S T A T E O F N E W Y O R K

8317

2013-2014 Regular Sessions

I N A S S E M B L Y

December 18, 2013

Introduced by M. of A. WRIGHT -- read once and referred to the Committee on Judiciary

AN ACT to amend the civil practice law and rules, in relation to authorizing the Appellate Division of the Supreme Court to admit an applicant as an attorney at law in all the courts of the state, upon certification by the committee on character and fitness that the applicant has fulfilled the requirements for admission to practice law and to authorize the Appellate Division of the Supreme Court to admit to the practice of law an applicant who is not lawfully present in the United States, upon certification by the committee on character and fitness that the applicant has fulfilled those requirements for admission

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

Section 1. Rule 9404 of the civil practice law and rules, as amended by judicial conference proposal number 7 for the year 1973, is amended to read as follows:

Rule 9404. Certificate of character and fitness. 1. Unless otherwise ordered by the appellate division, no person shall be admitted to practice without a certificate from the proper committee that it has carefully investigated the character and fitness of the applicant and that, in such respects, he OR SHE is entitled to admission. To enable the committee to make such investigation, the justices of the appellate division are authorized to prescribe and from time to time to amend a form of statement or questionnaire to be submitted by the applicant, including specifically his OR HER present and such past places of actual residence as may be required therein, listing the street and number, if any, and the period of time he OR SHE resided at each place.

2. UPON CERTIFICATION BY THE STATE BOARD OF LAW EXAMINERS THAT THE APPLICANT HAS FULFILLED THE REQUIREMENTS FOR ADMISSION TO PRACTICE LAW, AND A FINDING BY THE COMMITTEE THAT THE APPLICANT POSSESSES THE CHARAC-

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

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TER AND GENERAL FITNESS REQUISITE FOR AN ATTORNEY AND COUNSELLOR-AT-LAW AND THAT THE APPLICANT HAS SATISFIED THE REQUIREMENTS OF SECTION 3-503 OF THE GENERAL OBLIGATIONS LAW, THE APPELLATE DIVISION SHALL ADMIT THE APPLICANT AS AN ATTORNEY AND COUNSELLOR-AT-LAW IN ALL THE COURTS OF THIS STATE, IN ACCORDANCE WITH THE PROVISIONS OF SECTION NINETY OF THE JUDICIARY LAW.

3. AN APPLICANT WHO SATISFIES THE REQUIREMENTS OF SUBDIVISION TWO OF THIS RULE SHALL NOT BE DENIED ADMISSION SOLELY ON THE BASIS OF HIS OR HER IMMIGRATION STATUS.

S 2. This act shall take effect immediately.