

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

ADM 2004-0623

The Appellate Division of the Supreme Court of the State of New York, Second Judicial Department, pursuant to the authority vested in it,

DOES HEREBY, effective immediately, amend section 691.16 of Title 22 of the Official Compilation of Codes, Rules and Regulations of the State of New York as follows (additions in text are indicated by underlining and deletions by ~~strikethrough~~):

§ 691.16 Attorneys Assigned by the Court as Counsel for a Defendant in a Criminal Case

(a) No attorney assigned by a court as counsel for a defendant in any criminal case shall in any manner demand, accept, receive, or agree to accept or receive any payment, compensation, emolument, gratuity or reward or any promise of payment, compensation, emolument, gratuity or reward or any money, property or thing of value or of personal advantage from such defendant or from any other person, except as expressly authorized by statute ~~or by written order of the court duly entered upon its minutes.~~

(b) No attorney assigned by a court as counsel for an indigent defendant in any criminal case shall, during the pendency thereof, accept a private retainer to represent the defendant in that or any other case.

(c) Violation of this section shall result in the removal of the attorney's name from the panel of attorneys eligible to receive assignment pursuant to article 18-B of the County Law and shall constitute a violation of § 1200.3(5) of this Title.

Dated: Brooklyn, New York
June 23, 2004



For the Court:

A handwritten signature in black ink, appearing to read "A. Gail Prudenti".

A. GAIL PRUDENTI
Presiding Justice

Attest:

A handwritten signature in black ink, appearing to read "James Edward Pelzer".
JAMES EDWARD PELZER
Clerk of the Court