

APPENDIX A

Affidavit in Support of Application to Resign While Proceeding or Investigation is Pending

INSTRUCTIONS

An application pursuant to section 1240.10 of these Rules to resign as an attorney and counselor-at-law while a proceeding or investigation is pending shall comply with the following requirements:

- (1) The application shall be submitted in affidavit form, subscribed and sworn to before a notary public or other person authorized to administer an oath, and shall be worded and numbered as set forth below.
- (2) The affidavit shall bear the caption and the docket number, if any, of the proceeding pending before the Court. If no proceeding is pending, the caption shall denominate the Committee conducting the investigation as the petitioner, and the subject of the investigation as the respondent.
- (3) In completing the affidavit, the respondent should not omit any passages.
- (4) Place the moving papers in the following order:
 - a. The respondent's form affidavit;
 - b. The exhibits supporting that form affidavit; and
 - c. An affidavit reflecting service upon the Chief Attorney of the appropriate Committee.

7. I have also been admitted to practice in the following courts or jurisdictions:

_____.

- OR -

I attest that I have not been admitted to practice in any other courts or jurisdictions.

8. I am the subject of disciplinary charges pending before this Court in this proceeding, as set forth in the petition dated [date]. I acknowledge that the charges include at least the following acts of professional misconduct: _____.

- OR -

I am currently the subject of an investigation conducted by the [name of applicable Committee] involving allegations of professional misconduct on my part. I acknowledge that the allegations include at least the following acts of professional misconduct:

_____.

9. I attest that I cannot successfully defend against the [charges **-or-** allegations] based upon the facts and circumstances of my professional conduct as described herein.

10. My resignation is freely and voluntarily rendered, without coercion or duress by anyone, and with full awareness of the consequences, including that the Court's acceptance and approval shall result in the entry of an order of disbarment striking my name from the roll of attorneys and counselors-at-law.

11. I hereby consent to the entry of an order by the Court, pursuant to Judiciary Law § 90 (6-a), directing (1) that I make monetary restitution to the following persons in the amounts indicated: [state the name of each person whose money or property was willfully misappropriated or misapplied, and specify the value of such money or property], and (2) that I reimburse the Lawyers' Fund for Client Protection the sum of [specify dollar amount].

- OR -

I attest that the [proceeding **-or-** investigation] does not include [charges **-or-** allegations] that I willfully misappropriated or misapplied money or property in the practice of law.

12. This resignation is submitted subject to any future application that may be made by a Committee to any Department of the Appellate Division for an order, pursuant to Judiciary Law § 90 (6-a), directing that I make restitution or reimburse the Lawyers' Fund for Client Protection, and I consent to the continuing jurisdiction of the Appellate Division to make such an order.

13. I acknowledge and agree that pending issuance of an order accepting this resignation, I shall not undertake to represent any new clients or accept any retainers for future legal services to be rendered and that there will be no transactional activity in any fiduciary account to which I have access, other than for payment of funds held therein on behalf of clients or others entitled to receive them.

14. I understand further that, in the event the Court accepts my resignation, the order resulting from this application and the records and documents filed in relation to the aforementioned [charges **-or-** allegations], including this affidavit, shall be deemed public records pursuant to Judiciary Law § 90 (10).

WHEREFORE, I request that the Court accept my application to resign as an attorney and counselor-at-law licensed to practice in the State of New York.

Dated: [city or town, state]

_____, 20____

Subscribed to and sworn to before me
this ____ day of _____, 20____

Notary Public

APPENDIX B

Affidavit of Compliance for Disbarred or Suspended Attorneys

INSTRUCTIONS

- (1) The affidavit required by section 1240.15 (f) of these Rules shall be worded and numbered as set forth below.
- (2) The affidavit shall be subscribed and sworn to before a notary public or other person authorized to administer an oath.
- (3) The affidavit shall bear the caption and the docket number, if any, of the proceeding resulting in the respondent's disbarment or suspension.
- (4) In completing the affidavit, the respondent should not omit any passages. To the extent that the respondent is unable to swear to any of the required statements set forth in the form affidavit, the respondent must, for each such statement, alternatively explain all facts and circumstances relevant to why the respondent is unable to swear to the statement.
- (5) The affidavit shall be filed with the Court along with an affidavit reflecting service thereof upon the Chief Attorney of the appropriate Committee.

