§ 1240.15 Conduct of Disbarred or Suspended Attorneys

(a) Prohibition Against Practicing Law. Attorneys disbarred or suspended shall comply with Judiciary Law §§478, 479, 484 and 486. After entry of an order of disbarment or suspension, the affected respondent shall not accept any new retainer or engage in any new case or legal matter of any nature as attorney for another. However, during the period between the entry date of the order and its effective date, the respondent may wind up and complete, on behalf of any client, all matters which were pending on the entry date.

(b) Notification of Clients. Within 10 days of the date of entry of an order of suspension or disbarment, the affected respondent shall notify, by certified mail and, where practical, electronic mail, each client of the respondent, the attorney for each party in any pending matter, the court in any pending matter, and the Office of Court Administration for each action where a retainer statement has been filed pursuant to court rules. The notice shall state that the respondent is unable to act as counsel due to disbarment or suspension. A notice to a respondent's client shall advise the client to obtain new counsel. A notice to counsel for a party in a pending action, or to the Office of Court Administration in connection with an action where a retainer statement has been filed pursuant to court rule, shall include the name and address of the respondent's client. Where counsel has been appointed by a court, notice shall also be provided to the appointing court.

(c) Duty to Return Property and Files. Within 30 days of the date of entry of the order of suspension or disbarment, the affected respondent shall deliver to all respondent's clients or third parties, or to a successor attorney designated by such clients or third parties, all money and property (including legal files) in the possession of the respondent to which such clients or third parties are entitled.

(d) Discontinuation of Attorney Advertising. Within 30 days of the date of entry of the order of suspension or disbarment, the affected respondent shall discontinue all public and private notices through advertising, office stationery and signage, email signatures, voicemail messages, social media, and other methods, that assert that the respondent may engage in the practice of law.

(e) Forfeiture of Secure Pass. Within 30 days of the date of entry of the order of suspension or disbarment, the affected respondent shall surrender to the Office of Court Administration any Attorney Secure Pass issued to him or her.

(f) Affidavit of Compliance. Within 45 days after the date of service of the order of disbarment or suspension, the affected respondent shall file with the Court, together with proof of service upon the Committee, an affidavit in the form in Appendix B to these Rules showing a current mailing address for the respondent and that the respondent has complied with the order and these Rules.

(g) Compensation. A respondent who has been disbarred or suspended from the practice of law may not share in any fee for legal services rendered by another attorney during the period of disbarment or suspension but may be compensated on a quantum meruit basis

for services rendered prior to the effective date of the disbarment or suspension. On motion of the respondent, with notice to the respondent's client, the amount and manner of compensation shall be determined by the court or agency where the action is pending or, if an action has not been commenced, at a special term of the Supreme Court in the county where the respondent maintained an office. The total amount of the legal fee shall not exceed the amount that the client would have owed if no substitution of counsel had been required.

(h) Required Records. A respondent who has been disbarred or suspended from the practice of law shall keep and maintain records of the respondent's compliance with this rule so that, upon any subsequent proceeding instituted by or against the respondent, proof of compliance with this rule and with the disbarment or suspension order or with the order accepting resignation will be available.

Appendix B

Affidavit of Compliance for Disbarred or Suspended Attorneys

INSTRUCTIONS

(1) The affidavit required by section 1240.15 (f) of these Rules shall be worded and numbered as set forth below.

(2) The affidavit shall be subscribed and sworn to before a notary public or other person authorized to administer an oath.

(3) The affidavit shall bear the caption and the docket number, if any, of the proceeding resulting in the respondent's disbarment or suspension.

(4) In completing the affidavit, the respondent should not omit any passages. To the extent that the respondent is unable to swear to any of the required statements set forth in the form affidavit, the respondent must, for each such statement, alternatively explain all facts and circumstances relevant to why the respondent is unable to swear to the statement.

(5) The affidavit shall be filed with the Court along with an affidavit reflecting service thereof upon the Chief Attorney of the appropriate Committee.

FORM OF AFFIDAVIT

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

AFFIDAVIT OF COMPLIANCE
FOR DISBARRED OR
SUSPENDED ATTORNEYS

State of_____)
)ss.:
County of_____)

_____ , being duly sworn, deposes and says that:

1. I submit this affidavit pursuant to section 1240.15 (f) of the Uniform Rules for Attorney Disciplinary Matters.

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. The telephone numbers at which I can be contacted are:
   Home_____
   Work _____
   Mobile _____.

6. The email address at which I can be contacted is .

7. 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:

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 ___ years **-or-** months **-or-** disbarred] from the practice of law. My use of the term "discipline" hereinafter refers to the sanction imposed by this Court in the foregoing order. A copy of the order imposing discipline is attached as exhibit hereto.

10. Since the entry of the order of discipline, I have complied with the order of discipline in all respects. I have also complied with Judiciary Law §§ 478, 479, 484 and 486.

11. I have sent written notice of my [suspension - **or** - disbarment] to each client and any other party, as required by section 1240.15 (b) of the Uniform Rules for Attorney Disciplinary Matters.

12. I have delivered to all clients or third parties, or to a successor attorney designated by such clients or third parties, all money and property in my possession (including legal files), as required by section 1240.15 (c) of the Uniform Rules for Attorney Disciplinary Matters.

13. I have discontinued all attorney advertising, as required by section 1240.15 (d) of the Uniform Rules for Attorney Disciplinary Matters.

14. I have forfeited any secure pass issued to me by the Office of Court Administration, as required by section 1240.15 (e) of the Uniform Rules for Attorney Disciplinary Matters.

15. I have not and will not share in any fee for legal services rendered by another attorney during the period of my [suspension - **or** - disbarment], as precluded by section 1240.15 (g) of the Uniform Rules for Attorney Disciplinary Matters. For all cases in which I may have a claim for compensation earned for work performed prior to my [suspension - **or** - disbarment], I [have filed **-or-** intend to file] a motion in the appropriate forum for an order fixing my fees for such work.

16. I have made and will keep records of my compliance with this rule and the attached order of discipline, and will make such records available in any subsequent proceeding instituted by or against me.

Dated: [city or town, state]

_____, _____, 20___

_____

Subscribed to and sworn to before me
This _____ day of _____, 20___

_____
Notary Public