

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

Part 691. Conduct of Attorneys

§ 691.1 Application

(a) This Part shall apply to all attorneys who are admitted to practice, reside in, commit acts in or who have offices in the Second Judicial Department, or who are admitted to practice by a court of another jurisdiction and who regularly practice within this department as counsel for governmental agencies or as house counsel to corporations or other entities, or otherwise. In addition, any attorney from another state, territory, district or foreign country admitted pro hac vice to participate in the trial or argument of a particular cause in any court in the Second Judicial Department, or who in any way participates in an action or proceeding therein, shall be subject to this Part. This Part serves as a supplement to, and should be read in conjunction with, the Rules for Attorney Disciplinary Matters (22 NYCRR 1240). Where this Part is in conflict with those Rules, this Part shall control.

§ 691.2 REPEALED

§ 691.3 REPEALED

691.4 Appointment of grievance committees

(a) This court shall appoint three grievance committees for the Second Judicial Department. One of these grievance committees shall be charged with the duty and power to investigate and prosecute matters arising in or concerning attorneys practicing, or currently residing or having resided in the second, eleventh and thirteenth judicial districts at the time of their admission to practice by the Appellate Division; another shall have the duty and power to investigate and prosecute matters arising in or concerning attorneys practicing, or currently residing or having resided in the ninth judicial district at the time of their admission to practice by the Appellate Division; and the third shall have the duty and power to investigate and prosecute matters arising in or concerning attorneys practicing, or currently residing or having resided in the tenth judicial district at the time of their admission to practice by the Appellate Division. These committees shall also have the power and duty to investigate and prosecute matters concerning attorneys to whom the Rules for Attorney Disciplinary Matters (22 NYCRR 1240) applies pursuant to section 1240.1 thereof.

(b) (1) Each grievance committee shall consist of 20 members and a chair, all of whom shall be appointed by this court and no more than 18 of whom shall be attorneys. The chair shall have the power to appoint an acting chair from among the members of the grievance committee. Appointments may be made from lists of prospective members submitted by the following county bar associations within the second judicial department: Brooklyn Bar Association, Dutchess County Bar Association, Bar Association of Nassau County, New York, Inc., Orange County Bar Association, Putnam County Bar Association, Queens County Bar Association,

Richmond County Bar Association, Rockland County Bar Association, Inc., Suffolk County Bar Association and Westchester County Bar Association. This court shall, in consultation with the committees, appoint a chief counsel to each such grievance committee and such assistant counsel and supporting staff as it deems necessary.

(2) Five persons shall be appointed to each such committee for a term of one year, five persons for a term of two years, five persons for a term of three years and five persons for a term of four years. Thereafter, yearly appointments of five persons shall be made to each such committee for a term of three years. No person who has served two consecutive terms shall be eligible for reappointment until the passage of one year from the expiration of that person's second such term. The person appointed chair shall serve as chair for a term of three years and shall be eligible for reappointment as chair for not more than one additional term of three years.

(c) Each grievance committee shall have the power to appoint its members to subcommittees of not less than three members, two of whom shall constitute a quorum and shall have power to act. At least two members of a subcommittee shall be attorneys. The chair of the committee shall designate a member of the subcommittee to act as its chair. Such subcommittees may hold hearings as authorized under the Rules for Attorney Disciplinary Matters (22 NYCRR Part 1240).

(d) Disciplinary proceedings shall be granted a preference by this court.

§ 691.5 REPEALED

§ 691.5-a REPEALED

§ 691.6 Admonition; letter of advisement ; confidentiality

A confidential record of the proceedings resulting in an admonition or letter of advisement shall be permanently maintained by the Committee.

§ 691.7 Attorneys convicted of crimes

The clerk of any court within the judicial department in which an attorney admitted to practice in this State is convicted of a crime shall within five days of said conviction forward a certificate thereof to the Committee having jurisdiction over the matter pursuant to section 691.4(a) of this Part and section 1240.12 of the Rules for Attorney Disciplinary Matters (22 NYCRR 1240.12).

