

June 17, 2011

New York Court of Appeals Adopts Rules Regarding Registration of In-House Lawyers

The New York Court of Appeals recently adopted rules, codified at 22 N.Y.C.R.R. 522, to enable in-house lawyers who are not admitted to the New York bar to offer legal services within this State.

The rules, which took effect on April 20, 2011, permit attorneys who (1) are admitted to the bar of another jurisdiction, and remain in good standing there, and (2) are employed in a corporate legal department located in New York, to provide legal counsel to the corporate employer and corporation's directors, officers, and employees. Compliance with the rules immunizes the out-of-state lawyer from allegations of being engaged in the unauthorized practice of law in New York.

To qualify for protection of the rules, an eligible lawyer must register with the appropriate Appellate Division by July 19, 2011.

A copy of the rules, together with some relevant forms, are available [here](#).

1. **Eligible Registrants** – The new rules cover any attorney employed full-time in New York by any legal entity other than a government agency or a law firm or other legal service provider (e.g., Legal Aid) – essentially, an in-house corporate legal department. To be eligible to register, the in-house counsel must be admitted to the practice of law in another U.S. jurisdiction that has a reciprocal in-house counsel rule (45 of the 50 states and the District of Columbia have such reciprocal arrangements). The in-house counsel must be a member in good standing in the other jurisdiction, and meet New York's standards of good character and fitness.
2. **Registration Requirement** – To fall within the protections of the rules, an eligible attorney must register with the Appellate Division where he or she either works or lives. Thus, a person who works in Manhattan and lives in Brooklyn could register with either the First Department (covering Manhattan) or the Second Department (covering Brooklyn). Applications for registration must be filed with the Clerk of the relevant Appellate Division. Eligible in-house counsel currently working in New York must file the application by **July 19, 2011**. New in-house counsel must file within thirty days of their start date.
3. **Registration Process** – Persons applying to register do **not** need to take the New York State bar exam or any other qualifying test. The application requires, in addition to some obvious basic information, proof of employment as an in-house lawyer in New York, evidence of good standing in each jurisdiction where the lawyer is licensed, attestations of good character, a stated willingness to comply with New York

laws governing their lawyer conduct, and an agreement to submit to the lawyer disciplinary authorities of New York. Currently, no fees are assessed for application or registration as in-house counsel in New York State.

4. **Limits on Practice** – A registered in-house counsel is limited to rendering legal services to the counsel’s corporate employer and affiliates, and the officers, directors, and employees of each, solely on matters within the scope of the in-house counsel’s employment. The lawyer may not otherwise offer legal services to individuals or to anyone outside the corporate family. The registrant also may not appear before a court or other tribunal or make any appearance in the adjudicatory proceeding in which *pro hac vice* admission would be required for out-of-state lawyers. Stationery on which the in-house counsel’s name appears may cite to the counsel’s registration but contain limiting language such as “Authorized to practice solely as In-House Counsel.”
5. **Ongoing Responsibilities** – Once a lawyer is registered, the in-house counsel must comply with the New York Rules of Professional Conduct and maintain his or license in good standing in the jurisdictions where he or she is admitted to the bar. The registered in-house counsel must also register with the Office of Court Administration (a requirement for all New York-admitted lawyers) and renew his or her registration every other year.

* * *

This memorandum is not intended to provide legal advice, and no legal or business decision should be based on its content. Further questions concerning these rules may be directed to :

Gerard E. Harper
212-373-3263
gharper@paulweiss.com

Brad S. Karp
212-373-3316
bkarp@paulweiss.com

John C. Hearn
212-373-2842
jhearn@paulweiss.com

NEW YORK

1285 Avenue of the Americas
New York, NY 10019-6064
+1-212-373-3000

BEIJING

Unit 3601, Fortune Plaza Office
Tower A
No. 7 Dong Sanhuan Zhonglu
Chao Yang District, Beijing 100020
People's Republic of China
+86-10-5828-6300

HONG KONG

12th Fl., Hong Kong Club Building
3A Chater Road
Central Hong Kong
+852-2846-0300

LONDON

Alder Castle, 10 Noble Street
London EC2V 7JU
United Kingdom
+44-20-7367-1600

TOKYO

Fukoku Seimei Building, 2nd Floor
2-2, Uchisaiwaicho 2-chome
Chiyoda-ku, Tokyo 100-0011
Japan
+81-3-3597-8101

TORONTO

One Yonge Street, Suite 1801
Toronto, ON M5E 1W7
Canada
+1-416-504-0520

WASHINGTON, D.C.

2001 K Street NW
Washington, DC 20006-1047
+1-202-223-7300

WILMINGTON

500 Delaware Avenue, Suite 200
Post Office Box 32
Wilmington, DE 19899-0032
+1-302-655-4410
