

New York Eases Lawyer Admission Rules, No Longer Requires Disclosure of Police Records



Aspiring lawyers in New York will no longer be required to disclose all encounters with law enforcement as part of their application to practice law. The move, which will take effect on April 3, aims to improve diversity within the legal profession. Previously, question 26 of the character and fitness review required would-be lawyers to disclose almost all criminal records, including juvenile delinquency proceedings, citations, tickets, arrests, and other law enforcement interactions that did not result in formal charges or convictions.

The state court system's appellate division announced the change, which said the previous rule could have a "chilling effect" on racial minorities subject to disproportionate policing. The presiding justices of the appellate division said in a statement that the decision followed "a lengthy deliberative process" that took into account "the need to ensure the integrity of the legal profession and to protect the public from attorney misconduct."

The New York State Bar Association has welcomed the move and long advocated for removing the question. However, the association also called on the courts to go further. In a statement, bar president Sherry Levin Wallach said: "Unfortunately, Question 26 in its revised form will still have a chilling effect on potential applicants for the New York bar, particularly when considering the over-policing of communities of color."

Last year, the state bar association released a report saying the question impeded efforts to improve diversity within the legal profession and violated the state's Human Rights Law and the Family Court Act. The association also criticized the question for asking for all juvenile proceedings in criminal court.

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The move follows a 2020 decision by the state's administrative board to amend the character and fitness review process by removing a question about mental health, which critics said discouraged law students from seeking help.

The change has been hailed by advocates for criminal justice reform, who argue that the previous requirement unfairly penalized people from marginalized communities. Critics have long argued that the criminal justice system disproportionately targets people of color, particularly Black and Hispanic individuals.

Advocates say the change is an essential step in the right direction, but more must be done to address the systemic barriers marginalized communities face in the legal profession. They say the legal system must do more to address the root causes of inequality, including discriminatory policing practices and sentencing policies.