

**Supreme Court of the State of New York**  
**Appellate Division: Second Judicial Department**

**§ 691.11 Reinstatement Following Suspension, Disbarment, or Striking of Name from Roll of Attorneys**

(a) *Timing of Application.* No attorney disbarred after a hearing or on consent, or whose name has been stricken from the roll of attorneys pursuant to subdivision 4 of section 90 of the Judiciary Law or section 691.9 of this Part may apply for reinstatement until the expiration of at least seven years from the effective date of the disbarment or removal. An attorney suspended under the provisions of this Part shall be entitled to apply for reinstatement after such an interval as this court may direct in the order of suspension or any modification thereof.

(b) *Form and Notice of Application.* An application for reinstatement shall be made in the form of a motion in accordance with instructions specified by administrative order of the court. The instructions shall be available in the office of the clerk of the court and on the court's internet site. The motion for reinstatement shall be made upon notice to the appropriate grievance committee and the Lawyers' Fund for Client Protection, which may submit papers in opposition or in relation thereto.

(c) *Required Showing.* An application for reinstatement may be granted by the court only upon a showing:

(1) by clear and convincing evidence, that the applicant has complied with the provisions of the order disbaring or suspending him or her, or striking his or her name from the roll of attorneys, and that he or she possesses the character and general fitness to practice law; and,

(2) if the applicant was disbarred or suspended from the practice of law for more than one year, that (i) subsequent to the entry of such order, he or she attained a passing score on the Multistate Professional Responsibility Examination described in section 520.9(a) of the rules of the Court of Appeals for the admission of attorneys and counselors-at-law, the passing score thereon being that determined by the New York State Board of Law Examiners pursuant to section 520.9(c) of such rules, and (ii) he or she has successfully completed one credit hour of continuing legal education accredited in accordance with Part 1500 of this Title for each month of disbarment or suspension up to a maximum of twenty-four credits. The continuing legal education required by clause (ii) of this paragraph shall be completed during the period of disbarment or suspension and within the two years preceding reinstatement. Compliance with clause (ii) of this paragraph may, upon request of the applicant, be deferred pending notification that the court has conditionally granted the application for reinstatement subject to the completion of required continuing legal education; or,

(3) if the applicant was suspended from the practice of law for one year, that during the period of suspension (i) he or she and successfully completed eighteen credit hours of continuing legal education accredited in accordance with Part 1500 of this Title, six credit hours of which were in the area of ethics and professionalism as defined in subdivision (c) of section 1500.2 of this Title, or (ii) he or she has successfully completed twelve credit hours of continuing legal education accredited in accordance with Part 1500 of this

Title and has attained a passing score on the Multistate Professional Responsibility Examination as set forth in clause (i) of paragraph (2) of this subdivision; or,

(4) if the applicant was suspended from the practice of law for less than one year, that during the period of suspension he or she has successfully completed one credit hour of continuing legal education accredited in accordance with Part 1500 of this Title for each month of suspension.

(d) *Character and Fitness Review.* The court shall refer an application for reinstatement after a suspension of more than one year or after a disbarment to a Committee on Character and Fitness in this judicial department or to a referee, justice, or judge for a report before granting that application and, in its discretion, may similarly refer an application for reinstatement after a suspension of one year or less.

(e) *Renewed Motion for Reinstatement.* No renewed motion for reinstatement shall be accepted for filing within one year of the entry of an order of this court denying a prior motion for such relief, unless the order denying the prior motion provides otherwise.

(f) *Expenses.* The court may direct that the necessary expenses incurred in the investigation and processing of a motion for reinstatement be paid by the applicant.