§ 691.8 REPEALED

§ 691.9 REPEALED

§ 691.10 REPEALED

§ 691.11 Reinstatement following suspension, disbarment, striking of name from roll of attorneys, or non-disciplinary resignation

(a) In addition to the requirements of section 1240.16 of the Rules of Attorney Disciplinary Matters (22 NYCRR 1240.16), an applicant for reinstatement after disbarment or after suspension for a period of more than six months must establish that during the period of disbarment or suspension and within the two years preceding reinstatement, he or she has successfully completed one credit hour of continuing education accredited in accordance with Part 1500 of this Title for each month of disbarment or suspension up to a maximum of twenty-four credits. Compliance with this subdivision may, upon request of the applicant, be deferred pending notification that the court has conditionally granted the application for reinstatement subject to the completion of required continuing legal education.

(b) A respondent seeking reinstatement after suspension based solely upon a violation of the registration requirements set forth in Judiciary Law § 468-a may file an application for reinstatement at any time after suspension in the form prescribed at Appendix D to the Rules of Attorney Disciplinary Matters (22 NYCRR Part 1240). Such applicant may, in the discretion of the Court, be required to comply with the continuing legal education requirements of subdivision (a) of this section.

(c) In addition to the requirements of section 1240.22[b] of the Rules for Attorney Disciplinary Matters, an applicant for reinstatement after a non-disciplinary resignation must establish that within two years preceding such application the applicant has successfully completed a minimum of eight credit hours of continuing education accredited in accordance with Part 1500 of this Title as follows: (1) six credit hours of skills and/or law practice management credits as those terms are defined in section 1500.2[d],[e] of the Mandatory Continuing Legal Education Program for Attorneys in the State of New York, which specifically relate to the practice of law in New York, (2) one credit hour of ethics and professionalism as that term is defined in section 1500.2[c] of the Mandatory Continuing Legal Education Program for Attorneys in the State of New York, and (3) one credit hour of diversity, inclusion and elimination of bias as that term is defined in section 1500.2[g] of the Mandatory Continuing Legal Education Program for Attorneys in the State of New York. Such applicant may, in the discretion of the court, be required to successfully complete additional credit hours of continuing education as a condition of reinstatement.

(d) Character and fitness review. The court shall refer an application for reinstatement after a disbarment to a Committee on Character and Fitness in this judicial department for a report before granting that application and, in its discretion, may similarly refer an application for reinstatement after a suspension or after non-disciplinary resignation pursuant to section 1240.22(a) of the Rules of Attorney Disciplinary Matters (22 NYCRR § 1240.22[a]).

(e) The applicant must file the original plus three copies of the application for reinstatement required by section 1240.16(b) of the Rules of Attorney Disciplinary Matters and prescribed at Appendices C, D and F to those Rules.

(f) Renewed motion for reinstatement. No renewed motion for reinstatement shall be accepted for filing within one year of the entry of an order of this court denying a prior motion for such relief, unless the order denying the prior motion provides otherwise.

(g) Expenses. The court may direct that the necessary expenses incurred in the investigation and processing of a motion for reinstatement be paid by the applicant.

§ 691.11-a REPEALED

§ 691.12 Regulations and procedures for random review and audit and biennial affirmation of compliance

(a) Availability of bookkeeping records; random review and audit. The financial records required by rule 1.15 of part 1200 of this Title shall be available at the principal New York State office of the attorneys subject hereto, for inspection, copying and determination of compliance with said rule 1.15, to a duly authorized representative of the court pursuant to the issuance, on a randomly selected basis, of a notice or subpoena by this court or the appropriate grievance committee.

(b) Confidentiality. All matters, records and proceedings relating to compliance with rule 1.15 of part 1200 of this Title, including the selection of an attorney for review hereunder, shall be kept confidential in accordance with applicable law, as and to the extent required of matters relating to professional discipline.

(c) Prior to the issuance of any notice or subpoena in connection with the random review and audit program established by this section, the appropriate grievance committee shall propose regulations and procedures for the proper administration of the program. The court shall approve such of the regulations and procedures of the grievance committee as it may deem appropriate, and only such regulations and procedures as have been approved by the court shall become effective.

(d) Any attorney subject to this court's jurisdiction shall execute that portion of the biennial registration statement provided by the Office of Court Administration affirming that the attorney has read and is in compliance with rule 1.15 of part 1200 of this Title of the Lawyers Code of Professional Responsibility. The affirmation shall be available at all times to the grievance committees. No affirmation of compliance shall be required from a full-time judge or justice of the unified court system of the State of New York or of a court of any other state, or of a Federal court.

