

INSTRUCTIONS

APPLICATION FOR REINSTATEMENT PURSUANT TO SECTION 806.12 OF THE RULES OF THE APPELLATE DIVISION, THIRD DEPARTMENT

A person seeking reinstatement as an attorney and counselor at law shall file with the Court a verified petition in the form attached, with proof of service of a copy on the Chief Attorney of the Committee on Professional Standards, 40 Steuben Street, Suite 502, Albany, NY 12207. In addition to the information requested in the petition, an application shall set forth facts showing that applicant has kept abreast of developments in the law and facts which establish that applicant presently possesses good moral character and general fitness necessary to resume the practice of law. Applicant shall also attach to the petition three affidavits of good moral character. An application for reinstatement may be dated no more than seven days prior to the expiration of the period of suspension or disbarment. As required by CPLR 8022 (b), a check in the amount of \$45, made payable to the "State of New York", must accompany the application. Finally, written notice of the application must be provided by applicant to the Lawyers' Fund for Client Protection, 119 Washington Avenue, Albany, New York 12210.

Upon receipt of a petition for reinstatement, the Court may request the Chief Attorney to determine by investigation whether petitioner has complied in all respects with the order of suspension or disbarment. The Court may also request the Committee on Professional Standards to review the application and results of the Chief Attorney's investigation, and to report to the Court whether petitioner has complied with the order and has otherwise properly conducted himself or herself.

The application may, in the Court's discretion, be referred to the appropriate Committee on Character and Fitness or to a judge or referee for a hearing and report to the Court. The Court may also direct that an applicant pay the necessary expenses incurred in connection with an application for reinstatement.

In accordance with subdivision (b) of section 806.12 of the Court's rules, an applicant for reinstatement must also demonstrate that, subsequent to the entry of the order of suspension or disbarment, applicant has taken and attained a passing score on the Multistate Professional Responsibility Examination described in section 520.9(a) of the Rules of the Court of Appeals. Applications to take the examination are available at law schools and also directly from the National Conference of Bar Examiners, Multistate Professional Responsibility Examination, Applications Department, P.O. Box 4001, Iowa City, Iowa 52243-4001. The phone number for the MPRE Application Department is (319) 337-1287.

(Revised October, 2008)

NEW YORK SUPREME COURT
APPELLATE DIVISION, THIRD DEPARTMENT

In the Matter of the Application of

for Reinstatement as an Attorney and Counselor at Law.

TO THE APPELLATE DIVISION OF THE SUPREME COURT OF
THE STATE OF NEW YORK, THIRD JUDICIAL DEPARTMENT:

The undersigned hereby applies for reinstatement as an attorney and counselor at law in all the courts of the State of New York, and in support of such application submits the following sworn statement and accompanying papers:

1. State full name and present residence (full mailing address):

2. State the following:

a. Date and place of admission: _____

b. Date of suspension or disbarment (attach copy of court decision):

c. List any residences during period of suspension or disbarment which differ from present residence:

3. In chronological order, enumerate all employment during the period of suspension or disbarment. Include employment by members of family or other relatives and employment without monetary compensation.

Month and Year of Beginning and Ending of Period of Employment	Name of Employer (Individual, partnership, or corporation. Do not give name of an agent of employer).	Address of Employer (Give street, number, city or town and state or country)	Nature of Employer's Business	Position or Positions held by Applicant	Reason for Termination

4. In connection with any employment since the date of your suspension or disbarment, have you ever been discharged or requested to resign from or leave your position?

If your answer is "Yes", give the name of each such employer and state the date and circumstances as to each such incident.

5. If during the period of suspension or disbarment you were engaged on your own account or with others in any occupation, business or profession, state in detail the nature and location thereof and the month and year of the beginning and ending of your connection therewith.

If any such business was carried on by you in partnership with others, give the names and addresses of all partners and the nature of the business. If the business was carried on by a corporation in which you held any office state its name, address, nature of business and your connection with it.

List any action now pending against such firm or corporation and any judgment entered against it during the period of your association with it.

