COURT NOTICES

AMENDMENT OF RULE
Rules of the Court of Appeals

Pursuant to section 53 of the Judiciary Law, it is hereby

ORDERED, that section 520.6 of the Rules of the Court of Appeals for the Admission of Attorneys and Counselors at Law (22 NYCRR § 520.6) is amended, effective May 18, 2011, or as soon thereafter as section 52 of the Judiciary Law is complied with, by deleting the bracketed material and adding the underlined material.

§ 520.6 Study of law in foreign country; required legal education.

(a) General. An applicant who has studied in a foreign country may qualify to take the New York State bar examination by submitting to the New York State Board of Law Examiners satisfactory proof of the legal education required by this section.

(b) Legal education.

(1) The applicant shall show fulfillment of the educational requirements for admission to the practice of law in a country other than the United States by successful completion of a period of law study at least substantially equivalent in duration to that required under section 520.3(d) and (e) of this Part, in a law school or schools each of which, throughout the period of applicant's study therein, was recognized by the competent accrediting agency of the government of such other country, or of a political subdivision thereof, as qualified and approved; and

(i) that such other country is one whose jurisprudence is based upon the principles of [the] English Common Law, and that the program and course of law study successfully completed by the applicant were the substantial equivalent of the legal education provided by an approved law school in the United States; or

(ii) if applicant does not meet the durational equivalency requirements of this paragraph but has at least two years of substantively equivalent education, or if applicant does not meet the requirements of subparagraph (i) of this paragraph, [that] applicant *may cure either the durational or substantive deficiency, but not both, by satisfactory proof that applicant* has [successfully completed] *graduated from* a full-time or part-time *LL.M. (Master of Laws) degree* program [consisting of a minimum of 20 semester hours of credit, or the equivalent, in professional law subjects, which includes basic courses in] *at an* [American law, in an] approved law school in the United States *meeting the requirements of subdivision (b)(3) of this section*; or

(2) The applicant shall show admission to practice law in a country other than the United States whose jurisprudence is based upon principles of English [c]*C*ommon [l]*L*aw, where admission was based upon a program of study in a law school and/or law office recognized by the competent accrediting agency of the government of such other country and which is durationally equivalent yet substantively deficient under subparagraph (1)(i) of this subdivision, and that such applicant has successfully completed a full-time or part-time *LL.M. degree* program [consisting of a minimum of 20 semester hours of credit, or the equivalent, in professional law subjects, which includes basic courses in American law, in] *at* an approved law school in the United States *meeting the requirements of subdivision (b)(3) of this section.*

(3) An LL.M. degree shall be satisfactory to qualify an applicant otherwise meeting the requirements of subsections (b)(1)(ii) or (b)(2) to take the New York State bar examination provided the following requirements are met:

(i) the program shall consist of a minimum of 24 semester hours of credit (or the equivalent thereof, if the law school is on an academic schedule other than a conventional semester system) which, except as otherwise permitted herein, shall be in classroom courses at the law school in substantive and procedural law and professional skills; and

(ii) a minimum of 700 minutes of instruction time, exclusive of examination time, must be required for the granting of one semester of credit; and

(iii) the program shall include a period of instruction consisting of no fewer than two semesters of at least 13 calendar weeks each, or the equivalent thereof, exclusive of reading periods, examinations and breaks, and shall not be completed exclusively during summer semesters, but a maximum of four semester hours of credit may be earned in courses completed during summer semesters; and

(iv) the program shall be completed within 24 months of matriculation; and

(v) all coursework for the program shall be completed at the campus of an approved law school in the United States, except as otherwise expressly permitted by subdivision (b)(3)(vii); and

(vi) the program completed by applicant shall include:

(a) a minimum of two semester hours of credit in the history, goals, instruction, value, rules and responsibilities of the United States legal profession and its members; and

(b) a minimum of two semester hours of credit in legal research, writing and analysis, which may not be satisfied by a research and writing requirement in a substantive law course; and

(c) a minimum of two semester hours of credit in American legal studies, the American legal system or a similar course designed to introduce students to distinctive aspects and/or fundamental principles of United States law, which may be satisfied by a course in United States constitutional law or United States or state civil procedure; credit earned in such course in excess of the required two semester hours of credit may be applied in satisfaction of the requirement of subdivision (b)(3)(vi)(d); and

(d) a minimum of six semester hours of credit in other courses in subjects tested on the New York State bar examination, where a principal focus of the courses includes material contained in the Content Outline for the New York State bar examination published by the New York State Board of Law Examiners.

