State of New York
Court of Appeals

At a session of the Court, held at Court of Appeals Hall in the City of Albany, on the 1st day of July, 2020.

Present, HON. JANET DiFIORE, Chief Judge presiding.

In the Matter

of

The Amendment of the Rules of the Court of Appeals to add a new Part 524 thereof for the Temporary Authorization of Certain Law Graduates to Engage in the Supervised Practice of Law in New York.

Pursuant to section 53 of the Judiciary Law, it is hereby

ORDERED that the Rules of the Court of Appeals are amended, effective July 22, 2020, or as soon thereafter as section 52 of the Judiciary Law is complied with, by adding a new Part 524 thereof pertaining to the Temporary Authorization of Certain Law Graduates to Engage in the Supervised Practice of Law in New York. Part 524 provides as follows:

RULES OF THE COURT OF APPEALS FOR THE TEMPORARY AUTHORIZATION OF CERTAIN LAW GRADUATES TO ENGAGE IN THE SUPERVISED PRACTICE OF LAW IN NEW YORK

524.1 Temporary authorization for supervised practice of law.

The Appellate Division of the Supreme Court, in its discretion, may authorize certain law school

graduates to engage in the supervised practice of law in accordance with the provisions of this Part. These provisions have been adopted in recognition of the impact of the coronavirus health emergency, including the postponement of the July 2020 New York State bar examination.

524.2 Eligibility of law graduates for temporary authorization.

To be eligible for authorization to engage in the supervised practice of law pursuant to this Part, the applicant must:

(a) have received a first degree in law or LL.M. degree from a law school that is approved by the American Bar Association,

(b) be qualified to take the New York State bar examination pursuant to the Rules for the Admission of Attorneys and Counselors-at-Law (22 NYCRR Part 520),

(c) not have previously failed a bar examination in New York or any other state or territory of the United States, or in the District of Columbia, and

(d) be employed to engage in the practice of law in New York.

524.3 Scope of supervised practice.

(a) With the approval of the Appellate Division of the Supreme Court, the applicant is authorized to perform, under the supervision of a supervising attorney and subject to the terms of the order of the Appellate Division of the Supreme Court, and subject to the limitations set forth in paragraph (b) below, the functions of an attorney and counselor-at-law throughout the State.

(b) Limitations on authorized practice.

(1) A supervising attorney shall be actually present to supplement or correct any written or oral statement, or any action of the applicant in all (i) examinations before trial and (ii) cases in which the applicant appears before a court, except for routine calendar calls. If a supervising attorney is

not available and present, the matter may not proceed. For routine calendar calls, a supervising attorney shall be immediately available to appear should the need arise. In all circumstances, the applicant's appearance shall be on notice to the jurist before whom the appearance is made.

(2) A supervising attorney must approve the final versions of all legal and litigation documents drafted by the applicant, and the supervising attorney's name must appear thereon. Where a signature is required by section 130 of the Rules of the Chief Administrator of the Courts (22 NYCRR Part 130), the paper shall be signed by a qualified supervisor.

(3) The applicant may not open or maintain any attorney escrow account and may not be a signatory on any attorney escrow account.

(4) The applicant may not finally dispose of any matter without the prior approval of a supervising attorney.

(5) Whenever appearing before the Court of Appeals or the Appellate Division of the Supreme Court, the applicant must secure prior Court approval.

(c) Nothing in this Part shall be construed to limit any authority to practice law pursuant to other rules or laws of this State.

524.4 Supervising attorney.

For purposes of section 524.3, a supervising attorney must be an attorney duly admitted to practice in the State of New York for a period of at least three years and who is in good standing of the bar of the State of New York.

524.5 Application for authorization.

The applicant shall apply for authorization to the Appellate Division of the Supreme Court in the department in which the applicant expects to be certified for admission by the New York State

Board of Law Examiners pursuant to section 520.7(a) of the Rules of the Court of Appeals for the Admission of Attorneys and Counselors-at-Law (22 NYCRR 520.7[a]). The application shall be supported by an employer affidavit certifying understanding of this Part's requirements and compliance therewith.

524.6 Disciplinary authority.

An applicant who practices law temporarily in this State pursuant to this Part shall be subject to the New York Rules of Professional Conduct and to the disciplinary authority of this State in connection with such temporary practice to the same extent as if the applicant were admitted or authorized to practice in the State. A grievance committee may report complaints and evidence of a disciplinary violation against an applicant practicing temporarily pursuant to this Part to the department of the Appellate Division of the Supreme Court in which the applicant applied for authorization.

524.7 Termination of authorization.

Authorization granted under the provisions of this Part shall terminate upon the first to occur of the following:

(a) revocation of this Part,

(b) revocation of authorization, for good cause, by the Appellate Division of the Supreme Court,

(c) termination of the applicant's employment to engage in the practice of law in New York,

(d) notification that the applicant has failed to pass a bar examination administered in New York or any other state or territory of the United States, or in the District of Columbia,

(e) failure of the applicant to sit for an administration of the Uniform Bar Examination by

August 2021,

(f) failure of the applicant to submit a completed Application for Admission to Practice as an Attorney and Counselor-at-Law in the State of New York to the applicable Appellate Division of the Supreme Court within four weeks of notification that the applicant has passed the Uniform Bar Examination or failure, following the submission of such completed Application, to timely respond to any request for additional materials, or

(g) notification that a recommendation has been made to the applicable Committee on Character and Fitness to disapprove the applicant's application for admission.