§ 691.13 Medical reports and payment of expenses in proceedings where attorney is declared incompetent or alleged to be incapacitated

(a) Any report prepared by a qualified medical expert designated by the court pursuant to subdivision (a) of section 1240.14 of Part 1240 of these rules shall be filed in the office of the clerk of this court, who shall make such report available to counsel for the committee and to counsel for the respondent.

(b) Payment of expenses of proceedings.

(1) The necessary costs and disbursements of an agency, committee or appointed attorney in conducting a proceeding under this section shall be paid in accordance with subdivision (6) of [section 90 of the Judiciary Law](#).

(2) The court may fix the compensation to be paid to any attorney or medical expert appointed by this court under this section. The compensation may be directed by this court to be paid as an incident to the cost of the proceeding in which the charges are incurred and shall be paid in accordance with law.

§ 691.14, § 691.15 REPEALED

§ 691.16 Attorneys assigned by the court

(a) No attorney assigned by a court as counsel 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 the individual the attorney is assigned to represent or from any other person, except as expressly authorized by statute or written order of the assigning court.

(b) No attorney assigned by a court as counsel shall, during the pendency of the assignment, accept a private retainer to represent the individual the attorney is assigned to represent in that or any other case, without written court approval.

(c) Violation of this section shall result in the removal of the attorney's name from the panel of attorneys eligible to receive assignment and shall constitute a violation of Rule 8.4(d) of Part 1200 of this Title.

§ 691.17, § 691.18 REPEALED

§ 691.19 Compromise of claims or actions belonging to infants

(a) An application for the approval by the court of a settlement of a claim or cause of action belonging to an infant must be made as provided in [CPLR 1207](#) and [1208](#).

(b) In the case of a claim or demand belonging to an infant, any sum collected by an attorney shall be deposited in a special account apart from his personal account, in accordance with the provisions of Rule 1.15 of the Rules of Professional Conduct and a statement of the amount received shall be delivered personally to the duly qualified guardian of the infant or mailed to such guardian by registered or certified mail addressed to said guardian's last known address. But no payment or withdrawal shall be made from such deposit in the said account to the credit of the infant's claim except pursuant to an order of the court after application as provided in [section 474 of the Judiciary Law](#), upon at least two days' notice to the guardian.

§ 691.20 Claims or actions for personal injury, property damage, wrongful death, loss of services resulting from personal injuries, due to negligence or any type of malpractice, and claims in connection with condemnation or change of grade proceedings

(a) Statements as to retainers; blank retainers. (1) Every attorney who, in connection with any action or claim for damages for personal injury or for property damages, or for death or loss of services resulting from personal injuries, due to negligence or any type of malpractice or in connection with any claim in condemnation or change of grade proceedings, accepts a retainer or enters into an agreement, express or implied, for compensation for services rendered or to be rendered in such action, claim or proceeding, whereby the attorney's compensation is to be dependent or contingent in whole or in part upon the successful prosecution or settlement thereof, shall, within 30 days from the date of any such retainer or agreement of compensation, sign personally and file with the Office of Court Administration of the State of New York a written statement of such retainer or agreement of compensation, containing the information hereinafter set forth. Such statement must be filed by electronic transmission in a manner directed by the chief administrative judge and approved by the presiding justice of the Appellate Division.

(2) A statement of retainer must be filed in connection with each action, claim or proceeding for which the attorney has been retained. Such statement shall contain the following information:

Retainer Statement

For office use:

TO THE OFFICE OF COURT ADMINISTRATION
OF THE STATE OF NEW YORK

1. Date of agreement as to retainer
 2. Terms of compensation
 3. Name and home address of client
 4. If engaged by an attorney, name and office address of retaining attorney
.....
 5. If claim for personal injuries, wrongful death or property damage, date and place of occurrence
 6. If a Condemnation or change of grade proceeding:
 - (a) Title and description
 - (b) Date proceeding was commenced
 - (c) Number or other designation of the parcels affected
 7. Name, address, occupation and relationship of person referring the client
 -
 -
- Dated:, NY, day of, 20...
- Yours, etc.
-

Signature of Attorney
Print
Attorney's Name
or
Office and P. O. Address
Type Dist. Dept. County

NOTE: [CPLR 2104](#) AND 3217 REQUIRE THAT THE ATTORNEY FOR THE DEFENDANT FILE A STIPULATION OR STATEMENT OF DISCONTINUANCE WITH THE COURT UPON DISCONTINUANCE OF AN ACTION.