7. All communications may be addressed to me at the office of my attorney, [name], at [address], and I hereby authorize my attorney to accept and acknowledge receipt of any and all legal documents or other notices on my behalf.

- OR -

All communications may be addressed to me personally at the following address:

_____.

8. I was admitted to the New York State Bar on [date] by the _____ Judicial Department, and my attorney registration number is _____.

9. By order of this Court entered [date], I was [suspended for ____ years **-or-** months **-or-** disbarred] from the practice of law. My use of the term "discipline" hereinafter refers to the sanction imposed by this Court in the foregoing order. A copy of the order imposing discipline is attached as exhibit ___ hereto.

10. Since the entry of the order of discipline, I have complied with the order of discipline in all respects. I have also complied with Judiciary Law §§ 478, 479, 484 and 486.

11. I have sent written notice of my [suspension **- or -** disbarment] to each client and any other party, as required by section 1240.15 (b) of the Uniform Rules for Attorney Disciplinary Matters.

12. I have delivered to all clients or third parties, or to a successor attorney designated by such clients or third parties, all money and property in my possession (including legal files), as required by section 1240.15 (c) of the Uniform Rules for Attorney Disciplinary Matters.

13. I have discontinued all attorney advertising, as required by section 1240.15 (d) of the Uniform Rules for Attorney Disciplinary Matters.

14. I have forfeited any secure pass issued to me by the Office of Court Administration, as required by section 1240.15 (e) of the Uniform Rules for Attorney Disciplinary Matters.

15. I have not and will not share in any fee for legal services rendered by another attorney during the period of my [suspension **- or -** disbarment], as precluded by section 1240.15 (g) of the Uniform Rules for Attorney Disciplinary Matters. For all cases in which I may have a claim for compensation earned for work performed prior to my [suspension **- or -** disbarment], I [have filed **-or-** intend to file] a motion in the appropriate forum for an order fixing my fees for such work.

16. I have made and will keep records of my compliance with this rule and the attached order of discipline, and will make such records available in any subsequent proceeding instituted by or against me.

Dated: [city or town, state]

_____, 20__

Subscribed to and sworn to before me
this ____ day of _____, 20__

Notary Public

APPENDIX C

Application for Reinstatement to the Bar After Disbarment or Suspension for More Than Six Months

INSTRUCTIONS

An application pursuant to section 1240.16 (a) and (b) of these Rules for reinstatement to the bar after disbarment or suspension from practice for more than six months 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 docket number, if any, of the proceeding resulting in the respondent's disbarment or suspension.
- (3) The motion shall be made on notice to the Committee that was the petitioner in the proceeding leading to the respondent's disbarment or suspension and to the Lawyers' Fund for Client Protection.
- (4) The motion shall be made, noticed, and filed in accordance with the rules of practice of the Court. Payment of the 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.
- (5) The motion shall be supported by the affidavit of the respondent, subscribed and sworn to before a notary public or other person authorized to administer an oath.
- (6) The supporting affidavit shall be worded and numbered as set forth below.
- (7) In completing the supporting affidavit, the respondent should not omit any passages.
- (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;
 - b. The respondent's form affidavit;
 - c. The exhibits supporting that form affidavit;
 - d. Any additional supporting affidavits or affirmations and exhibits thereto; and
 - e. Affidavits reflecting service of the moving papers upon the Chief Attorney of the appropriate Committee and the Lawyers' Fund for Client Protection.

FORM OF AFFIDAVIT

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

**AFFIDAVIT IN SUPPORT OF
 APPLICATION FOR
 REINSTATEMENT TO THE
 BAR AFTER DISBARMENT OR
 SUSPENSION FOR MORE
 THAN SIX MONTHS**

State of _____)
)ss.:
 County of _____)

_____, being duly sworn, deposes and says that:

1. I hereby apply, pursuant to section 1240.16 (a) and (b) of the Uniform Rules for Attorney Disciplinary Matters, for reinstatement as an attorney and counselor-at-law licensed to practice in 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 respondent's name). I have also been known by the following names: _____.
 [Copies of all court orders changing my name are attached as exhibit ___ hereto.]

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 email address at which I can be contacted is _____.

