

2763

2013-2014 Regular Sessions

I N A S S E M B L Y

January 17, 2013

Introduced by M. of A. SIMOTAS, QUART, GIBSON, LAVINE, WEISENBERG --
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: (I) HAS SUCCESSFULLY
21 PASSED THE BAR EXAMINATION OF ANOTHER STATE, (II) HAS BEEN ADMITTED TO
22 PRACTICE AND BE IN GOOD STANDING IN ANOTHER STATE, (III) HAS RECEIVED A
23 JURIS DOCTORATE DEGREE FROM A LAW SCHOOL WHICH IS ACCREDITED BY A
24 REGIONAL OR NATIONAL ACCREDITING AGENCY RECOGNIZED BY THE UNITED STATES

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

LBD02685-01-3

1 DEPARTMENT OF EDUCATION WHOSE SCOPE OF AUTHORITY INCLUDES FIRST PROFES-
2 SIONAL DEGREES IN LAW AND WHICH LAW SCHOOL QUALIFIES FOR PARTICIPATION
3 IN THE FEDERAL STUDENT LOAN PROGRAM UNDER TITLE IV OF THE FEDERAL HIGHER
4 EDUCATION ACT OF NINETEEN HUNDRED SIXTY-FIVE, AS AMENDED, AND (IV) HAS
5 COMPLETED AN EXTERNSHIP IN NEW YORK UNDER THE DIRECTION AND SUPERVISION
6 OF AN ATTORNEY ADMITTED TO PRACTICE LAW IN THE STATE, OF NOT LESS THAN
7 ONE CALENDAR YEAR, DOCUMENTED BY LOG OR OTHER MECHANISM WHICH THE COURT
8 SHALL ESTABLISH, BY RULE, CONSISTENT WITH THE PROVISIONS OF THIS SUBDI-
9 VISION.

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

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