(3) An attorney retained by another attorney, on a contingent fee basis, as trial or appeal counsel or to assist in the preparation, investigation, adjustment or settlement of any such action, claim or proceeding shall, within 15 days from the date of such retainer, sign personally and file electronically with the Office of Court Administration a written statement of such retainer in the manner and form as above set forth, which statement shall also contain particulars as to the fee arrangement, the type of services to be rendered in the matter, the code number assigned to the statement of retainer filed by the retaining attorney and the date when said statement of retainer was filed.

(4) No attorney shall accept or act under any written retainer or agreement of compensation in which the name of the attorney was left blank at the time of its execution by the client.

(b) Closing statement; statement where no recovery. (1) A closing statement shall be filed in connection with every claim, action or proceeding in which a retainer statement is required, as follows: Every attorney upon receiving, retaining or sharing any sum in connection with a claim, action or proceeding subject to this section shall, within 15 days after such receipt, retention or sharing, sign personally, file with the Office of Court Administration by electronic transmission in a manner directed by the chief administrative judge and approved by the presiding justice of the Appellate Division and serve upon the client a closing statement as hereinafter provided. Where there has been a disposition of any claim, action or proceeding, or a retainer agreement is terminated, without recovery, a closing statement showing such fact shall be signed personally by the attorney and filed electronically with the Office of Court Administration within 30 days after such disposition or termination.

(2) Each closing statement shall be on one side of paper 8-1/2 inches by 11 inches and be in the following form and contain the following information:

Closing Statement

For office use:

TO THE OFFICE OF COURT ADMINISTRATION
OF THE STATE OF NEW YORK

1. Code number appearing on Attorney's receipt for filing of retainer statement.

2. Name and present address of client
3. Plaintiff(s)
4. Defendant(s)
- 5.(a) If an action was commenced, state the date:, 20.....,
 Court, County.
- 5.(b) Was the action disposed of in open court?
 If not, and a request for judicial intervention was filed, state the date the stipulation or statement
 of discontinuance was filed with the clerk of the part to which the action was assigned.
 If not, and an index number was assigned but no request for judicial intervention was filed, state
 the date the stipulation or statement of discontinuance was filed with the County Clerk.

6. Check items applicable: Settled(); Claim abandoned by client(); Judgment()
 Date of payment by carrier or defendant day of, 20...
 Date of payment to client day of, 20...
7. Gross amount of recovery (if judgment entered, include any interest, costs and disbursements
 allowed) \$... (of which \$ was taxable costs and disbursements).
8. Name and address of insurance carrier or person paying judgment or claim and carrier's file
 number, if any
9. Net amounts: to client \$; compensation to undersigned
 \$; names, addresses and amounts paid to attorneys participating
 in the contingent compensation
10. Compensation fixed by: retainer agreement (); under schedule (); or by court ().
11. If compensation fixed by court: Name of Judge Court
 ; Index No.; Date of Order
12. Itemized statement of payments made for hospital, medical care or treatment, liens,
 assignments, claims and expenses on behalf of the client which have been charged against the
 client's share of the recovery, together with the name, address, amount and reasons for each
 payment
13. Itemized statement of the amounts of expenses and disbursements paid or agreed to be paid
 to others for expert testimony, investigative or other services properly chargeable to the recovery
 of damages together with the name, address and reason for each payment

14. Date on which a copy of this closing statement has been forwarded to
 the client, 20...

NOTE: [CPLR 2104](#) AND 3217 REQUIRE THAT THE ATTORNEY FOR THE DEFENDANT
 FILE A STIPULATION OR STATEMENT OF DISCONTINUANCE WITH THE COURT
 UPON DISCONTINUANCE OF AN ACTION.

Dated:, NY, day of, 20...

Yours, etc.

.....
 Signature of Attorney

Print

Attorney

or

Office and P.O. Address
Type Dist. Dept. County

(If space provided is insufficient, riders on sheets 8-1/2 inches by 11 inches and signed by the attorney may be attached.)

(3) A joint closing statement may be served and filed in the event that more than one attorney receives, retains or shares in the contingent compensation in any claim, action or proceeding, in which event the statement shall be signed by each such attorney.

(c) Confidential nature of statements.

