



**SUPREME COURT APPELLATE DIVISION
SECOND JUDICIAL DEPARTMENT**

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Presiding Justice

Press Release:

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Presiding Justice Releases Report to the Public and the Bar on the Admission, Discipline and Reinstatement of Attorneys

BROOKLYN HEIGHTS, N.Y. - Presiding Justice A. Gail Prudenti of the Supreme Court, Appellate Division, Second Judicial Department, is pleased to announce the release of a "Report to the Public and the Bar on the Admission, Discipline and Reinstatement of Attorneys in the Second Judicial Department." The Report summarizes the significant procedural and substantive changes adopted by the court designed to improve and streamline the process in these critical areas. It is the result of the efforts of the Krausman Committee whose members took part in an extensive process of meetings and research, leading to sub-committee findings and ultimately, the final release of 50 specific recommendations.

The Krausman Committee recommendations were then made available to the public and the court received extensive input from bar associations, practitioners and public interest groups.

The justices of the court, after due deliberation and consideration of the Krausman Committee recommendations and the

comments of the public have now issued this Report summarizing the court's actions. The Report is available to the public on the court's website at www.nycourts.gov/courts/ad2/. For members of the public without internet access, copies of the Report may be obtained by writing to the Clerk of the Court, James Edward Pelzer, at 45 Monroe Place, Brooklyn, New York 11201.

According to Justice Prudenti, "[T]he advances made in these crucial areas will benefit not only the public that we serve but also the attorneys who practice in the Second Judicial Department."

Included among the changes and developments approved by the court is the establishment of the *Orientation to the Profession Program*, which is mandatory for all applicants to be admitted to the bar after January 1, 2006. The program will be administered by Robert Guido, Esq., Special Counsel to the Court on attorney admission and grievance matters, and will focus on the profession of law as a calling whose practitioners must maintain the highest standards of ethical and personal behavior.

The court has also decided to retain the personal interview of an applicant for admission to the bar by a member of the Committee of Character and Fitness. This practice, which has long been the tradition in the Second Judicial Department, is the best way to explore and confirm the information set forth in the candidate's application and will assist the court in ensuring that only men and women of good character are admitted to the bar.

Recognizing that computerization has made criminal background checks much easier and faster, the court approved the Krausman Committee's recommendation to reinstitute them. This additional

requirement of admission will serve as a further protection and safeguard for the public.

The court also adopted a *Diversion Program*. This new program authorizes the court to defer a disciplinary investigation or proceeding in an appropriate case to enable an attorney suffering from a disability due to alcohol or substance abuse or dependency to enter a court-approved monitoring program.

The court's goal of streamlining the areas of attorney admission, discipline, and reinstatement will be achieved by the implementation of several different measures, including a direction to the Committees on Character and Fitness to act on applications within sixty (60) days. With the adoption of these new rules and procedures, the court has again demonstrated its commitment to eliminating delay wherever possible. This commitment, however, has not displaced the court's strong feeling that applicants for reinstatement should remain current in their knowledge of the law. Towards that end, the court adopted new rules to protect the public by requiring suspended or disbarred attorneys to satisfy substantial continuing legal education requirements as part of the reinstatement process and, in certain cases, to specially demonstrate their knowledge of the rules governing attorney ethics.

The court has also adopted a rule allowing for suspensions for periods of less than one year. This will expand the sanctions available to the court to allow for more appropriate dispositions

in applicable cases.

Finally, the court adopted a new rule to require an interval of one year between successive reinstatement applications, unless the court's order denying the prior application provides otherwise. Allowing an unlimited number of renewed reinstatement motions, made without a sufficient interval between them to allow the applicant to demonstrate the occurrence of a change in circumstances, the court concluded, can result in a fruitless expenditure of the time and resources of both the applicant and the court.

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