



# PRESS RELEASE

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**New York State  
Unified Court System**

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## **Chief Judge Announces New Rules Authorizing the Temporary Practice of Law by Foreign Attorneys, Permitting Foreign Lawyers to Register As In-House Counsel**

**NEW YORK** — Citing the increasingly globalized nature of law practice and the perennial importance of New York State in the world economy, Chief Judge Jonathan Lippman today announced two rule changes by the New York State Court of Appeals: the adoption of a new rule (22 NYCRR Part 523) authorizing lawyers outside the state to practice in New York on a temporary basis; and the amendment of New York’s in-house counsel registration rule (22 NYCRR Part 522), to allow foreign lawyers to register as in-house counsel. The new rules will take effect on December 30, 2015.

Under 22 NYCRR Part 523 — modeled upon the American Bar Association’s Model Rule 5.5 — a lawyer from another state, territory or nation may provide legal services on a temporary basis so long as the attorney is admitted or authorized to practice in the United States or “is a member in good standing of a recognized legal profession in a foreign jurisdiction, the members of which are admitted to practice as lawyers or counselors at law or the equivalent and are subject to effective regulation and discipline by a duly constituted professional body or a public authority”; and is in good standing in every jurisdiction where admitted or authorized to practice.

Temporary practice permitted under this rule includes work on matters (1) on which an admitted New York attorney actively participated and assumes joint responsibility; or (2) in a

pending or potential proceeding where the lawyer or a person the lawyer is assisting is authorized to appear; or (3) reasonably related to an alternative dispute resolution proceeding for which pro hac vice admission is not required; or (4) which arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted or authorized to practice.

Part 523 does not permit attorneys to establish an office or other continuous presence in the state for the practice of law; subjects temporary practitioners to New York's Rules of Professional Conduct and the disciplinary authority of this state; does not permit temporary practice by registered in-house counsel and licensed legal consultants; and requires the Office of Court Administration to issue an annual report to the Chief Judge on the rule's implementation. More than 40 states have adopted versions of Model Rule 5.5.; ten states have rules permitting temporary practice by lawyers admitted in a non-U.S. jurisdiction.

The amendment of Part 522 permits suitably qualified attorneys from outside the United States to register and be employed full-time in this state as in-house counsel by a corporation, partnership, association or other legal entity not itself engaged in the practice of law. Such attorneys are required to remain active members in good standing of a recognized legal profession in a foreign jurisdiction; comply with the laws and rules governing attorneys admitted to the practice of law in New York; and register biennially with the New York State Office of Court Administration. Nineteen states currently permit non-U.S. in-house counsel.

Chief Judge Lippman stated, "The new rules, which follow recommendations of the Conference of Chief Justices of the United States and many other associations and commentators, bring our state to the forefront of temporary and in-house counsel practice. They reflect the reality of trans-state and transnational legal practice in today's world and will help continue New York's status as a hub of national and international commerce, permitting lawyers from other states and nations to appear in this state to work on 'fly-in, fly-out' transactional or short-term litigation-related matters. In extending New York disciplinary authority over temporary practitioners, the new measure strikes a balance between freedom of commerce and careful protection of the public and the integrity of the state's justice system."

The new rules are available at <http://www.nycourts.gov/rules/comments/pdf/coa523.pdf> and <http://www.nycourts.gov/rules/comments/pdf/coa522.pdf>.

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