

1643

2009-2010 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 7, 2009

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Introduced by M. of A. BING, ROSENTHAL, EDDINGTON, CAHILL, LANCMAN, GALEF, ROBINSON, FIELDS -- Multi-Sponsored by -- M. of A. CHRISTENSEN, CYMBROWITZ, DelMONTE, GABRYSZAK, JAFFEE, V. LOPEZ, MAISEL, MARKEY, MAYERSOHN, PEOPLES, PHEFFER, REILLY, WEISENBERG -- read once and referred to the Committee on Judiciary

AN ACT to amend the judiciary law, in relation to practicing or appearing as an attorney-at-law without being admitted and registered

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 201  
2     of the laws of 1993, is amended to read as follows:  
3     S 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

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

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1 apply (1) to officers of societies for the prevention of cruelty to  
2 animals, duly appointed, when exercising the special powers conferred  
3 upon such corporations under section fourteen hundred three of the not-  
4 for-profit corporation law; or (2) to law students who have completed at  
5 least two semesters of law school or persons who have graduated from a  
6 law school, who have taken the examination for admittance to practice  
7 law in the courts of record in the state immediately available after  
8 graduation from law school, or the examination immediately available  
9 after being notified by the board of law examiners that they failed to  
10 pass said exam, and who have not been notified by the board of law exam-  
11 iners that they have failed to pass two such examinations, acting under  
12 the supervision of a legal aid organization when such students and  
13 persons are acting under a program approved by the appellate division of  
14 the supreme court of the department in which the principal office of  
15 such organization is located and specifying the extent to which such  
16 students and persons may engage in activities otherwise prohibited by  
17 this statute; or (3) to law students who have completed at least two  
18 semesters of law school, or to persons who have graduated from a law  
19 school approved pursuant to the rules of the court of appeals for the  
20 admission of attorneys and counselors-at-law and who have taken the  
21 examination for admission to practice as an attorney and counselor-at-  
22 law immediately available after graduation from law school or the exam-  
23 ination immediately available after being notified by the board of law  
24 examiners that they failed to pass said exam, and who have not been  
25 notified by the board of law examiners that they have failed to pass two  
26 such examinations, when such students or persons are acting under the  
27 supervision of the state or a subdivision thereof or of any officer or  
28 agency of the state or a subdivision thereof, pursuant to a program  
29 approved by the appellate division of the supreme court of the depart-  
30 ment within which such activities are taking place and specifying the  
31 extent to which they may engage in activities otherwise prohibited by  
32 this statute and those powers of the supervising governmental entity or  
33 officer in connection with which they may engage in such activities.

34 ANY PERSON VIOLATING THE PROVISIONS OF THIS SECTION SHALL BE GUILTY OF  
35 A CLASS E FELONY.

36 S 2. Section 485 of the judiciary law, as added by chapter 1031 of the  
37 laws of 1965, is amended to read as follows:

38 S 485. Violation of certain preceding sections a misdemeanor. Any  
39 person violating the provisions of [sections four hundred seventy-  
40 eight,] SECTION four hundred seventy-nine, four hundred eighty, four  
41 hundred eighty-one, four hundred eighty-two, four hundred eighty-three  
42 or four hundred eighty-four, shall be guilty of a misdemeanor.

43 S 3. This act shall take effect on the sixtieth day after it shall  
44 have become a law.