(1) All statements of retainer or closing statements filed shall be deemed to be confidential and the information therein contained shall not be divulged or made available for inspection or examination except upon written order of the presiding justice of the Appellate Division. (See subdivision (g) of this section.)

(2) When a retainer or closing statement has been filed electronically pursuant to this section, the official record shall be the electronic recording of the document stored by the Office of Court Administration.

(d) Deposit of collections; notice.

(1) Whenever an attorney, who has accepted a retainer or entered into an agreement as above referred to, shall collect any sum of money upon any such action, claim or proceeding, either by way of settlement or after a trial or hearing, he shall forthwith deposit the same in a special account in accordance with the provisions of Rule 1.15 of the Rules of Professional Conduct. Within 15 days after the receipt of any such sums he shall cause to be delivered personally to such client or sent by registered or certified mail, addressed to such client at the client's last known address, a copy of the closing statement required by this section. At the same time the attorney shall pay or remit to the client the amount shown by such statement to be due the client, and he may then withdraw for himself the amount so claimed to be due him for compensation and disbursements. For the purpose of calculating the 15-day period, the attorney shall be deemed to have collected or received or been paid a sum of money on the date that he receives the draft endorsed by the client, or if the client's endorsement is not required, on the date the attorney receives the sum. The acceptance by a client of such amount shall be without prejudice to the latter's right in an appropriate action or proceeding, to petition the court to have the question of the attorney's compensation or reimbursement for expenses investigated and determined by it.

(2) Whenever any sum of money is payable upon any such claim, action or proceeding, either by way of settlement or after trial or hearing, and the attorney is unable to locate a client, the attorney shall apply pursuant to Rule 1.15 of the Rules of Professional Conduct to the court in which such action or proceeding was pending, or if no action had been commenced, then to the Supreme Court in the county in which the attorney maintains an office, for an order directing payment to be made to the attorney of the fees and reimbursable disbursements determined by

the court to be due said attorney and to the Lawyers' Fund for Client Protection of the balance due to the client, for the account of the client, subject to the charge of any lien found by the court to be payable therefrom.

(e) Contingent fees in claims and actions for personal injury and wrongful death.

(1) In any claim or action for personal injury or wrongful death, or loss of services resulting from personal injury or for property or money damages resulting from negligence or any type of malpractice, other than one alleging medical, dental or podiatric malpractice, whether determined by judgment or settlement, in which the compensation of claimant's or plaintiff's attorney is contingent, that is, dependent in whole or in part upon the amount of recovery, the receipt, retention or sharing by such attorney, pursuant to agreement or otherwise, of compensation which is equal to or less than that contained in any schedule of fees adopted by this department is deemed to be fair and reasonable. The receipt, retention or sharing of compensation which is in excess of such scheduled fees shall constitute the exaction of unreasonable and unconscionable compensation in violation of any provisions of the Rules of Professional Conduct as set forth in part 1200 of this Title, unless authorized by a written order of the court as hereinafter provided.

(2) The following is the schedule of reasonable fees referred to in paragraph (1) of this subdivision: either SCHEDULE A

(i) 50 percent on the first \$ 1000 of the sum recovered;

(ii) 40 percent on the next \$ 2000 of the sum recovered;

(iii) 35 percent on the next \$ 22,000 of the sum recovered; or

(iv) 25 percent on any amount over \$ 25,000 of the sum recovered; or SCHEDULE B

(v) A percentage not exceeding 33-1/3 percent of the sum recovered, if the initial contractual arrangement between the client and the attorney so provides, in which event the procedure hereinafter provided for making application for additional compensation because of extraordinary circumstances shall not apply.

(3) Such percentage shall be computed by one of the following two methods, to be selected by the client in the retainer agreement or letter of engagement: (i) on the net sum recovered after deducting from the amount recovered expenses and disbursements for expert medical testimony and investigative or other services properly chargeable to the enforcement of the claim or prosecution of the action; or (ii) in the event that the attorney agrees to pay costs and expenses of the action pursuant to [Judiciary Law § 488\(2\)\(d\)](#), on the gross sum recovered before deducting expenses and disbursements. The retainer agreement or letter of engagement shall describe these alternative methods, explain the financial consequences of each, and clearly indicate the client's selection. In computing the fee, the costs as taxed, including interest upon a judgment, shall be deemed part of the amount recovered. For the following or similar items there shall be no deduction in computing such percentages: liens, assignments or claims in favor of hospitals, for medical care and treatment by doctors and nurses, or self-insurers or insurance carriers.

