



# NYSBA Support for the Repeal of Judiciary Law 470 (S9281/A8879)

Judiciary Law 470 was originally enacted in 1909, a time when the horse and buggy were among the most popular forms of transportation. The intent behind the century old law, was to ensure personal service on nonresident attorneys. Since that time, the laws and legal profession have come into the 21<sup>st</sup> century rendering the need for a traditional “brick and mortar” office, not only moot under the CPLR, but unduly burdensome on those wishing to practice law in New York State.

## **Judiciary Law 470 dissuades attorneys from practicing in New York State and burdens clients and the courts:**

The Court of Appeals has already noted the intended purpose of Judiciary Law 470 can already be accomplished through various provisions in the CPLR.<sup>1</sup> Despite this, this unnecessary and duplicative provision remains in statute at the detriment of practicing attorneys, the courts, and clients. This antiquated law has become a vehicle for motion practice within the courts resulting in unnecessary delays for clients, increased workloads for the courts, and diminished interest in practicing law in New York State.

**Judiciary Law 470 worsens the justice gap:** Requiring a physical office within the state needlessly bars a large pool of qualified and able attorneys from advocating for those in need. **No crisis underscores this more than the “legal deserts” New York is seeing in it’s rural communities.** Individuals in rural communities struggle to find attorneys available or able to represent them. Rural practitioners across the state reported declining representation due to high caseload demands and lack of subject matter expertise the individual was seeking. To complicate this further, practitioners reported they were unable to refer clients to legal representation due to lack of attorneys available in the geographical area.<sup>2</sup>

**Empirical evidence demonstrates the need for the repeal of Judiciary Law 470:** Of the 66 counties in New York State, 44 of them are considered rural.<sup>3</sup> In New York, there is 1 attorney for every 20 residents, In Albany, there is 1 attorney for every 70 residents. Of the 44 rural counties, 26 of those counties have only 1 attorney or less for every 600 residents. **With nearly 10 rural counties with only 1 attorney for every 1,000 residents.**

These numbers show the staggering discrepancies in the availability of attorneys within our state. It is unrealistic to assume that one attorney is practiced in every area of law and fluent in every language needed to adequately meet the needs of their communities. **The result: individuals proceed pro se**, while a reserve of qualified and able attorneys remains benched due to a century old law that was enacted while women fought for the right to vote.

**Repealing the physical office requirement may result in a financial benefit to the state:** Lawyers’ income earned in New York will still be taxable, resulting in greater revenues. Attorney registration fees in New York would increase, resulting in substantial funds for services that directly benefit the public, including the Lawyers’ Fund for Client Protection, the Indigent Legal Services Fund and the Legal Services Assistance Fund.

**Judiciary Law 470 needlessly forces attorneys out of New York State practice and erodes access to justice and must be repealed.** For these reasons, the New York State Bar Association SUPPORTS the repeal of Judiciary Law 470

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*For more information and background surrounding the need to repeal Judiciary Law 470, please contact NYSBA’s Governmental Relations team at 518.487.5652 or [lfaustel@nysba.org](mailto:lfaustel@nysba.org).*

1. See Civil Practice Law and Rules § 2013(b), 313, 301 and 302.

2. Based on a survey of rural practitioners in New York State performed by the Albany Law Governmental Law Center. The full report can be accessed here: <https://www.albanylaw.edu/about/news/government-law-centers-rural-law-initiative-releases-first-its-kind-new-report-rural-law>

3. “Rural” as defined in Executive Law §481.