

**MCKINNEY'S NEW YORK RULES OF COURT
COURT OF APPEALS
PART 521. RULES OF THE COURT OF APPEALS FOR THE LICENSING OF LEGAL
CONSULTANTS**

Table of Contents

§ 521.1 General regulation as to licensing
 § 521.2 Proof required
 § 521.3 Scope of practice
 § 521.4 Rights and obligations
 § 521.5 Disciplinary provisions
 § 521.6 Separate authority
§ 521.7 Application for waiver of rules
 § 521.8 Revocation of license

§ 521.1 General regulation as to licensing.

(a) In its discretion the Appellate Division of the Supreme Court, pursuant to subdivision 6 of section 53 of the Judiciary Law, may license to practice as a legal consultant, without examination, an applicant who:

(1) is a member in good standing of a recognized legal profession in a foreign country, the members of which are admitted to practice as attorneys or counselors at law or the equivalent and are subject to effective regulation and discipline by a duly constituted professional body or a public authority;

(2) for at least three of the five years immediately preceding his or her application, has been a member in good standing of such legal profession and has actually been engaged in the practice of law in such foreign country or elsewhere substantially involving or relating to the rendering of advice or the provision of legal services concerning the law of such foreign country;

(3) possesses the good moral character and general fitness requisite for a member of the bar of this State;

(4) is over 26 years of age; and

(5) intends to practice as a legal consultant in this State and to maintain an office in this State for that purpose.

(b) In considering whether to license an applicant to practice as a legal consultant, the Appellate Division may in its discretion take into account whether a member of the bar of this State would have a reasonable and practical opportunity to establish an office for the giving of legal advice to

clients in the applicant's country of admission. Any member of the bar who is seeking or has sought to establish an office in that country may request the court to consider the matter, or the Appellate Division may do so *sua sponte*.

§ 521.2 Proof required.

An applicant under this Part shall file with the clerk of the Appellate Division in the department in which he or she resides or intends to practice:

(a) a certificate from the professional body or public authority in such foreign country having final jurisdiction over professional discipline, certifying as to the applicant's admission to practice and the date thereof, and as to his or her good standing as such attorney or counselor at law or the equivalent;

(b) a letter of recommendation from one of the members of the executive body of such professional body or public authority or from one of the judges of the highest law court or court of original jurisdiction of such foreign country;

(c) a duly authenticated English translation of such certificate and such letter if, in either case, it is not in English; and

(d) such other evidence as to the nature and extent of the applicant's educational and professional qualifications, good moral character and general fitness, and compliance with the requirements of section 521.1 of this Part as such Appellate Division may require.

(e) Upon a showing that strict compliance with the provisions of paragraph (a) or (b) of this section would cause the applicant unnecessary hardship, such Appellate Division may in its discretion waive or vary the application of such provisions and permit the applicant to furnish other evidence in lieu thereof.

§ 521.3 Scope of practice.

A person licensed to practice as a legal consultant under this Part may render legal services in this State; subject, however, to the limitations that he or she shall not:

(a) appear for a person other than himself or herself as attorney in any court, or before any magistrate or other judicial officer, in this State (other than upon admission *pro hac vice* pursuant to section 520.11 of this Title);

(b) prepare any instrument effecting the transfer or registration of title to real estate located in the United States of America;

(c) prepare: (1) any will or trust instrument effecting the disposition on death of any property located in the United States of America and owned by a resident thereof; or (2) any instrument relating to the administration of a decedent's estate in the United States of America;

(d) prepare any instrument in respect of the marital or parental relations, rights or duties of a resident of the United States of America, or the custody or care of the children of such a resident;

(e) render professional legal advice on the law of this State or of the United States of America (whether rendered incident to the preparation of legal instruments or otherwise), except on the basis of advice from a person duly qualified and entitled (other than by virtue of having been licensed under this Part) to render professional legal advice in this State on such law;

(f) in any way hold himself or herself out as a member of the bar of this State; or

(g) carry on his or her practice under, or utilize in connection with such practice, any name, title or designation other than one or more of the following:

(i) his or her own name;

(ii) the name of the law firm with which he or she is affiliated;

(iii) his or her authorized title in the foreign country of his or her admission to practice, which may be used in conjunction with the name of such country; and

(iv) the title "legal consultant," which may be used in conjunction with the words "admitted to the practice of law in (name of the foreign country of his or her admission to practice)."