7. All communications may be addressed to me at the office of my attorney, [name], at

[address], and I hereby authorize my attorney to accept and acknowledge receipt of any and all legal documents or other notices on my behalf.

- OR -

All communications may be addressed to me personally at the following address:

_____.

8. I was admitted to the New York State Bar on [date] by the _____ Judicial Department, and my attorney registration number is _____.

9. By order of this Court entered [date], I was [suspended for ____ years **-or-** months **-or-** disbarred] from the practice of law. My use of the term "discipline" hereinafter refers to the sanction imposed by this Court in the foregoing order. A copy of the order imposing discipline is attached as exhibit ____ hereto.

10. Other than the location specified in paragraph 4 hereof, I have resided at the following addresses since the entry of the order of discipline: [in chronological order state the approximate dates of residence, street, town or city, state, and zip code].

- OR -

I attest that I have resided continually at the location specified in paragraph 4 hereof since the entry of the order of discipline.

11. 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 Part 7200 of this Title, 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.]

- OR -

I attest that the discipline imposed upon me was not predicated upon, and did not arise out of, charges that I willfully misappropriated or misapplied money or property in the practice of law.

12. On the date the order of discipline was entered, the following matters, which were not the basis of this Court's order, were pending against me before any attorney 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].

- OR -

I attest that, on the date the order of discipline was entered, no additional matters were pending against me before any attorney grievance committee in the State of New York

13. I have also been admitted to practice in the following courts or jurisdictions:

_____.

[Certificates of Good Standing, issued within the 30 days preceding the execution of this affidavit by all such courts or jurisdictions in which I am currently admitted to practice, except

those in which I have not been reinstated as set forth in paragraph 14 hereof, are attached as exhibit ____ hereto.]

- OR -

I attest that I have not been admitted to practice in any other courts or jurisdictions.

14. From the date of my admission to the New York State Bar until the present, I have also been the subject of professional discipline in this or any other court or jurisdiction: [state the court or jurisdiction, the date, the nature of the discipline imposed, whether such discipline was public or private, and whether or not you have been reinstated to practice and are now in good standing in such court or 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.]

- OR -

I attest that, with the exception of the discipline imposed by this Court from which I now seek reinstatement, from the date of my admission to the New York State Bar until the present I have not been the subject of professional discipline in this or any other court or jurisdiction.

15. Since the entry of the order of discipline, I have complied with the terms of the order in all respects and have not (1) engaged in the practice of law in any form in the State of New York, either as principal or agent, or a clerk or employee of another, (2) accepted any new retainer or otherwise agreed to represent any legal client in New York, or (3) solicited or procured, either directly or indirectly, legal business for any attorney in New York.

- OR -

Since the entry of the order of discipline, I have engaged in the practice of law in the State of New York in the following manner: [in chronological order, state the nature, date and duration of any legal work performed in New York since the effective date of discipline, including any appearances before any court or tribunal as an attorney for another, and the preparation of any legal instrument or document.]

16. Since the entry of the order of discipline, I have engaged in the practice of law in the following other courts or jurisdictions and in the following manner:

- OR -

I attest that, since the entry of the order of discipline, I have not engaged in the practice of law in any other courts or jurisdictions.

17. Since the entry of the order of discipline, I have engaged in the following employment or have been engaged in the following businesses: [in chronological order, state the dates so engaged, the name and address of the employer or business and the nature of each employment 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:]

18. Since the entry of the order of discipline, I have taken the following affirmative steps to comply with the order imposing discipline and with section 1240.15 of the Uniform Rules for Attorney Disciplinary Matters:

19. Within 30 days of entry of the order imposing discipline, I delivered all money and property in my possession to all clients or third-parties who were entitled thereto in compliance with section 1240.15 (c) of the Uniform Rules for Attorney Disciplinary Matters. [Copies of all accountings provided to the recipients of money or property delivered from me are attached as exhibit ___ hereto. Copies of correspondence or statements from [name and address of bank] reflecting the closure of my attorney escrow and/or IOLA accounts on [date] are attached as exhibit ___ hereto.]

- OR -

I failed to fully comply with section 1240.15 (c) of the Uniform Rules for Attorney Disciplinary Matters in the following respect and for the following reasons:

20. I was compensated on a quantum meruit basis for services rendered prior to the effective date of the discipline pursuant to section 1240.15 (g) of the Uniform Rules for Attorney Disciplinary Matters in the amount of [dollar amount] on [date]. [A copy of the court order or judgment determining the amount and manner of the aforementioned compensation is attached as exhibit ___ hereto.]