(4) In the event that claimant's or plaintiff's attorney believes in good faith that Schedule A above because of extraordinary circumstances, will not give him adequate compensation, application for greater compensation may be made upon affidavit with written notice and an opportunity to be heard to the client and other persons holding liens or assignments on the recovery. Such application shall be made to the justice of the trial part to which the action had been sent for trial; or, if it had not been sent to a part for trial, then to the justice presiding at the trial term calendar part of the court in which the action had been instituted; or, if no action had been instituted, then to the justice presiding at the trial term calendar part of the Supreme Court for the county in the judicial department in which the attorney who filed the statement of retainer, pursuant to this section, has an office. Upon such application, the justice, in his discretion, if extraordinary circumstances are found to be present, and without regard to the claimant's or plaintiff's consent, may fix as reasonable compensation for legal services rendered an amount greater than that specified in Schedule A of paragraph (2) of this subdivision; provided, however, that such greater amount shall not exceed the fee fixed pursuant to the contractual arrangement, if any, between the client and the attorney. If the application be granted, the justice shall make a written order accordingly, briefly stating the reasons for granting the greater compensation; and a copy of such order shall be served on all persons entitled to receive notice of the application.

(5) The provisions of subdivision (e) of this section shall not apply to an attorney retained as counsel in a claim or action for personal injury or wrongful death by another attorney, if such other attorney is not subject to the provisions of this section in such claim or action, but all other subdivisions of this section shall apply.

(6) Nothing contained in subdivision (e) of this section shall be deemed applicable to the fixing of compensation for attorneys representing infants or other persons, where the statutes or rules provide for the fixation of such compensation by the court.

(7) Nothing contained in subdivision (e) of this section shall be deemed applicable to the fixing of compensation for attorneys for services rendered in connection with the collection of first party benefits as defined by article 51 of the Insurance Law.

(8) The provisions of paragraph (2) of this subdivision shall not apply to claims alleging medical, dental or podiatric malpractice. Compensation of claimant's or plaintiff's attorney for services rendered in claims or actions for personal injury alleging medical, dental or podiatric malpractice shall be computed pursuant to the fee schedule in [section 474-a of the Judiciary Law](#).

(f) Preservation of records of claims and actions. Attorneys for both plaintiff and defendant in the case of any such claim or cause of action shall preserve, for a period of seven years after any settlement or satisfaction of the claim or cause of action or any judgment thereon or after the dismissal or discontinuance of any action, the pleadings and other papers pertaining to such claim or cause of action, including, but not limited to, letters or other data relating to the claim of loss of time from employment or loss of income; medical reports, medical bills, X-ray reports, X-ray bills; repair bills, estimates of repairs; all correspondence concerning the claim or cause of action; and memoranda of the disposition thereof as well as canceled vouchers, receipts and memoranda evidencing the amounts disbursed by the attorney to the client and others in

connection with the aforesaid claim or cause of action and such other records as are required to be maintained under rule 1.15 of part 1200 of this Title.

(g) Special authorization to divulge retainer and closing statements filed by attorneys. Pursuant to paragraph (c)(1) of this section, the presiding justice of the Appellate Division of the Supreme Court in the second judicial department does hereby order that, without his further specific order, the clerk of the said Appellate Division and the Office of Court Administration of the State of New York, jointly and severally, are authorized to permit any agent or representative of the Treasury Department or of the district director of internal revenue of the United States, upon the presentation of written authorization from a supervising official or head in the office of said department or district director, to examine and copy any retainer or closing statement heretofore or hereafter filed by any attorney in the office of the said clerk or the Office of Court Administration of the State of New York, in accordance with said rules regulating the conduct of attorneys and counselors at law.

(h) Omnibus filings in property damage actions or claims. Attorneys prosecuting actions or claims for property damage may make semi-annual omnibus filings of retainer statements and closing statements.