§ 521.4 Rights and obligations.

Subject to the limitations set forth in section 521.3 of this Part, a person licensed as a legal consultant under this Rule shall be considered a lawyer affiliated with the bar of this State and shall be entitled and subject to:

(a) the rights and obligations set forth in the applicable Lawyer's Code of Professional Responsibility or arising from the other conditions and requirements that apply to a member of the bar of this State under the rules of court governing members of the bar; and

(b) the rights and obligations of a member of the bar of this State with respect to:

(1) affiliation in the same law firm with one or more members of the bar of this State, including by:

(i) employing one or members of the bar of this State;

(ii) being employed by one or more members of the bar of this State or by any partnership or professional corporation which includes members of the bar of this State or which maintains an office in this State; and

(iii) being a partner in any partnership or shareholder in any professional corporation which includes members of the bar of this State or which maintains an office in this State; and

(2) attorney - client privilege, work - product privilege and similar professional privileges.

§ 521.5 Disciplinary provisions.

A person licensed to practice as a legal consultant under this Rule shall be subject to professional discipline in the same manner and to the same extent as members of the bar of this State and to this end:

(a) Every person licensed to practice as a legal consultant under this Part:

(1) shall be subject to control by the Supreme Court and to censure, suspension, removal or revocation of his or her license to practice by the Appellate Division and shall otherwise be governed by subdivisions 2 through 10 of section 90 of the Judiciary Law; and

(2) shall execute and file with the Appellate Division, in the department in which he or she is licensed, in such form and manner as such Appellate Division may prescribe:

(i) his or her commitment to observe the applicable Lawyer's Code of Professional Responsibility and the rules of court governing members of the bar to the extent applicable to the legal services authorized under section 521.3 of this Part;

(ii) an undertaking or appropriate evidence of professional liability insurance, in such amount as such Appellate Division may prescribe, to assure his or her proper professional conduct and responsibility;

(iii) a written undertaking to notify the court of any change in such person's good standing as a member of the foreign legal profession referred to in section 521.1(a)(1) of this Part and of any final action of the professional body or public authority referred to in section 521.2 (a) of this Part imposing any disciplinary censure, suspension, or other sanction upon such person; and

(iv) a duly acknowledged instrument, in writing, setting forth his or her address in this State and designating the clerk of such Appellate Division as his or her agent upon whom process may be served, with like effect as if served personally upon him or her, in any action or proceeding thereafter brought against him or her and arising out of or based upon any legal services rendered or offered to be rendered by him or her within or to residents of this State, whenever after due diligence service cannot be made upon him or her at such address or at such new address in this State as he or she shall have filed in the office of such clerk by means of a duly acknowledged supplemental instrument in writing.

(b) Service of process on such clerk, pursuant to the designation filed as aforesaid, shall be made by personally delivering to and leaving with such clerk, or with a deputy or assistant authorized by him or her to receive such service, at his or her office, duplicate copies of such process together with a fee of \$10. Service of process shall be complete when such clerk has been so served. Such clerk shall promptly send one of such copies to the legal consultant to whom the

process is directed, by certified mail, return receipt requested, addressed to such legal consultant at the address specified by him or her as aforesaid.

§ 521.6 Separate authority.

Nothing in this Part shall be deemed to limit or otherwise affect the provisions of section 520.6 of this Title.

§ 521.7 Application for waiver of rules.

The Court of Appeals, upon application, may in its discretion vary the application or waive any provision of these rules where strict compliance will cause undue hardship to the applicant. Such application shall be in the form of a verified petition setting forth the applicant's name, age and residence address, the facts relied upon and a prayer for relief.

§ 521.8 Revocation of license.

In the event that the Appellate Division determines that a person licensed as a legal consultant under this Part no longer meets the requirements for licensing set forth in section 521.1(a)(1) or section 521.1(a)(3) of this Part, it shall revoke the license granted to such person hereunder.

Adopted 1974.