

STATE OF NEW YORK

5694

2021-2022 Regular Sessions

IN ASSEMBLY

February 24, 2021

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

AN ACT to amend the judiciary law, in relation to temporarily suspending the two-fail qualification for practice of law prior to passing the bar exam for law graduates representing indigent clients; 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. 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
22 apply (1) to officers of societies for the prevention of cruelty to
23 animals, duly appointed, when exercising the special powers conferred

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

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

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