

At a Term of the Appellate Division of the Supreme Court, Third Judicial Department, held in the City of Albany, New York, commencing on the 25th day of June, 2019.

PRESENT:

HON. ELIZABETH A. GARRY,
Presiding Justice
HON. JOHN C. EGAN JR.
HON. MICHAEL C. LYNCH
HON. CHRISTINE M. CLARK
HON. ROBERT C. MULVEY
HON. EUGENE P. DEVINE
HON. SHARON A.M. AARONS
HON. PHILLIP R. RUMSEY
HON. STAN L. PRITZKER,
Associate Justices

In the Matter of the Amendment of the Rules Governing the Admission of Attorneys of the Supreme Court, Appellate Division, Third Judicial Department

ORDER

Pursuant to the authority conferred upon this Court by law, it is

ORDERED that, effective September 3, 2019, Rules of the Appellate Division, Third Department (22 NYCRR) § 805.1 is hereby amended to read as follows:

(a) Filing of Application Papers. Every applicant for admission to practice as an attorney and counselor at law pursuant to ~~subdivision 1(a) or 1(b) of section 90 of the~~ Judiciary Law § 90 (1), may obtain the standard forms and instructions for that purpose from the ~~clerk of the Appellate Division~~ Clerk of the Court. Every applicant for admission to practice pursuant to ~~subdivision 1(a) of section 90 of the~~ Judiciary Law § 90 (1) (a) may obtain such forms and instructions immediately after taking the bar examination, and may file a completed application, consisting of

the standard form of questionnaire and the other required papers as directed by the instructions, at any time thereafter, regardless of whether the results of the bar examination have yet been issued. As soon as the applicant shall receive a letter from the State Board of Law Examiners stating certifying that the applicant has passed the bar examination, the applicant shall file that letter with the ~~clerk of the Appellate Division~~ Clerk of the Court; and, if the applicant's questionnaire was verified more than 45 days prior to such filing, the applicant shall also file a supplemental affidavit stating whether there have been any changes in the facts stated therein and setting forth any such changes.

(b) Referral to Committee on Character and Fitness. Every completed application shall be referred for investigation of the applicant's character and fitness to a ~~committee on character and fitness~~ Committee on Character and Fitness designated by the ~~Appellate Division of the department to which the applicant is eligible for certification by the State Board of Law Examiners after passing the bar examination, or to which the applicant is applying for admission without examination in accordance with the rules of the Court of Appeals for the admission of attorneys and counselors at law~~ Court. The Committees shall be comprised of attorneys in good standing, each of whom may serve up to two consecutive five-year terms, whereupon a successor shall be appointed by the Court. Effective September 3, 2019, within one year of his or her appointment or reappointment, each member of the Committee shall attend two hours of continuing legal education to be provided by the Court concerning the attorney admission process. Each Committee shall have a Chair, to be appointed by the Court.

(c) Quorum for Committee Action. ~~A majority of the entire committee shall constitute a quorum for the transaction of business by a committee on character and fitness if it consists of~~

less than 10 members, and one fifth of the entire committee, but not less than five members, shall constitute a quorum if it consists of 10 or more members.

(d c) Investigation and Interview. The committee may itself conduct the required investigation, including an interview of the applicant, or it may authorize its chairman or acting chairman to designate one or more of its members to do so and to make a recommendation to the committee may be conducted by one or more members of the Committee. The committee or the Committee member or members thereof conducting the investigation may require the applicant to furnish such additional information or proofs of good character as the committee or such Committee member or members may consider pertinent. The committee may commence the required investigation may commence at any time after the applicant's completed application has been filed, except that the personal interview of an applicant for admission pursuant to subdivision 1(a) of section 90 of the Judiciary Law, shall not be held until after the applicant has been notified certified to the Court by the State Board of Law Examiners that the applicant has passed the bar examination and has been certified to apply for admission.

(e d) Procedure Upon Recommendation of Approval Investigation. If the committee shall approve the application following its own investigation, or if it shall accept a recommendation of approval submitted by the The Committee member or members conducting an the investigation pursuant to designation, the chairman or acting chairman shall certify to the Appellate Division on behalf of the committee that the applicant possesses the requisite character and fitness may either unanimously approve the application or refer the matter for a hearing.

(1) If the Committee member or members conducting the investigation approve the application, the member or members shall certify to the Court that the applicant possesses