

STATE OF NEW YORK

8648

IN SENATE

July 1, 2020

Introduced by Sen. HOYLMAN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the judiciary law, in relation to temporarily suspending the two-fail qualification for practice of law prior to passing the bar exam for law graduates representing indigent clients; and providing for the repeal of such provisions upon expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 478 of the judiciary law, as amended by chapter 22
2 of the laws of 2013, is amended to read as follows:

3 § 478. Practicing or appearing as attorney-at-law without being admit-
4 ted and registered. It shall be unlawful for any natural person to prac-
5 tice or appear as an attorney-at-law or as an attorney and counselor-at-
6 law for a person other than himself or herself in a court of record in
7 this state, or to furnish attorneys or counsel or an attorney and coun-
8 sel to render legal services, or to hold himself or herself out to the
9 public as being entitled to practice law as aforesaid, or in any other
10 manner, or to assume to be an attorney or counselor-at-law, or to
11 assume, use, or advertise the title of lawyer, or attorney and counse-
12 lor-at-law, or attorney-at-law or counselor-at-law, or attorney, or
13 counselor, or attorney and counselor, or equivalent terms in any
14 language, in such manner as to convey the impression that he or she is a
15 legal practitioner of law or in any manner to advertise that he or she
16 either alone or together with any other persons or person has, owns,
17 conducts or maintains a law office or law and collection office, or
18 office of any kind for the practice of law, without having first been
19 duly and regularly licensed and admitted to practice law in the courts
20 of record of this state, and without having taken the constitutional
21 oath. Provided, however, that nothing in this section shall be held to
22 apply (1) to officers of societies for the prevention of cruelty to
23 animals, duly appointed, when exercising the special powers conferred
24 upon such corporations under section fourteen hundred three of the not-
25 for-profit corporation law; or (2) to law students who have completed at
26 least two semesters of law school or persons who have graduated from a

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 law school, who have taken the examination for admittance to practice
2 law in the courts of record in the state immediately available after
3 graduation from law school, or the examination immediately available
4 after being notified by the board of law examiners that they failed to
5 pass said exam, [~~and who have not been notified by the board of law~~
6 ~~examiners that they have failed to pass two such examinations~~] or who
7 have taken and failed to pass such exam one or more times, acting under
8 the supervision of a legal aid organization when such students and
9 persons are acting under a program approved by the appellate division of
10 the supreme court of the department in which the principal office of
11 such organization is located and specifying the extent to which such
12 students and persons may engage in activities otherwise prohibited by
13 this statute; or (3) to law students who have completed at least two
14 semesters of law school, or to persons who have graduated from a law
15 school approved pursuant to the rules of the court of appeals for the
16 admission of attorneys and counselors-at-law and who have taken the
17 examination for admission to practice as an attorney and counselor-at-
18 law immediately available after graduation from law school or the exam-
19 ination immediately available after being notified by the board of law
20 examiners that they failed to pass said exam, and who have not been
21 notified by the board of law examiners that they have failed to pass two
22 such examinations, when such students or persons are acting under the
23 supervision of the state or a subdivision thereof or of any officer or
24 agency of the state or a subdivision thereof, pursuant to a program
25 approved by the appellate division of the supreme court of the depart-
26 ment within which such activities are taking place and specifying the
27 extent to which they may engage in activities otherwise prohibited by
28 this statute and those powers of the supervising governmental entity or
29 officer in connection with which they may engage in such activities; or
30 (4) an attorney and counselor-at-law or the equivalent who is admitted
31 to the bar in another state, territory, district or foreign country and
32 who has been admitted to practice pro hac vice in the state of New York
33 within the limitations prescribed in the rules of the court of appeals;
34 or (5) an attorney licensed as a legal consultant under rules adopted by
35 the court of appeals pursuant to subdivision six of section fifty-three
36 of this chapter and rendering legal services in the state within limita-
37 tions prescribed in such rules.

38 § 2. This act shall take effect immediately and shall expire upon the
39 expiration of the declared state of emergency relating to the novel
40 coronavirus (COVID-19), when upon such date the provisions of this act
41 shall be deemed repealed; provided, that the commissioner of education
42 shall notify the legislative bill drafting commission upon the occur-
43 rence of the expiration of the state disaster emergency declared by
44 executive order number 202 and any further amendments or modifications,
45 and as may be further extended pursuant to section 28 of the executive
46 law, in order that the commission may maintain an accurate and timely
47 effective data base of the official text of the laws of the state of New
48 York in furtherance of effectuating the provisions of section 44 of the
49 legislative law and section 70-b of the public officers law.