

Arguments for Repeal

- **Service of Process Won't Be Impacted by Repeal.** There are already established methods in place to ensure proper service on a nonresident attorney, rendering § 470 unnecessary. (See CPLR §§ 2103(b), 313, 301, and 302; also the clerk of the Appellate Division may receive service for a nonresident attorney.)
- **Judicial Resources Are Being Overburdened and There is Increased Stress to Clients.** Section 470 fosters procedural difficulties and delays in situations where a non-compliant attorney may be prevented from filing a case or removed from a pending matter—increasing the client's costs and their anxiety, as well as overburdening precious judicial resources. If the matter has a statute of limitations that will expire soon, the attorney may be unable to secure a physical address in time to satisfy the statutory deadline before filing. In pending matters, a client securing new representation, which may be difficult if the litigation is too far advanced and the court decides to adjourn while representation is being resolved. If representation can't be found, the client may be forced to proceed pro se, severely compromising their position, delaying progress of the litigation, and increasing the burden on judicial resources.
- **The Law Increases Costs for Attorneys and Clients.** Maintaining a physical office address in New York is unnecessarily inconvenient and prohibitively expensive for many nonresident attorneys. Costs include rent, other associated maintenance fees, and service charges. Increasing costs to nonresident attorneys will ultimately increase the cost of services charged to clients. This is particularly problematic for the thousands of New Yorkers who already have difficulty paying legal fees for much needed services. By removing this burden, more lawyers may be able to maintain lower costs and more efficient practice in New York, potentially increase assistance to unrepresented litigants, and lessen the burden of unrepresented parties on the courts.
- **COVID-19 Has Shown the Law to Be Unnecessary and Unduly Burdensome.** As a result of the pandemic and the ongoing economic crisis, attorneys have let their office leases expire and are working out of their homes to stay safe, help keep costs down and keep their businesses viable. Throughout the pandemic attorneys continued to provide legal services to New Yorkers by meeting with clients virtually, even if they live out of state. This has allowed them to maintain the same rates (or reduce them) and offer services to impacted New Yorkers.
- **It Works in Federal Court.** Lawyers who are admitted to the New York federal courts have successfully practiced in those courts without maintaining a brick and mortar office in New York. There is no reason why New York State Courts should be different.

Relevant Law

Judiciary Law § 470:

A person, regularly admitted to practice as an attorney and counsellor, in the courts of record of this state, whose office for the transaction of law business is within the state, may practice as such attorney or counsellor, although he resides in an adjoining state.

Under § 470, attorneys who are licensed in New York must maintain a physical office in New York to practice in the State. At the time of its enactment, the logic behind the law was that it helped ensure personal service on a nonresident attorney. However, the Court of Appeals has acknowledged there are enough measures already in place outside of Judiciary Law § 470 to ensure proper service on a nonresident attorney.