to that required by Rules of the Appellate Division, All Departments (22 NYCRR) § 1500.12 (a), on or before November 27, 2026.

ENTER:

A handwritten signature in black ink that reads "Robert D. Mayberger". The signature is written in a cursive, slightly slanted style.

Robert D. Mayberger
Clerk of the Court