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I N   A S S E M B L Y

June 3, 2010

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Introduced by COMMITTEE ON RULES -- (at request of M. of A. Lavine) --  
read once and referred to the Committee on Judiciary

AN ACT to amend the judiciary law, in relation to the rule-making power  
of the New York state court of appeals as to admission of attorneys  
and counsellors

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. Subdivision 3 of section 53 of the judiciary law, as  
2     amended by chapter 450 of the laws of 1994, is amended to read as  
3     follows:  
4     3. (A) The court shall prescribe rules providing for a uniform system  
5     of examination of candidates for admission to practice as attorneys and  
6     counsellors, which shall govern the state board of law examiners in the  
7     performance of its duties. The court shall not by its rules cause to be  
8     barred from examination or, upon successful completion of the examina-  
9     tion process, subsequent admission to the state bar, provided he or she  
10    shall otherwise meet any requirements for admission, any person who is  
11    currently admitted to practice in the jurisdiction of another state and  
12    has received a degree from a law school which qualifies such person to  
13    practice law in such state, other than a law school which grants credit  
14    for correspondence courses, provided that such person has been engaged  
15    in the actual practice of law in the state in which they are admitted  
16    for no less than five years.  
17    (B) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (A) OF THIS SUBDIVI-  
18    SION, THE COURT SHALL NOT BY ITS RULES CAUSE TO BE BARRED FROM EXAMINA-  
19    TION, OR UPON SUCCESSFUL COMPLETION OF THE EXAMINATION PROCESS, SUBSE-  
20    QUENT ADMISSION TO THE STATE BAR, ANY PERSON WHO HAS SUCCESSFULLY PASSED  
21    THE BAR EXAMINATION OF ANOTHER STATE, HAS BEEN ADMITTED TO PRACTICE IN  
22    ANOTHER STATE, AND WHO HAS RECEIVED A JURIS DOCTORATE DEGREE FROM A LAW  
23    SCHOOL WHICH IS ACCREDITED BY A NATIONAL ACCREDITING AGENCY RECOGNIZED  
24    BY THE UNITED STATES DEPARTMENT OF EDUCATION WHOSE SCOPE OF AUTHORITY  
25    INCLUDES FIRST PROFESSIONAL DEGREES IN LAW AND WHICH LAW SCHOOL QUALI-  
26    FIES FOR PARTICIPATION IN THE FEDERAL STUDENT LOAN PROGRAM UNDER TITLE

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

LBD17559-01-0

1 IV OF THE FEDERAL HIGHER EDUCATION ACT OF NINETEEN HUNDRED SIXTY-FIVE,  
2 AS AMENDED.

3 S 2. The court of appeals shall promulgate rules necessary to effectu-  
4 ate the provisions of this act.

5 S 3. This act shall take effect on the one hundred eightieth day after  
6 it shall have become a law; provided, that section two of this act shall  
7 take effect immediately.