

Revisions to the Comments to the New York Rules of Professional Conduct

As part of its continuing review of the Comments to the New York Rules of Professional Conduct in the wake of the Court's adoption of the Rules, the New York State Bar Association (the "Association") announced revisions to five Comments to the New York Rules of Professional Conduct.

On November 3, 2007, the Association forwarded to the Presiding Justices of the four Appellate Divisions of the State of New York a proposed set of Rules of Professional Conduct, and Comments to those Rules. The Appellate Divisions adopted a revised set of Rules, based in substantial part on the proposed Rules, on December 16, 2008. The new Rules became effective on April 1, 2009. During the course of 2009, the Association's Committee on Standards of Attorney Conduct ("COSAC") revised the Comments in order to reflect revisions to the Rules that had been adopted by the Appellate Divisions. On further review, and in response to comments and observations by others, COSAC recommended, and the Association's Executive Committee approved in November 2010, certain additional technical and conforming changes that the Association announced at that time.

COSAC also recommended changes to five Comments that were more substantive in nature. These changes have now been approved by the Association's Executive Committee and were adopted by the House of Delegates at its meeting on January 28, 2011. The five revised Comments are shown in the attached.