- OR -

I have not been compensated on a quantum meruit basis for services rendered prior to the effective date of the discipline pursuant to section 1240.15 (g) of the Uniform Rules for Attorney Disciplinary Matters

21. Pursuant to section 1240.15 (f) of the Uniform Rules for Attorney Disciplinary Matters, 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 section 1240.15 (f) of the Uniform Rules for Attorney Disciplinary Matters for the following reason(s):

22. Since the entry of the order 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 respondent is or was involved].

- OR -

I attest that, since the entry of the order of discipline, neither I nor a corporation or an entity of which I am or was a principal, have or has been involved in any lawsuits as a party, witness or counsel to a party.

23. 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].

- OR -

I attest that there are no unsatisfied judgments presently existing against me and/or any corporation or entity of which I am or was a principal.

24. Other than the judgments set forth in paragraph 23 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].

- OR -

I attest to having no debts with a balance over \$500 that are presently overdue by at least 60 days.

25. Since the entry of the order 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].

- OR -

I attest that, since the entry of the order of discipline, I have not defaulted in the performance or discharge of an obligation or duty imposed upon me by any court, and/or governmental or administrative agency.

26. 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.]

- OR -

I attest that neither I nor any firm, corporation, or business entity in which I have or had an ownership interest has filed a petition in bankruptcy in any court.

27. Since the entry of the order 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, and such returns have been redacted in a manner consistent with Uniform Rules for Supreme Court and County Court (22 NYCRR) § 202.5 (e) (1) (i).]

28. Since the entry of the order 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].

- OR -

I attest that, since the entry of the order of discipline, I have not applied for any licenses that required proof of good character.

29. 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].

- OR -

I attest that, since my admission to the New York State Bar, I have not had any licenses suspended or revoked.

30. Since the entry of the order 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].

[Certificates of conviction pertaining to the above are attached as exhibit ___ hereto.]

- OR -

I attest that, since the entry of the order of discipline, I have not been arrested, charged with, indicted, convicted, tried, and/or entered a plea of guilty to any felonies, misdemeanors, violations, and/or traffic infractions.

31. 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].

- OR -

I attest that, since my admission to the Bar, I have not been the subject of any governmental investigations.

32. Since the entry of the order of discipline, I have suffered from or have been treated for the following condition or impairment which in any way impairs or limits my ability to practice law: [state the date or dates of each instance, including, but not limited to any mental, emotional, psychiatric, nervous or behavioral disorder or condition, or any alcohol, drug or other substance abuse condition or impairment or gambling addiction, and the date(s) of treatment, if any].

- OR -

I attest that, since the entry of the order of discipline, I have not suffered from or been treated for any condition or impairment which in any way impairs or limits my ability to practice law.

33. Within the 30 days preceding the execution of this affidavit, I have read the Rules of Professional Conduct (22 NYCRR Part 1200.0). If reinstated to the practice of law, I will conform my conduct to those rules.

34. Since the entry of the order of discipline, I have complied with the requirements of section 1240.16 (b) of the Uniform Rules for Attorney Disciplinary Matters by attaining a passing score on the Multistate Professional Responsibility Examination (MPRE).

[Proof of passage of the MPRE is attached as exhibit ___ hereto.]

35. Since the entry of the order of discipline, I have completed ___ credit hours of continuing legal education in the following programs and other educational classes, in order to remain current with developments in the law:

[Certificates attesting to my completion of the aforementioned programs or classes are attached as exhibit ___ hereto.]

- OR -

Since the entry of the order of discipline, I have not completed any credit hours of continuing legal education.

36. 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:

37. 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:

38. I understand that the Court and the Committee may take such investigative steps as are deemed 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 the State of New York.

