New York State Bar Association

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NYSBA

Memorandum in Support
of
Proposed Rule Governing Appointment of Caretaker Attorneys

SENIOR LAWYERS SECTION

Senior Lawyers #1 August 22, 2012

LAW AND SECTIONS REFERRED TO: New Part 1250 of the Uniform Rules of the Appellate Division, in relation to appointment of caretaker attorneys (22 NYCRR Part 1250)

THE NYSBA SENIOR LAWYERS SECTION SUPPORTS THIS PROPOSAL

The Senior Lawyers Section of the New York State Bar Association supports the adoption of a new Part 1250 of the Uniform Rules of the Appellate Division (22 NYCRR Part 1250) governing the appointment of caretaker attorneys.

The Bylaws for our Section state that membership in the Senior Lawyers Section is open to all members of the New York State Bar Association who are 55 years of age or older. A profile of Senior Lawyer Section membership reveals that significant percentages of our members are sole practitioners or members of small firms. Through our Law Practice Continuity Committee we urge our members to make appropriate plans with regard to their practices as well as their estates. The Co-Chair of that Committee, Anthony R. Palermo, was a member of the NYSBA Committee which drafted the original proposed Uniform Court Rules and the Report in support of the same.

The members of our Section are keenly aware of problems associated with a lawyer's failure to make voluntary advance plans to protect interests of clients in the event of untimely accident, death, incapacity or otherwise. For this reason the Section has long supported efforts to assist in planning for the orderly transition of legal practices through the development of a uniform protocol for the designation of caretaker attorneys.

The Senior Lawyers Section joins with others at the New York State Bar Association and elsewhere in supporting adoption of appropriate statutory law and Uniform Rules of the Appellate Division which clarify or establish adequate procedures needed to provide improved client protection in situations involving lawyer unavailability due to a variety of contingencies.

We will be pleased to provide you with additional detail regarding the proposed Caretaker Attorney Rules, if you so desire.

Based on the foregoing, the Senior Lawyers Section of the New York State Bar Association **SUPPORTS** this proposal.

Memorandum prepared by: Susan B. Lindenauer, Esq.

Chair of the Section: Susan B. Lindenauer, Esq.

Opinions expressed are those of the Section/Committee preparing this memorandum and do not represent those of the New York State Bar Association unless and until they have been adopted by its House of Delegates or Executive Committee.