6. Regarding the period of your suspension or disbarment, state the underlying facts of any matter in which you have been arrested, taken into custody, charged with, indicted, convicted, tried for, or pleaded guilty to, the commission of any felony or misdemeanor or the violation of any law or ordinance, except traffic or parking violations.

7. Regarding the period of suspension or disbarment, state whether you have

- a. Testified, refused to testify, or been granted immunity, as a witness in any action or proceeding, or before any prosecuting or investigative agency in any matter: _____
- b. Failed to answer any ticket, summons or other legal process served upon you at any time? _____ If so, was any warrant, subpoena or further process issued against you as a result of your failure to respond to such legal process? _____ State the number of unpaid traffic tickets, if any, in your name or attributable to a motor vehicle registered in your name and the respective fines due thereon: _____

_____;

- c. Been committed to or been a patient or outpatient in any institution for the care of persons suffering from mental or nervous disorders or drug addiction, drug abuse or alcoholism: _____
- d. Ever been treated or counseled for substance abuse, including prescription drugs, illegal substances or alcohol: _____;
- e. Been charged with fraudulent conduct or any other act involving moral turpitude: _____;
- f. Been a party to or otherwise involved in any civil or criminal action, proceeding or investigation not covered by answers to the foregoing subdivisions of this question: _____.

If your answer is "Yes" to any subdivision of this question, indicate the subdivision and state the facts as fully as possible, giving in each instance the name and locality of the court or agency, the approximate date of the action or proceeding and the judgment or other disposition.

- 8.
 - a. Are there any unsatisfied judgments against you? _____.
If so, list the same giving name and address of judgment creditor and the court by which judgment was rendered, together with the date and amount thereof and the nature of the claim on which it was based.
 - b. Are you in default in the performance or discharge of any duty or obligation imposed upon you by a judgment, decree, order or directive of any court or governmental agency? _____. If so, state the facts.
 - c. Do you owe any debt to anyone for \$300 or more which is past due for over 90 days? _____. If so, list each such debt and state the name and address of the creditor, the amount presently owed, the due date, and the nature of the debt.
 - d. Have you, during the period of your suspension or disbarment, applied for or been granted a discharge in bankruptcy? _____. If so, state the facts and attach a copy of the bankruptcy petition and discharge, if any.
 - e. Have you had a credit card revoked during the period of your suspension or disbarment? _____. If so, state name of credit card, account number, circumstances of revocation, and amount still owed, if any.
- 9.
 - a. Have you read the Rules of Professional Conduct jointly adopted by the Appellate Divisions of the Supreme Court? _____
 - b. Will you conscientiously endeavor to conform your professional conduct to it?

10. Attached are the following:

- a. Copy of affidavit of compliance with the provisions of the order of suspension or disbarment, as required by section 806.9(f) of the Rules of the Appellate Division, Third Department;
- b. Copy of each Federal and New York State income tax return filed during the period of suspension or disbarment;
- c. Letter of employment from each employer during period of suspension or disbarment; each such letter should state the employer's address; the nature of the applicant's employment and duties; the period of employment; whether the applicant's duties were satisfactorily performed and, if not, in what respects such performance was not satisfactory; how and why such employment may have terminated; and any other facts within the knowledge or information of the author of the letter which in his or her opinion may bear upon applicant's good moral character and fitness to practice law;
- d. Proof of having taken and attained a passing score on the Multistate Professional Responsibility Examination;
- e. A certified copy of any judgment or decree of divorce, separation, or annulment, or any order of any court having jurisdiction of domestic relations, directed against applicant during the period of applicant's suspension or disbarment;
- f. Three affidavits of good moral character; and
- g. Any other papers which applicant desires to submit.

11. Set forth facts showing that the demands or complaints of the persons who complained against you have been satisfied. (Attach documentary proof for each.)

Signature of Applicant

State of _____
County of _____ ss.:

I, _____, being duly sworn, say: I have read the foregoing questions and have fully, truthfully and accurately answered the same. The foregoing answers are true of my own knowledge, except if stated to be made upon information and belief, and as to such answers, I believe them to be true.

Signature of Applicant _____
Sign as above

Subscribed and sworn to before me this
day of _____, 20__.

(Revised June, 2009)