Dated: [city or town, state]

_____, 20____

Subscribed to and sworn to before me
this ____ day of _____, 20____

Notary Public

APPENDIX D

Application for Reinstatement to the Bar After Suspension for Six Months or Less

INSTRUCTIONS

An application pursuant to section 1240.16 (d) of these Rules for reinstatement to the bar after suspension from practice for six months or less 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 docket number, if any, of the proceeding resulting in the respondent's suspension.
- (3) The motion shall be made on notice to the Committee that was the petitioner in the proceeding leading to the respondent's suspension and to the Lawyers' Fund for Client Protection.
- (4) The motion shall be made, noticed, and filed in accordance with the rules of practice of the Court. Payment of the 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.
- (5) The motion shall be supported by the affidavit of the respondent, subscribed and sworn to before a notary public or other person authorized to administer an oath.
- (6) The supporting affidavit shall be worded and numbered as set forth below.
- (7) In completing the supporting affidavit, the respondent should not omit inapplicable passages.
- (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;
 - b. The respondent's form affidavit;
 - c. The exhibits supporting that form affidavit;
 - d. Any additional supporting affidavits or affirmations and exhibits thereto; and
 - e. Affidavits reflecting service of the moving papers upon the Chief Attorney of the appropriate Committee and the Lawyers' Fund for Client Protection.

FORM OF AFFIDAVIT

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

**AFFIDAVIT IN SUPPORT OF
APPLICATION FOR
REINSTATEMENT TO THE
BAR AFTER SUSPENSION FOR
SIX MONTHS OR LESS**

State of _____)
)ss.:
County of _____)

_____, being duly sworn, deposes and says that:

1. I hereby apply, pursuant to section 1240.16 (d) of the Uniform Rules for Attorney Disciplinary Matters, for reinstatement as an attorney and counselor-at-law licensed to practice in 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 respondent's name). I have also been known by the following names: _____.
[Copies of all court orders changing my name are attached as exhibit ___ hereto.]

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 email address at which I can be contacted is _____.

7. All communications may be addressed to me at the office of my attorney, [name], at [address], and I hereby authorize my attorney to accept and acknowledge receipt of any and all

legal documents or other notices on my behalf.

- OR -

All communications may be addressed to me personally at the following address:

_____.

8. I was admitted to the New York State Bar on [date] by the _____ Judicial Department, and my attorney registration number is _____.

9. By order of this Court entered [date], I was suspended for ____ months from the practice of law. A copy of the order imposing the suspension is attached as exhibit ____ hereto.

10. Since the entry of the order of suspension, I have also been the subject of professional discipline in the following other courts or jurisdictions: [state the court or jurisdiction, the date, the nature of the discipline imposed, whether such discipline was public or private, and whether or not you have been reinstated to practice and are now in good standing in such court or 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.]

- OR -

I attest that, since the entry of the order of suspension, I have not been the subject of professional discipline in this or any other court or jurisdiction.

11. Since the entry of the order of suspension, I have engaged in the following employment or have been engaged in the following businesses: [in chronological order, state the dates so engaged, the name and address of the employer or business and the nature of each employment or business].

12. I have fully complied with the requirements of the order of suspension, including paying any required fees and costs, and I am in compliance with section 1240.15 of the Uniform Rules for Attorney Disciplinary Matters.

13. Pursuant to section 1240.15 (f) of the Uniform Rules for Attorney Disciplinary Matters, 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 section 1240.15 (f) of the Uniform Rules for Attorney Disciplinary Matters for the following reason(s):]

14. Since the entry of the order of suspension, 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].

[Certificates of conviction pertaining to the above are attached as exhibit ____ hereto.]

- OR -

I attest that, since the entry of the order of suspension, I have not been arrested, charged with, indicted, convicted, tried, and/or entered a plea of guilty to any felonies, misdemeanors,

violations, and/or traffic infractions.

15. 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:

16. I understand that the Court and the Committee may take such investigative steps as are deemed 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 the State of New York.

Dated: [city or town, state]

_____, 20__

Subscribed to and sworn to before me
this ____ day of _____, 20__

Notary Public

APPENDIX E
Affidavit in Support of Application to Resign
For Non-Disciplinary Reasons

INSTRUCTIONS

An application pursuant to section 1240.22 (a) of these Rules to resign as an attorney and counselor-at-law for non-disciplinary reasons shall comply with the following requirements:

- (1) The application shall be submitted in affidavit form, subscribed and sworn to before a notary public or other person authorized to administer an oath, and shall be worded and numbered as set forth below.
- (2) In completing the affidavit, the respondent should not omit inapplicable passages.
- (3) Place the moving papers in the following order:
 - a. The attorney's form affidavit;
 - b. The exhibits supporting that form affidavit; and
 - c. Affidavits reflecting service of the application upon the Chief Attorney of the appropriate Committee and the Lawyers' Fund for Client Protection.

