

The Lawyers' Fund for Client Protection

of the State of New York

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MEMORANDUM

Subject: Designation of Successor Signatories

Effective April 1, 2009, the new Rules of Professional Conduct replace New York's Code of Professional Responsibility. The text of the new Rule governing the designation of successor signatories is identical to the prior provisions which were found at 22 NYCRR 1200.46 (g).

Timothy J. O'Sullivan,
Executive Director

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Rule 1.15 (g) of the new Rules of Professional Conduct (22 NYCRR Part 1200 (Rule 1.15 (g))) provides as follows:

(g) Designation of Successor Signatories.

(1) Upon the death of a lawyer who was the sole signatory on an attorney trust, escrow or special account, an application may be made to the Supreme Court for an order designating a successor signatory for such trust, escrow or special account who shall be a member of the bar in good standing and admitted to the practice of law in New York State.

(2) An application to designate a successor signatory shall be made to the Supreme Court in the judicial district in which the deceased lawyer maintained an office for the practice of law. The application may be made by the legal representative of the deceased lawyer's estate; a lawyer who was affiliated with the deceased lawyer in the practice of law; any person who has a beneficial interest in such trust, escrow or special account; an officer of a city or county bar association; or counsel for an attorney disciplinary committee. No lawyer may charge a legal fee for assisting with an application to designate a successor signatory pursuant to this rule.

(3) The Supreme Court may designate a successor signatory and may direct the safeguarding of funds from such trust, escrow or special account, and the disbursement of such funds to persons who are entitled thereto, and may order that funds in such account be deposited with the Lawyers' Fund for Client Protection for safeguarding and disbursement to persons who are entitled thereto.

The rule does not have official forms. To be helpful, I attach pleadings used by counsel in relevant applications to the Supreme Court under section 1200.46 (g) of the prior disciplinary rules. All pleadings will now have to refer to Rule 1.15 (g).

In the event a court directs payment of client and escrow money to the Lawyers' Fund, it is important that you provide us with a copy of the application and order and all information from your files that identify the client or other beneficial owner of the funds. That information is needed in the event a claim is made to us for payment in the future.

Please feel free to call this office for assistance.

