

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

## INSTRUCTIONS

## Application for Reinstatement to the Bar After Disbarment or Suspension of More than One Year

An application pursuant to Judiciary Law § 90 and § 691.11 of the rules of this court for reinstatement to the bar after disbarment or a suspension from practice of more than one year shall comply with the following requirements:

- § 1. The application shall be made in the form of a motion.
- § 2. The moving papers shall bear the caption and the Appellate Division docket number of the proceeding that led to the movant’s disbarment or suspension.
- § 3. The motion shall be made on notice to the Departmental Grievance Committee that prosecuted the proceeding leading to the movant’s disbarment or suspension and to the Lawyers’ Fund for Client Protection.
- § 4. The motion shall be made, noticed, and filed in accordance with § 670.5 of the rules of procedure of this court. Payment of the \$45 fee required by CPLR 8022(b) shall accompany the filing of the motion papers, unless the movant is exempt from payment thereof pursuant to CPLR 1102. Checks shall be made payable to “Clerk of the Court.”
- § 5. The motion shall be supported by the affidavit or affirmation of the movant, subscribed and sworn to or affirmed before a notary public or other person authorized to administer an oath or affirmation.
- § 6. The supporting affidavit or affirmation shall be worded and numbered as follows:

State of New York )  
County of \_\_\_\_\_) ss.:

\_\_\_\_\_, being duly sworn, deposes and says (or affirms under the penalty of perjury) that:

1. I hereby apply, pursuant to Judiciary Law § 90 and 22 NYCRR 691.11, for reinstatement as an attorney and counselor-at-law licensed to practice in all of the courts of the State of New York.
2. My full name is \_\_\_\_\_. The name under which I was admitted to the practice of law is \_\_\_\_\_. My name was changed on the Roll of Attorneys and Counselors-at-Law to \_\_\_\_\_ by reason of (marriage, divorce or annulment, or a court order legally changing the movant's name). I have also been known by the following names:

3. I was born on (date) in (city, state, country).
4. I currently reside at (street, town or city, state, and zip code).
5. The telephone numbers at which I can be contacted are:
- Home \_\_\_\_\_
- Work \_\_\_\_\_
- Mobile \_\_\_\_\_.
6. The e-mail address at which I can be contacted is \_\_\_\_\_.
7. I was admitted to the New York State Bar on (date) in the \_\_\_\_\_  
Judicial Department.
8. By opinion and order of this court dated (date), I was (suspended for \_\_\_\_  
years/disbarred) from the practice of law. My use of the term “discipline”  
hereinafter refers to the sanction imposed by this court in the foregoing opinion  
and order.

*A copy of the opinion and order imposing discipline is attached as exhibit A  
hereto.*

9. Other than the location specified in paragraph 4 hereof, I have resided at the  
following addresses since the effective date of discipline (in reverse  
chronological order state the approximate dates of residence, street, town or  
city, state, and zip code):
10. The discipline imposed upon me was predicated upon, or arose out of, my  
misappropriation or misuse of the real or personal property of others, or the  
failure to return legal fees received but unearned by me. I have made full  
restitution to the owners of the property or the clients in question, and if any  
part of a loss occasioned by my conduct was the subject of an award by the  
Lawyers’ Fund for Client Protection pursuant to 22 NYCRR Part 7200, I have  
made full restitution to the Fund, except as follows:

*A statement listing each property, its dollar value, the name of the true owner,  
and the extent to which I have made or have yet to make restitution is attached  
as exhibit \_\_\_\_ hereto.*

11. I have also been admitted to practice in the following jurisdictions:

*Certificates of Good Standing, issued within the 30 days preceding the  
execution of this affidavit (or affirmation) by all such jurisdictions, except those  
in which I have not been reinstated as set forth in paragraph 12 hereof, are  
attached as exhibit \_\_\_\_ hereto.*

