

State of New York, Court of Appeals

At a session of the Court, held at Court of Appeals Hall in the City of Albany, on the 30th day of September, 2022

Present, HON. ANTHONY CANNATARO, *Acting Chief Judge, presiding*

Temporary Waiver of Strict Compliance with certain provisions of Sections 520.3 and 520.6 of the Rules for the Admission of Attorneys and Counselors at Law (22 NYCRR 520.3 and 520.6).

ORDER

WHEREAS, the Court of Appeals recognizes the continuing challenges posed by the coronavirus pandemic, including those related to mandatory quarantine requirements; and

WHEREAS, despite these challenges, the Court of Appeals remains committed to ensuring compliance with the limitations on distance learning contained in sections 520.3(c)(6) and 520.6(b)(3)(viii) of the Rules for the Admission of Attorneys and Counselors at Law (22 NYCRR 520.3[c][6] and 520.6[b][3][viii]); and

WHEREAS, the Court of Appeals expects that law schools will make all reasonable and practicable efforts consistent with the challenges noted above to comply with the distance learning limitations contained in sections 520.3(c)(6) and 520.6(b)(3)(viii) of the Rules for the Admission of Attorneys and Counselors at Law (22 NYCRR 520.3[c][6] and 520.6[b][3][viii]), including by promulgating and documenting formal policies providing for reasonable quarantine requirements;

WHEREAS, the Court of Appeals expects that law schools will document and maintain a record of all instances in which a school permits a student's remote participation in a non-distance education course for which the credits will not be counted towards the distance learning limitations in sections 520.3(c)(6) and 520.6(b)(3)(viii) of the Rules for the Admission of Attorneys and Counselors at Law (22 NYCRR 520.3[c][6] and 520.6[b][3][viii]); it is

ORDERED, that, for the 2022-2023 academic year, when a student or faculty member is required to attend in-person courses remotely due to mandatory COVID-19 quarantine requirements, such courses will not be considered "distance education" courses for purposes of sections 520.3(c)(6) and 520.6(b)(3)(viii) (22 NYCRR 520.3[c][6] and 520.6[b][3][viii]), as long as all students and faculty not subject to mandatory COVID-19 quarantine requirements attend the courses in person; and it is further

ORDERED, that, for the 2022-2023 academic year, when a student has been granted an accommodation under the Americans with Disabilities Act (ADA), which accommodation permits a student to attend in-person courses remotely, such courses will not be considered “distance education” courses for purposes of sections 520.3(c)(6) and 520.6(b)(3)(viii) (22 NYCRR 520.3[c][6] and 520.6[b][3][viii]) for either the accommodated students or the other students as long as the other students and faculty attend the courses in person.