



*State of New York
Court of Appeals*

*John P. Asiello
Chief Clerk and
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June 22, 2017

NOTICE TO THE BAR

Licensing of Legal Consultants (Part 521)

The Court has amended its Rules for the Licensing of Legal Consultants (Part 521). Under the newly amended rules, the Chief Administrator of the Court is authorized to implement procedures for the biennial registration and reporting of foreign legal consultants with the Office of Court Administration. This amendment will facilitate more meaningful public oversight of consultant conduct and will allow for periodic updates of contact and professional status information.

The rule amendments are effective July 12, 2017. A copy of the Court's order amending the rules is attached.

John P. Asiello
Chief Clerk and Legal Counsel to the Court

State of New York Court of Appeals

At a session of the Court, held at Court of Appeals Hall in the City of Albany, on the 20th day of June, 2017.

Present, HON. JANET DiFIORE, Chief Judge presiding.

In the Matter

of

The Amendment of the Rules of the Court of Appeals
for the Admission of Attorneys and Counselors at Law.

Pursuant to section 53 of the Judiciary Law, it is hereby

ORDERED that Part 521 of the Rules of the Court of Appeals for the Licensing of Legal Consultants (22 NYCRR Part 521) is amended, effective July 12, 2017, or as soon thereafter as section 52 of the Judiciary Law is complied with, by deleting the bracketed material and adding the underlined material to sections 521.4, 521.5(a)(2)(i), and 521.8.

§ 521.4 Rights and Obligations

Subject to the limitations set forth in section 521.3 of this Part, a person licensed as a legal consultant under this Rule shall be considered a lawyer affiliated with the bar of this State and shall be entitled and subject to:

(a) the rights and obligations set forth in the applicable [Lawyer's Code of Professional Responsibility] New York Rules of Professional Conduct or arising from the other conditions and requirements that apply to a member of the bar of this State under the rules of court governing members of the bar; [and]

governing members of the bar; [and]

(b) the rights and obligations of a member of the bar of this State with respect to:

(1) affiliation in the same law firm with one or more members of the bar of this State, including by:

(i) employing one or more members of the bar of this State;

(ii) being employed by one or more members of the bar of this State or by any partnership or professional corporation which includes members of the bar of this State or which maintains an office in this State; and

(iii) being a partner in any partnership or shareholder in any professional corporation which includes members of the bar of this State or which maintains an office in this State; and

(2) attorney-client privilege, work-product privilege and similar professional privileges[.]; and

(c) such requirements of biennial registration and reporting as the Chief Administrator of the Courts shall direct.

§ 521.5 Disciplinary Provisions

A person licensed to practice as a legal consultant under this Rule shall be subject to professional discipline in the same manner and to the same extent as members of the bar of this State and to this end:

(a) Every person licensed to practice as a legal consultant under this Part:

(1) shall be subject to control by the Supreme Court and to censure, suspension, removal or revocation of his or her license to practice by the Appellate Division and shall otherwise be governed by subdivisions 2 through 10 of section 90 of the Judiciary Law; and

(2) shall execute and file with the Appellate Division, in the department in which he or she is

licensed, in such form and manner as such Appellate Division may prescribe:

(i) his or her commitment to observe the applicable [Lawyer's Code of Professional Responsibility] New York Rules of Professional Conduct and the rules of court governing members of the bar to the extent applicable to the legal services authorized under section 521.3 of this Part;

§521.8 Revocation of License

In the event that the Appellate Division determines that a person licensed as a legal consultant under this Part no longer meets the requirements for licensing set forth in section 521.1(a)(1) or section 521.1(a)(3), or the registration and reporting requirements established pursuant to section 521.4(c) of this Part, it shall revoke the license granted to such person hereunder.