12. Since the imposition of discipline, I have also been the subject of professional discipline in the following other jurisdictions (state the jurisdiction, the date, the nature of the discipline imposed, and whether or not you have been reinstated to practice and are now in good standing in such jurisdiction):

*A copy of each order or judgment imposing such discipline is attached as exhibit \_\_\_\_ hereto. A copy of each order or judgment reinstating me to practice is attached as exhibit \_\_\_\_ hereto.*

13. On the effective date of discipline, the following matters, which were not the basis of this court's opinion and order, were pending against me before any grievance committee in the State of New York (state the nature of the complaint, the disciplinary authority before which it was pending, and the disposition thereof):

14. From the date of my admission to the New York State Bar until the present, the following other disciplinary sanctions have been imposed upon me due to my misconduct as an attorney, in this or any other jurisdiction (state the jurisdiction, the nature of the misconduct, the date, and the nature of the discipline imposed):

15. Since the imposition of discipline, I have engaged in the practice of law in the following other jurisdictions and in the following manner:

16. Since the imposition of discipline, I have engaged in the following employment or have been engaged in the following businesses (in ascending chronological order, state the dates so engaged, and the name and address of the employer or business):

*A letter from each such employer, attesting to my employment history, is attached as exhibit \_\_\_\_ hereto, except \_\_\_\_\_, the absence of which is explained as follows:*

17. At the time discipline was imposed, I took the following affirmative steps to comply with the order imposing discipline and with 22 NYCRR 691.10:

18. Pursuant to 22 NYCRR 691.10(f), I filed an affidavit of compliance on (date).

*A copy of that affidavit of compliance is attached as exhibit \_\_\_\_ hereto.*

- or -

I failed to file an affidavit of compliance as required by 22 NYCRR 691.10(f) for the following reason(s):

19. Since the imposition of discipline, I or a corporation or an entity of which I am or was a principal, have or has been involved in the following lawsuits, either as a party, witness, or counsel to a party, to the extent indicated (state the title of the suit, the court in which it is or was pending, the index number, the nature

of the suit, and the capacity [plaintiff, defendant, counsel, etc.] in which the movant is or was involved):

20. There presently exist(s) the following unsatisfied judgment(s) against me and/or any corporation or entity of which I am or was a principal (state the name and address of the judgment creditor, the court which rendered the judgment, the date and amount of the judgment, the nature of the claim on which it was based, and the amount thereof remaining unpaid):
21. Since the imposition of discipline, I have defaulted in the performance or discharge of an obligation or duty imposed upon me by the following courts, and/or governmental or administrative agencies (state the nature of the obligation or duty, the court or agency by which it was imposed, the date performance was due, and the reason for the default).
22. Other than the judgments set forth in paragraph 20 hereof, I have incurred the following debts with a balance over \$500 that are presently overdue by at least 60 days (state the name and address of each creditor, the nature of the debt, the original amount of the indebtedness and date incurred, the due date, and the balance due):
23. I or any firm, corporation, or business entity in which I have or had an ownership interest filed a petition in bankruptcy on (date) to (court).

*Copies of any bankruptcy petitions, schedules, and or discharge orders are attached as exhibit \_\_\_\_ hereto.*

24. Since the imposition of discipline, I have filed all required Federal, state, and local income tax returns when due or have received an extension to file the same, except as follows:

*Copies of all such returns are attached as exhibit \_\_\_\_ hereto.*

25. Since the imposition of discipline, I have applied for the following licenses that required proof of good character (state the nature of the license, the name of the licensing authority, the date of the application, and the result thereof):
26. Since my admission to the New York State Bar, I have had the following licenses suspended or revoked (state the nature of the license, the name of the licensing authority, the date and reason for the action, and whether the license was revoked or suspended):
27. Since the imposition of discipline, I have been arrested, charged with, indicted, convicted, tried, and/or entered a plea of guilty to the following felonies, misdemeanors, violations, and/or traffic infractions (state the court, the offense charged, and date and nature of disposition):

