

§ 1240.22 Resignation for Non-Disciplinary Reasons; Reinstatement

- (a) Resignation of attorney for non-disciplinary reasons.
 - (1) An attorney may apply to the Court for permission to resign from the bar for non-disciplinary reasons by submitting an affidavit in the form in Appendix E to these Rules. A copy of the application shall be served upon the Committee and the Lawyers' Fund for Client Protection, and such other persons as the Court may direct.
 - (2) When the Court determines that an attorney is eligible to resign for non-disciplinary reasons, it shall enter an order removing the attorney's name from the roll of attorneys and stating the non-disciplinary nature of the resignation.
- (b) Reinstatement. An attorney who has resigned from the bar for non-disciplinary reasons may apply for reinstatement by filing with the Court an affidavit in the form in Appendix F to these Rules. The Court may grant the application and restore the attorney's name to the roll of attorneys; or deny the application with leave to renew upon proof that the applicant has successfully completed the Multistate Professional Responsibility Examination described in section 520.9 of this Title, or the New York State Bar Examination described in section 520.8 of this Title; or take such other action as it deems appropriate.

Appendix F

Affidavit in Support of Application for Reinstatement to the Bar After Non-Disciplinary Resignation

INSTRUCTIONS

An affidavit submitted in support of an application pursuant to section 1240.22 (b) of these Rules for reinstatement to the bar after a non-disciplinary resignation shall comply with the following requirements:

- (1) The affidavit shall bear the caption and the docket number, if any, of the prior order granting the attorney leave to resign from the bar and removing the attorney's name from the roll of attorneys.
- (2) The motion shall be submitted on notice to the Committee in the judicial district in which the attorney last maintained an office for the practice of law, or if none, to the Committee in the judicial district in which the attorney resided when admitted to practice.
- (3) The affidavit shall be subscribed and sworn to, and shall be worded and numbered as set forth below.
- (4) In completing the affidavit, the attorney should not omit inapplicable passages.
- (5) The application may be supplemented by the affidavits or affirmations of counsel and character witnesses, and with additional appropriate exhibits.
- (6) Place the application papers in the following order:
 - a. The affidavit;
 - b. The exhibits supporting that form affidavit;
 - c. Any additional supporting affidavits or affirmations and exhibits thereto; and
 - d. An affidavit reflecting service upon the Chief Attorney of the appropriate Committee.

[address], and I hereby authorize my attorney to accept and acknowledge receipt of any and all legal documents or other notices on my behalf.

- OR -

All communications may be addressed to me personally at the following address:

8. I was admitted to the New York State Bar on [date] by the _____ Judicial Department and my attorney registration number is _____.

9. By order of this Court entered [date], my voluntary resignation from the Bar of this State was accepted by the Court and my name was removed from the roll of attorneys. A copy of said order is attached as exhibit ___ hereto.

10. I seek reinstatement to the New York State Bar for the following reasons:

11. I have also been admitted to practice in the following courts or jurisdictions:
_____.

[Certificates of Good Standing, issued within the 30 days preceding the execution of this affidavit by all such courts or jurisdictions in which I am currently admitted to practice, except those in which I have not been reinstated as set forth in paragraph 12 hereof, are attached as exhibit ___ hereto.]

- OR -

I attest that I have not been admitted to practice in any other courts or jurisdictions.

12. Since the entry of the order accepting my resignation and removing my name from the roll of attorneys, I have been the subject of complaints of professional misconduct or of professional discipline in the following other courts or jurisdictions: [state the court or jurisdiction, the date, the nature of the complaint or the discipline imposed, and whether or not you are now in good standing in such court or jurisdiction].

- OR -

I attest that, since the entry of the order accepting my resignation and removing my name from the roll of attorneys, I have not been the subject of complaints of professional misconduct or of professional discipline in this or any other court or jurisdiction.

13. Since the entry of the order accepting my resignation and removing my name from the roll of attorneys, I have been arrested, charged with, indicted, convicted, tried, and/or entered a plea of guilty to the following felonies, misdemeanors, violations, and/or traffic infractions: [state the court, the offense charged, and date and nature of disposition].

[Certificates of conviction pertaining to the above are attached as exhibit ___ hereto.]

- OR -

I attest that, since the entry of the order accepting my resignation and removing my name from the roll of attorneys, I have not been arrested, charged with, indicted, convicted, tried, and/or entered a plea of guilty to any felonies, misdemeanors, violations, and/or traffic infractions.

14. Since the entry of the order accepting my resignation and removing my name from the roll

of attorneys, I have suffered from or have been treated for the following condition or impairment which in any way impairs or limits my ability to practice law: [state the date or dates of each instance, including, but not limited to any mental, emotional, psychiatric, nervous or behavioral disorder or condition, or any alcohol, drug or other substance abuse condition or impairment or gambling addiction, and the date(s) of treatment, if any].

- OR -

I attest that, since the entry of the order accepting my resignation and removing my name from the roll of attorneys, I have not suffered from or been treated for any condition or impairment which in any way impairs or limits my ability to practice law.

15. Within the 30 days preceding the execution of this affidavit, I have read the Rules of Professional Conduct (22 NYCRR 1200.0). If reinstated to the practice of law, I will conform my conduct to those rules.

16. Since the entry of the order accepting my resignation and removing my name from the roll of attorneys, I have completed ___ credit hours of continuing legal education in the following programs and other educational classes, in order to remain current with developments in the law:

[Certificates attesting to my completion of the aforementioned programs or classes are attached as exhibit ___ hereto.]

- OR -

Since the entry of the order accepting my resignation and removing my name from the roll of attorneys, I have not completed any credit hours of continuing legal education.

17. I understand that the Court and the Committee may take such investigative steps as are deemed appropriate to evaluate my character and fitness for reinstatement to the Bar. I will fully cooperate with any request for additional information and make myself available to answer questions under oath or affirmation, as required.

WHEREFORE, I request that the Court grant this application for my reinstatement as an attorney and counselor-at-law licensed to practice in the State of New York.

Dated: [city or town, state]

_____, _____, 20__

Subscribed to and sworn to before me

This _____ day of _____, 20__

Notary Public

806.22 Voluntary Nondisciplinary Resignations; Reinstatement.

- (a) An attorney's application to resign from practice pursuant to Uniform Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.22 (a) shall be submitted to the Court by original sworn affidavit in the form of Appendix E to Uniform Rules for Attorney Disciplinary Matters (22 NYCRR) Part 1240, with proof of service of a copy thereof upon the Committee and the Lawyer's Fund for Client Protection.
- (b) An application for reinstatement following nondisciplinary resignation shall be submitted to the Court by original sworn affidavit in the form of Appendix F to Uniform Rules for Attorney Disciplinary Matters (22 NYCRR) Part 1240, with proof of service of a copy thereof upon the Committee.