(vii) The program completed by applicant may include:

(a) a maximum of four semester hours of credit in clinical courses, provided (1) the clinical course includes a classroom instructional component in order to insure contemporaneous discussion, review and evaluation of the clinical experience; (2) the clinical work is done under the direct supervision of a member of the law school faculty or instructional staff whose primary professional employment is with the law school; and (3) the time and effort required and anticipated educational benefit are commensurate with the credit awarded; and

(b) a maximum of six semester hours of credit in other courses related to legal training taught by members of the faculty of the law school or of the university with which the law school is affiliated, or taught by members of the faculty of any university or college with which the law school offers a joint degree program, provided such courses must be completed at the campus of such university or college in the United States.

(viii) No credit shall be allowed for correspondence courses, on-line courses, courses offered on DVD or other media, or other distance learning courses.

(c) Proof required. The applicant shall submit to the New York State Board of Law Examiners such proof of compliance with the provisions of this section as the board may require.

(d) Effective date for implementation. The provisions of existing Rule 520.6 shall continue to apply to those applicants applying to take a bar examination prior to the July 2013 bar examination, except that the requirements of subdivisions (b)(3)(iii), (v) and (viii) are effective immediately. All other provisions of this amended Rule shall first apply to programs commencing during the 2012-13 academic year and to applicants applying to take the July 2013 bar examination, subject to the saving clause of Rule 520.1(b).

AMENDMENT OF RULE

Supreme Court

The Appellate Divisions of the Supreme Court, pursuant to the authority invested in them, do hereby amend, effective April 15, 2011, Rule 7.1(c), (d), (e), and (g) of Part 1200 of Title 22 of the Official Compilation of Codes, Rules and Regulations of the State of New York, entitled "Rules of Professional Conduct," as follows:

Rule 7.1. Advertising:

* * *

(c) An advertise shall not:

[(1) include an endorsement of, or testimonial about, a lawyer or law firm from a client with respect to a matter still pending;]

(*1*[*2*])

(*2*[3]) include [the portrayal of a judge,] the portrayal of a fictitious law firm, the use of a fictitious name to refer to lawyers not associated together in a law firm, or otherwise imply that lawyers are associated in a law firm if that is not the case.

(*3*[4]) use actors to portray *a judge,* the lawyer, members of the law firm, or clients, or utilize depictions of fictionalized events or scenes, without disclosure of same; *or*

[(5) rely on techniques to obtain attention that demonstrate a clear and intentional lack of relevance to the selection of counsel, including the portrayal of lawyers exhibiting characteristics clearly unrelated to legal competence;]

(*4*[6]) be made to resemble legal documents[;or]

[(7) utilize a nickname, moniker, motto or trade name that implies an ability to obtain results in a matter.]

(d) An advertisement that complies with subdivision (e) of this section may contain the following:

(1) statements that are reasonably likely to create an expectation about results the lawyer can achieve;

(2) statements that compare the lawyer's services with the services of other lawyers;

(3) testimonials or endorsements of clients, [where not prohibited by subdivision (c)(1) of this section,] and of former clients; or

(4) statements describing or characterizing the quality of the lawyer's or law firm's services.

(e) It is permissible to provide the information set forth in subdivision (d) of this section provided:

(1) its dissemination does not violate subdivision (a) of this section;

(2) it can be factually supported by the lawyer or law firm as of the date on which the advertisement is published or disseminated; [and]

(3) it is accompanied by the following disclaimer: "Prior results do not guarantee a similar outcome"; *and*

(4) in the case of a testimonial or endorsement from a client with respect to a matter still pending, the client gives informed consent confirmed in writing.

* * *

(g) A lawyer or law firm shall not utilize[:]

[(1) a pop-up or pop-under advertisement in connection with computer-accessed communications, other than on the lawyer or law firm's own website or other internet presence; or

(2)] meta tags or other hidden computer codes that, if displayed, would violate these Rules.