§ 691.21 Preliminary investigation of any party unlawfully practicing law or assuming to practice law

(a) Upon application by the chair or acting chair of the committee or subcommittee on unlawful practice of the law of any recognized bar association in any county in the second judicial department, alleging that such committee or subcommittee has reasonable cause to believe that any party (to wit: any person, firm, corporation or other organization) is unlawfully practicing law or unlawfully assuming to practice law or is engaging in any business or activity which may involve the unlawful practice of law, and further alleging that such committee or subcommittee is conducting or intends to conduct an investigation with respect to such practice, business or activity, the clerk of this court is empowered and authorized to issue, in the name of the presiding justice of the court, subpoenas directing the attendance of witnesses and the production of books, papers and records before such committee or subcommittee at the time when and at the place where it will convene. The clerk of the court is also empowered and authorized to issue such subpoenas upon the application of any such party.

(b) Every committee or subcommittee conducting such preliminary investigation is empowered to take the testimony of witnesses under oath and to transcribe such testimony. Such witnesses may be sworn by any person authorized by law to administer oaths.

§ 691.22 REPEALED

§ 691.23 Attorney's affidavit in agency and private placement adoptions

(a) Every attorney appearing for an adoptive parent, a natural parent, or an adoption agency in an adoption proceeding in the courts within this judicial department, shall, prior to the entry of an adoption decree, file with the Office of Court Administration of the State of New York, and with the court in which the adoption proceeding has been initiated, a signed statement under oath setting forth the following information:

- (1) name of attorney;
- (2) association with firm (if any);
- (3) business address;
- (4) telephone number;
- (5) docket number of adoption proceeding;
- (6) court where adoption has been filed;
- (7) the date and terms of every agreement, written or otherwise, between the attorney and the adoptive parents, the natural parents, or anyone else on their behalf, pertaining to any compensation or thing of value paid or given or to be paid, or given by or on behalf of the adoptive parents or the natural parents, including but not limited to retainer fees;
- (8) the date and amount of any compensation paid or thing of value given, and the amount of total compensation to be paid, or thing of value to be given to the attorney by the adoptive parents, the natural parents, or by anyone else on account of or incidental to any assistance or service in connection with the proposed adoption;
- (9) a brief statement of the nature of the services rendered;

- (10) the name and address of any other attorney or attorneys who shared in the fees received in connection with the services, or to whom any compensation or thing of value was paid or is to be paid, directly or indirectly, by the attorney; the amount of such compensation or thing of value;
- (11) the name and address of any other attorney or attorneys, if known, who received or will receive any compensation or thing of value, directly or indirectly, from the adoptive parents, natural parents, agency, or other source, on account of or incidental to any assistance or service in connection with the proposed adoption; the amount of such compensation or thing of value, if known;
- (12) the name and address of any other person, agency, association, corporation, institution, society or organization who received or will receive any compensation or thing of value from the attorney, directly or indirectly, on account of or incidental to any assistance or service in connection with the proposed adoption; the amount of such compensation or thing of value;
- (13) the name and address, if known, of any person, agency, association, corporation, institution, society, or organization to whom compensation or thing of value has been paid or given, or is to be paid or given by any source for the placing out of, or on account of, or incidental to assistance in arrangements for the placement or adoption of the adoptive child; the amount of such compensation or thing of value and the services performed or the purposes for which the payment was made; and
- (14) a brief statement as to the date and manner in which the initial contact occurred between the attorney and the adoptive parents or natural parents with respect to the proposed adoption.
- (b) Names or other information likely to identify the natural or adoptive parents or the adoptive child are to be omitted from the information to be supplied in the attorney's statement.
- (c) Such statement shall be filed by electronic transmission in a manner directed by the chief administrative judge and approved by the presiding justice of the Appellate Division.
- (d) All statements filed by attorneys shall be deemed to be confidential, and the information therein contained shall not be divulged or made available for inspection or examination to any person, other than the client of the attorney in the adoption proceeding, except upon written order of the presiding justice of the Appellate Division.

§ 691.24 Compensation of attorneys representing claimants against Lawyers' Fund for Client Protection

No attorney shall charge a fee for or accept compensation for representation of claimants against the Lawyers' Fund for Client Protection of the State of New York except as approved by the trustees of the fund.

§ 691.25 Bar association screening committees; members as volunteers, Public Officers Law, § 17

The members of the screening committees of the bar associations of Kings, Queens and Richmond Counties, which committees are established under the authority of [section 722 of the County Law](#) for the purpose of providing counsel to persons charged with a crime, as volunteers, are expressly authorized to participate in a State-sponsored volunteer program within the meaning of subdivision one of [section 17 of the Public Officers Law](#).