§ 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 E

Affidavit in Support of Application to Resign
For Non-Disciplinary Reasons

INSTRUCTIONS

An application pursuant to section 1240.22 (a) of these Rules to resign as an attorney and counselor-at-law for non-disciplinary reasons shall comply with the following requirements:

(1) The application shall be submitted in affidavit form, subscribed and sworn to before a notary public or other person authorized to administer an oath, and shall be worded and numbered as set forth below.

(2) In completing the affidavit, the respondent should not omit inapplicable passages.

(3) Place the moving papers in the following order:

a. The attorney's form affidavit;

b. The exhibits supporting that form affidavit; and

c. Affidavits reflecting service of the application upon the Chief Attorney of the appropriate Committee and the Lawyers' Fund for Client Protection.

FORM OF AFFIDAVIT

Supreme Court of the State of New York
Appellate Division: _____Judicial Department

In the Matter of the Application of
[Attorney's Name],

AFFIDAVIT IN SUPPORT OF APPLICATION TO RESIGN FOR NON-DISCIPLINARY REASONS

for an order removing the attorney's name from the roll of attorneys and stating the non-disciplinary nature of the resignation.

State of _____)
)ss.:
County of _____)

_____, being duly sworn, deposes and says that:

1. I hereby apply, pursuant to section 1240.22 (a) of the Uniform Rules for Attorney Disciplinary Matters, to resign for non-disciplinary reasons as an attorney and counselor-at-law licensed to practice in the State of New York.

2. My full name is _____. The name under which I was admitted to the practice of law is _____. My name was changed on the Roll of Attorneys and Counselors-at-Law to _____ by reason of (marriage, divorce or annulment, or a court order legally changing the respondent's name). I have also been known by the following names:_____.
[Copies of all court orders changing my name are attached as exhibit __ hereto.]

3. I was born on [date] in [city, state, country].

4. I currently reside at [street, town or city, state, and zip code].

5. All communications may be addressed to me at the office of my attorney, [name], at [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: _____.

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

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

- OR -

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

8. I have 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 I have not been the subject of professional discipline in this or any other court or jurisdiction.

9. I am currently the subject of an attorney disciplinary complaint or proceeding in the following courts or jurisdictions: [state the nature of the complaint or proceeding, the disciplinary authority before which it is pending, and the status thereof].

- OR -

I attest that I am not currently the subject of an attorney disciplinary complaint in this or any other court or jurisdiction.

10. Since the date of my admission to the New York State Bar, 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 date of my admission to the New York State Bar, 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.

11. I am current in my attorney registration and in payment of attorney registration fees pursuant to Rules of the Chief Administrator of the Courts (22 NYCRR) § 118.1 [or, if not current, state the length of any delinquency and the amount of arrears].

12. The specific reasons for this application to resign from the Bar of the State of New York are as follows: _____.

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

Dated: [city or town, state]

_____, _____, 20__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.