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5620

2013-2014 Regular Sessions

I N  S E N A T E

May 29, 2013

Introduced by Sen. DeFRANCISCO -- read twice and ordered printed, and when printed to be committed 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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 3 of section 53 of the judiciary law, as amended by chapter 450 of the laws of 1994, is amended to read as follows:

3. (A) The court shall prescribe rules providing for a uniform system of examination of candidates for admission to practice as attorneys and counsellors, which shall govern the state board of law examiners in the performance of its duties. The court shall not by its rules cause to be barred from examination or, upon successful completion of the examination process, subsequent admission to the state bar, provided he or she shall otherwise meet any requirements for admission, any person who is currently admitted to practice in the jurisdiction of another state and has received a degree from a law school which qualifies such person to practice law in such state, other than a law school which grants credit for correspondence courses, provided that such person has been engaged in the actual practice of law in the state in which they are admitted for no less than five years.

(B) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (A) OF THIS SUBDIVISION, THE COURT SHALL NOT BY ITS RULES CAUSE TO BE BARRED FROM EXAMINATION, OR UPON SUCCESSFUL COMPLETION OF THE EXAMINATION PROCESS, SUBSEQUENT ADMISSION TO THE STATE BAR, ANY PERSON WHO: (I) HAS SUCCESSFULLY PASSED THE BAR EXAMINATION OF ANOTHER STATE, (II) HAS BEEN ADMITTED TO PRACTICE AND BE IN GOOD STANDING IN ANOTHER STATE, (III) HAS RECEIVED A JURIS DOCTORATE DEGREE FROM A LAW SCHOOL WHICH IS ACCREDITED BY A 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

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

S 2. The court of appeals shall promulgate rules necessary to effectuate the provisions of this act.

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