FORM OF AFFIDAVIT

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

In the Matter of the Application of
[Attorney's Name],

**AFFIDAVIT IN SUPPORT
OF APPLICATION TO RESIGN
FOR NON-DISCIPLINARY
REASONS**

for an order removing the attorney's name from the roll of
attorneys and stating the non-disciplinary nature of the
resignation.

State of _____)
)ss.:
County of _____)

_____, being duly sworn, deposes and says that:

1. I hereby apply, pursuant to section 1240.22 (a) of the Uniform Rules for Attorney Disciplinary Matters, to resign for non-disciplinary reasons as an attorney and counselor-at-law licensed to practice in 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 respondent's name). I have also been known by the following names: _____.
[Copies of all court orders changing my name are attached as exhibit ___ hereto.]
3. I was born on [date] in [city, state, country].
4. I currently reside at [street, town or city, state, and zip code].
5. All communications may be addressed to me at the office of my attorney, [name], at [address], and I hereby authorize my attorney to accept and acknowledge receipt of any and all legal documents or other notices on my behalf.

- OR -

All communications may be addressed to me personally at the following address:

_____.

6. I was admitted to the New York State Bar on [date] by the _____ Judicial Department, and my attorney registration number is _____.

7. I have also been admitted to practice in the following courts or jurisdictions:

_____.

- OR -

I attest that I have not been admitted to practice in any other courts or jurisdictions.

8. I have been the subject of professional discipline in the following other courts or jurisdictions: [state the court or jurisdiction, the date, the nature of the discipline imposed, whether such discipline was public or private, and whether or not you have been reinstated to practice and are now in good standing in such court or 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.]

- OR -

I attest that I have not been the subject of professional discipline in this or any other court or jurisdiction.

9. I am currently the subject of an attorney disciplinary complaint or proceeding in the following courts or jurisdictions: [state the nature of the complaint or proceeding, the disciplinary authority before which it is pending, and the status thereof].

- OR -

I attest that I am not currently the subject of an attorney disciplinary complaint in this or any other court or jurisdiction.

10. Since the date of my admission to the New York State Bar, 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].

[Certificates of conviction pertaining to the above are attached as exhibit ____ hereto.]

- OR -

I attest that, since the date of my admission to the New York State Bar, I have not been arrested, charged with, indicted, convicted, tried, and/or entered a plea of guilty to any felonies, misdemeanors, violations, and/or traffic infractions.

11. I am current in my attorney registration and in payment of attorney registration fees pursuant to Rules of the Chief Administrator of the Courts (22 NYCRR) § 118.1 [or, if not current, state the length of any delinquency and the amount of arrears].

12. The specific reasons for this application to resign from the Bar of the State of New York are as follows: _____.

WHEREFORE, I request that the Court accept my application to resign as an attorney and counselor-at-law licensed to practice in the State of New York.

Dated: [city or town, state]

_____, 20____

Subscribed to and sworn to before me
this ____ day of _____, 20____

Notary Public

APPENDIX F

Affidavit in Support of Application for Reinstatement to the Bar After Non-Disciplinary Resignation

INSTRUCTIONS

An affidavit submitted in support of an application pursuant to section 1240.22 (b) of these Rules for reinstatement to the bar after a non-disciplinary resignation shall comply with the following requirements:

- (1) The affidavit shall bear the caption and the docket number, if any, of the prior order granting the attorney leave to resign from the bar and removing the attorney's name from the roll of attorneys.
- (2) The motion shall be submitted on notice to the Committee in the judicial district in which the attorney last maintained an office for the practice of law, or if none, to the Committee in the judicial district in which the attorney resided when admitted to practice.
- (3) The affidavit shall be subscribed and sworn to, and shall be worded and numbered as set forth below.
- (4) In completing the affidavit, the attorney should not omit inapplicable passages.
- (5) The application may be supplemented by the affidavits or affirmations of counsel and character witnesses, and with additional appropriate exhibits.
- (6) Place the application papers in the following order:
 - a. The affidavit;
 - b. The exhibits supporting that form affidavit;
 - c. Any additional supporting affidavits or affirmations and exhibits thereto; and
 - d. An affidavit reflecting service upon the Chief Attorney of the appropriate Committee.

