

**APPELLATE DIVISION, FIRST DEPARTMENT
PART 610
TABLE OF CONTENTS**

<u>RULE</u>	<u>TITLE</u>
610.1	Applications for Licenses as Legal Consultants; Referral to Committee on Character and Fitness
610.2	Documents, Affidavits and Other Proof Required
610.3	College and Law School Certificates
610.4	Exceptional Situations
610.5	Authority of committee on Character and Fitness to Require Additional Proof
610.6	Undertaking
610.7	Disciplinary Procedure
610.8	Filing

610.1 Applications for Licenses as Legal Consultants; Referral to Committee on Character and Fitness

(a) The committee on character and fitness appointed by this court to investigate the character and fitness of applicants for admission to practice as attorneys and counselors at law in the courts of this State is hereby authorized to investigate the qualifications and the character and fitness of applicants for licenses to practice as legal consultants pursuant to the Judiciary Law (§ 53, subd. 6) and the rules of the Court of Appeals (Part 521).

(b) Every applicant for a license to practice as a legal consultant shall complete, verify and file with the clerk of this court the standard form of questionnaire, and shall comply with all the other requirements, prescribed for that purpose by this court.

(c) Every application in this department for such a license shall be referred to the committee on character and fitness for the judicial district in which the applicant actually resides at the time of such application, and, unless otherwise ordered by the court, no such license shall be granted without a certificate from such committee that it has found that the applicant possesses the qualifications and the character and fitness required therefor.

610.2 Documents, Affidavits and Other Proof Required

Every applicant for a license to practice as a legal consultant shall file the following additional papers with his application:

(a) A certificate from the authority having final jurisdiction over professional discipline in the foreign country in which the applicant was admitted to practice, which shall be signed by a responsible official or one of the members of the executive body of such authority and shall be attested under the hand and seal, if any, of the clerk of such authority, and which shall certify:

(1) As to the authority's jurisdiction in such matters:

(2) As to the applicant's admission to practice in such foreign country and the date thereof and as to his good standing as an attorney or counselor at law or the equivalent therein, and

(3) As to whether any charge or complaint has ever been filed against the applicant with such authority, and, if so, the substance of each such charge or complaint and the disposition thereof.

(b) A letter of recommendation from one of the members of the executive body of such authority or from one of the judges of the highest law court or court of general original jurisdiction of such foreign country, certifying to the applicant's professional qualifications, together with a certificate under the hand and seal, if any, of the clerk of such authority or of such court, as the case may be, attesting to the office held by the person signing the letter and the genuineness of his signature.

(c) Affidavits as to the applicant's good moral character and fitness from three reputable persons residing in this State and not related to the applicant, one of whom shall be a practicing New York attorney.

(d) Affidavits from two attorneys or counselors at law or the equivalent admitted in and practicing in such foreign country, stating the nature and extent of their acquaintance with the applicant and their personal knowledge as to the nature, character and extent of the applicant's practice, and as to the applicant's good standing, as an attorney or counselor at law or the equivalent in such foreign country, and the duration and continuity of such practice.

(e) Such additional evidence as the applicant may see fit to submit with respect to his educational and professional qualifications and his good moral character and fitness.

(f) A duly authenticated English translation of every paper submitted by the applicant

which is not in English.

(g) A duly acknowledged instrument designating the clerk of this court the applicant's agent for service of process as provided in section 521.4(a)(2)(iii) of the rules of the Court of Appeals.

§ 610.3. College and Law School Certificates

A certificate shall be submitted from each college and law school attended by the applicant, setting forth the information required by forms which shall be provided to the applicant for that purpose.

§ 610.4. Exceptional Situations

In the event that the applicant is unable to comply strictly with any of the foregoing requirements, the applicant shall set forth the reasons for such inability in an affidavit, together with a statement showing in detail the efforts made to fulfill such requirements.

§ 610.5. Authority of Committee on Character and Fitness to Require Additional Proof

The committee on character and fitness may in any case require the applicant to submit such additional proof or information as it may deem appropriate and may also require the applicant to submit a report of the National Conference of Bar Examiners with respect to his character and qualifications.

§ 610.6. Undertaking

Prior to taking custody of any money, securities (other than unindorsed securities in registered form), negotiable instruments, bullion, precious stones or other valuables, in the course of his practice as a legal consultant, for or on behalf of any client domiciled or residing in the United States, every person licensed to practice as a legal consultant shall obtain, and shall maintain in effect for the duration of such custody, an undertaking issued by a duly authorized surety company, and approved by a justice of this court, to assure the faithful and fair discharge of his duties and obligations arising from such custody. The undertaking shall be in an amount not less than the amount of any such money, or the fair market value of any such property other than money, of which the legal consultant shall have custody, except that this court may in any case in its discretion for good cause direct that such undertaking shall be in a greater or lesser amount. The undertaking or a duplicate original thereof shall be promptly filed by the legal consultant with the clerk of this court.

§ 610.7. Disciplinary Procedure

Disciplinary proceedings and proceedings under section 603.16 of these rules against any legal consultant shall be initiated and conducted in the manner and by the same agencies as prescribed by law for disciplinary proceedings against attorneys.

§ 610.8. Filing

Every application in this department for a license as a legal consultant, together with all the papers submitted thereon, shall upon its final disposition be filed in the office of the clerk of this court.