

## Appendix D

### Application for Reinstatement to the Bar After Suspension for Six Months or Less

#### INSTRUCTIONS

An application pursuant to section 1240.16 (d) of these Rules for reinstatement to the bar after suspension from practice for six months or less shall comply with the following requirements:

- (1) The application shall be made in the form of a motion.
- (2) The moving papers shall bear the caption and the docket number, if any, of the proceeding resulting in the respondent's suspension.
- (3) The motion shall be made on notice to the Committee that was the petitioner in the proceeding leading to the respondent's suspension and to the Lawyers' Fund for Client Protection.
- (4) The motion shall be made, noticed, and filed in accordance with the rules of practice of the Court. Payment of the fee required by CPLR 8022 (b) shall accompany the filing of the motion papers, unless the movant is exempt from payment thereof pursuant to CPLR 1102.
- (5) The motion shall be supported by the affidavit of the respondent, subscribed and sworn to before a notary public or other person authorized to administer an oath.
- (6) The supporting affidavit shall be worded and numbered as set forth below.
- (7) In completing the supporting affidavit, the respondent should not omit inapplicable passages.
- (8) The application may be supplemented by the affidavits or affirmations of counsel and character witnesses, and with additional appropriate exhibits.
- (9) Place the moving papers in the following order:
  - a. The notice of motion;
  - b. The respondent's form affidavit;
  - c. The exhibits supporting that form affidavit;
  - d. Any additional supporting affidavits or affirmations and exhibits thereto; and
  - e. Affidavits reflecting service of the moving papers upon the Chief Attorney of the appropriate Committee and the Lawyers' Fund for Client Protection.



- 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], I was suspended for \_\_\_\_ months from the practice of law. A copy of the order imposing the suspension is attached as exhibit \_\_\_\_ hereto.

10. Since the entry of the order of suspension, I have also been the subject of professional discipline in the following other courts or jurisdictions: [state the court or jurisdiction, the date, the nature of the discipline imposed, whether such discipline was public or private, and whether or not you have been reinstated to practice and are now in good standing in such court or jurisdiction]. [A copy of each order or judgment imposing such discipline is attached as exhibit \_\_\_\_ hereto. A copy of each order or judgment reinstating me to practice is attached as exhibit \_\_\_\_ hereto.]

- OR -

I attest that, since the entry of the order of suspension, I have not been the subject of professional discipline in this or any other court or jurisdiction.

11. Since the entry of the order of suspension, I have engaged in the following employment or have been engaged in the following businesses: [in chronological order, state the dates so engaged, the name and address of the employer or business and the nature of each employment or business].

12. I have fully complied with the requirements of the order of suspension, including paying any required fees and costs, and I am in compliance with section 1240.15 of the Uniform Rules for Attorney Disciplinary Matters.

13. Pursuant to section 1240.15 (f) of the Uniform Rules for Attorney Disciplinary Matters, I filed an affidavit of compliance on [date]. [A copy of that affidavit of compliance is attached as exhibit \_\_\_\_ hereto.]

- OR -

[I failed to file an affidavit of compliance as required by section 1240.15 (f) of the Uniform Rules for Attorney Disciplinary Matters for the following reason(s):]

14. Since the entry of the order of suspension, 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 of suspension, 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.

15. The following facts, not heretofore disclosed to this Court, are relevant to this application and might tend to influence the Court to look less favorably upon reinstating me to the practice of

law:

16. 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