

STATE OF NEW YORK

10886

IN ASSEMBLY

July 24, 2020

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

AN ACT to amend the judiciary law, in relation to prohibiting discrimination against participants in certain temporary authorization to practice law programs; and providing for the repeal of such provisions upon expiration thereof

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 22
2 of the laws of 2013, is amended to read as follows:

3 § 478. Practicing or appearing as attorney-at-law without being admit-
4 ted and registered. 1. It shall be unlawful for any natural person to
5 practice or appear as an attorney-at-law or as an attorney and counse-
6 lor-at-law for a person other than himself or herself in a court of
7 record in this state, or to furnish attorneys or counsel or an attorney
8 and counsel to render legal services, or to hold himself or herself out
9 to the public as being entitled to practice law as aforesaid, or in any
10 other 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
22 apply (1) to officers of societies for the prevention of cruelty to
23 animals, duly appointed, when exercising the special powers conferred
24 upon such corporations under section fourteen hundred three of the not-
25 for-profit corporation law; or (2) to law students who have completed at
26 least two semesters of law school or persons who have graduated from a

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

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1 law school, who have taken the examination for admittance to practice
2 law in the courts of record in the state immediately available after
3 graduation from law school, or the examination immediately available
4 after being notified by the board of law examiners that they failed to
5 pass said exam, and who have not been notified by the board of law exam-
6 iners that they have failed to pass two such examinations, acting under
7 the supervision of a legal aid organization when such students and
8 persons are acting under a program approved by the appellate division of
9 the supreme court of the department in which the principal office of
10 such organization is located and specifying the extent to which such
11 students and persons may engage in activities otherwise prohibited by
12 this statute; or (3) to law students who have completed at least two
13 semesters of law school, or to persons who have graduated from a law
14 school approved pursuant to the rules of the court of appeals for the
15 admission of attorneys and counselors-at-law and who have taken the
16 examination for admission to practice as an attorney and counselor-at-
17 law immediately available after graduation from law school or the exam-
18 ination immediately available after being notified by the board of law
19 examiners that they failed to pass said exam, and who have not been
20 notified by the board of law examiners that they have failed to pass two
21 such examinations, when such students or persons are acting under the
22 supervision of the state or a subdivision thereof or of any officer or
23 agency of the state or a subdivision thereof, pursuant to a program
24 approved by the appellate division of the supreme court of the depart-
25 ment within which such activities are taking place and specifying the
26 extent to which they may engage in activities otherwise prohibited by
27 this statute and those powers of the supervising governmental entity or
28 officer in connection with which they may engage in such activities; or
29 (4) an attorney and counselor-at-law or the equivalent who is admitted
30 to the bar in another state, territory, district or foreign country and
31 who has been admitted to practice pro hac vice in the state of New York
32 within the limitations prescribed in the rules of the court of appeals;
33 or (5) an attorney licensed as a legal consultant under rules adopted by
34 the court of appeals pursuant to subdivision six of section fifty-three
35 of this chapter and rendering legal services in the state within limita-
36 tions prescribed in such rules.

37 2. It shall be an unlawful discriminatory practice for an employer to
38 discriminate in any way against an individual, because of such individ-
39 ual's participation in a program designed to provide temporary authori-
40 zation for qualified law graduates to engage in the limited practice of
41 law pursuant to a practice order promulgated by an appellate division
42 department to alleviate the hardship on bar applicants during the
43 declared state of emergency relating to the novel coronavirus (COVID-
44 19).

45 § 2. This act shall take effect immediately and shall expire and be
46 deemed repealed on the same date as the expiration of the declared state
47 of emergency relating to the novel coronavirus (COVID-19); provided,
48 that the chief judge of the court of appeals shall notify the legisla-
49 tive bill drafting commission upon the occurrence of the expiration of
50 the state disaster emergency declared by executive order number 202 and
51 any further amendments or modifications, and as may be further extended
52 pursuant to section 28 of the executive law, in order that the commis-
53 sion may maintain an accurate and timely effective data base of the
54 official text of the laws of the state of New York in furtherance of
55 effectuating the provisions of section 44 of the legislative law and
56 section 70-b of the public officers law.