FORM OF AFFIDAVIT

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

**AFFIDAVIT IN SUPPORT
OF APPLICATION FOR
REINSTATEMENT TO
THE BAR AFTER
NON-DISCIPLINARY
RESIGNATION**

State of _____)
)ss.:
County of _____)

_____, being duly sworn, deposes and says that:

- 1. I hereby apply, pursuant to section 1240.22 (b) of the Uniform Rules for Attorney Disciplinary Matters, for reinstatement as an attorney and counselor-at-law licensed to practice in 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 respondent's name). I have also been known by the following names: _____.
[Copies of all court orders changing my name are attached as exhibit ___ hereto.]
- 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 email address at which I can be contacted is _____.
- 7. All communications may be addressed to me at the office of my attorney, [name], at [address], and I hereby authorize my attorney to accept and acknowledge receipt of any and all legal documents or other notices on my behalf.

- OR -

All communications may be addressed to me personally at the following address:

_____.

8. I was admitted to the New York State Bar on [date] by the _____ Judicial Department and my attorney registration number is _____.

9. By order of this Court entered [date], my voluntary resignation from the Bar of this State was accepted by the Court and my name was removed from the roll of attorneys. A copy of said order is attached as exhibit ___ hereto.

10. I seek reinstatement to the New York State Bar for the following reasons:

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

_____.

[Certificates of Good Standing, issued within the 30 days preceding the execution of this affidavit by all such courts or jurisdictions in which I am currently admitted to practice, except those in which I have not been reinstated as set forth in paragraph 12 hereof, are attached as exhibit ___ hereto.]

- OR -

I attest that I have not been admitted to practice in any other courts or jurisdictions.

12. Since the entry of the order accepting my resignation and removing my name from the roll of attorneys, I have been the subject of complaints of professional misconduct or of professional discipline in the following other courts or jurisdictions: [state the court or jurisdiction, the date, the nature of the complaint or the discipline imposed, and whether or not you are now in good standing in such court or jurisdiction].

- OR -

I attest that, since the entry of the order accepting my resignation and removing my name from the roll of attorneys, I have not been the subject of complaints of professional misconduct or of professional discipline in this or any other court or jurisdiction.

13. Since the entry of the order accepting my resignation and removing my name from the roll of attorneys, 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].

[Certificates of conviction pertaining to the above are attached as exhibit ___ hereto.]

- OR -

I attest that, since the entry of the order accepting my resignation and removing my name from the roll of attorneys, I have not been arrested, charged with, indicted, convicted, tried, and/or entered a plea of guilty to any felonies, misdemeanors, violations, and/or traffic infractions.

14. Since the entry of the order accepting my resignation and removing my name from the roll of attorneys, I have suffered from or have been treated for the following condition or impairment which in any way impairs or limits my ability to practice law: [state the date or dates of each instance, including, but not limited to any mental, emotional, psychiatric, nervous or

behavioral disorder or condition, or any alcohol, drug or other substance abuse condition or impairment or gambling addiction, and the date(s) of treatment, if any].

- OR -

I attest that, since the entry of the order accepting my resignation and removing my name from the roll of attorneys, I have not suffered from or been treated for any condition or impairment which in any way impairs or limits my ability to practice law.

15. Within the 30 days preceding the execution of this affidavit, I have read the Rules of Professional Conduct (22 NYCRR 1200.0). If reinstated to the practice of law, I will conform my conduct to those rules.

16. Since the entry of the order accepting my resignation and removing my name from the roll of attorneys, I have completed ____ credit hours of continuing legal education in the following programs and other educational classes, in order to remain current with developments in the law:

[Certificates attesting to my completion of the aforementioned programs or classes are attached as exhibit ____ hereto.]

- OR -

Since the entry of the order accepting my resignation and removing my name from the roll of attorneys, I have not completed any credit hours of continuing legal education.

17. I understand that the Court and the Committee may take such investigative steps as are deemed 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 the State of New York.

Dated: [city or town, state]

_____, 20____

Subscribed to and sworn to before me
this ____ day of _____, 20____

Notary Public