28. Since my admission to the Bar, I have been the subject of the following governmental investigation(s) (state the name of the investigating agency and the nature and date of the investigation):
29. Since the imposition of discipline, I have suffered from or have been treated for a mental or emotional disorder, alcoholism and/or substance abuse or dependency (state the date or dates of each instance, the name of any health professional or institution consulted or affording treatment, and the circumstances):
30. Since the imposition of discipline, I have complied with the requirements of 22 NYCRR 691.11(c)(2) by attaining a passing score on the Multistate Professional Responsibility Examination (MPRE) and, within the two years preceding this application for reinstatement, successfully completing one credit hour of continuing legal education (CLE) accredited in accordance with 22 NYCRR Part 1500 for each month of suspension or disbarment up to a maximum of 24 credits.

*Proof of passage of the MPRE and certificates attesting to my completion of the required CLE are attached as exhibit \_\_\_\_ hereto.*

- or -

Since the imposition of discipline, I have complied with the requirements of 22 NYCRR 691.11(c)(2) to the extent of attaining a passing score on the Multistate Professional Responsibility Examination (MPRE). However I have not complied with the requirement that, within the two years preceding this application for reinstatement, I successfully complete 24 credit hours of continuing legal education (CLE) accredited in accordance with 22 NYCRR Part 1500. For the following reasons, I hereby request that the court conditionally approve this application subject to the completion of the CLE requirement before reinstatement to the bar:

*Proof of passage of the MPRE is attached as exhibit \_\_\_\_ hereto.*

31. Within the 30 days preceding the execution of this affidavit (affirmation), I have read the rules set forth in 22 NYCRR Part 1200 of the joint rules of the Appellate Divisions and I have read 22 NYCRR Part 691 of the rules of this court. I am familiar with the provisions of the Rules of Professional Conduct. If reinstated to the practice of law, I will conform my conduct to those rules.
32. Other than the passage of time and the absence of additional acts of misconduct, the following facts establish that I possess the requisite character and general fitness to be reinstated as an attorney and counselor-at-law:
33. The following facts, not heretofore disclosed to this court, are relevant to this application and might tend to influence the court to look less favorably upon reinstating me to the practice of law:

34. I understand that the court may take such investigative steps as it deems appropriate to evaluate my character and fitness for reinstatement to the Bar. I will fully cooperate with any request for additional information and make myself available to answer questions under oath or affirmation, as required.

WHEREFORE, I request that the court grant this application for my reinstatement as an attorney and counselor-at-law licensed to practice in all of the courts of the State of New York.

Dated: (city or town, state)  
\_\_\_\_\_, 200\_\_

Subscribed to and sworn to before me  
this \_\_\_\_ day of \_\_\_\_\_, 200\_\_

\_\_\_\_\_  
Notary Public

§ 7. In completing the supporting affidavit or affirmation, the movant should not omit inapplicable passages. If an entire paragraph is inapplicable, the appropriate answer is "Not Applicable." If portions of the paragraph are inapplicable, the movant may so indicate by the use of strikethrough characters as in the following example:

2. My full name is \_\_\_\_\_. The name under which I was admitted to the practice of law is \_\_\_\_\_. ~~My name was changed on the Roll of Attorneys and Counselors at Law to by reason of (marriage, divorce or annulment, or a court order legally changing the movant's name).~~ I have also been known by the following names:

§ 8. The application may be supplemented by the affidavits or affirmations of counsel and character witnesses, and with additional appropriate exhibits.

§ 9. Place the moving papers in the following order:

- a. The notice of motion or order to show cause;
- b. The applicant's form affidavit or affirmation;
- c. The exhibits supporting that form affidavit or affirmation;
- d. Any additional supporting affidavits or affirmations and exhibits thereto; and
- e. An affidavit of service of the moving papers upon the appropriate Departmental Grievance Committee and the Lawyer's Fund for Client Protection.