

SCOTUS Will Not Review Challenge to New York’s “In-State” Office Requirement for Practicing Lawyers

In The News | 2 min read

Apr 18, 2017

Anthony Davis reacted to news yesterday that the U.S. Supreme Court will not review a constitutional challenge to New York’s requirement that nonresident members of the New York bar maintain a physical office for business within the state. Davis, along with Joel Bertocchi and Ron Minkoff and Tyler Maulsby of Frankfurt Kurnit, had [submitted an *amicus* brief](#) on behalf of the Association of Professional Responsibility Lawyers (APRL) in support of the constitutional challenge to New York Judiciary Law §470.

Davis spoke to Charles Toutant and Marcia Coyle of the *New York Law Journal*, in an article titled “SCOTUS Rejects Challenge to NY Law Requiring In-State Office.” Davis said he was disappointed but not surprised by Monday’s decision. “It’s bad for the profession and the public to have rules governing the legal profession that make no rational sense in 2017,” he said. “Inconsistent treatment of lawyers who are equally entitled to practice law, based on where they live, is bad for everybody—it reduces client choice.”

Next steps for advocates for a change to §470 “are going to have to get the Legislature to change the statute, which I think is unlikely to happen in isolation, unless and until the Judiciary Law as a whole is next reviewed,” Davis said.

Finally, Davis noted that removal of New York’s barrier to outside lawyers would mean “the universe of lawyers available for clients to engage would be greater, thereby enlarging access to legal services, which might even reduce the cost of at least some kinds of legal services.”

“Scotus Reject Challenge to NY Law Requiring In-State Office” was published by *The New York Law Journal*, April 17, 2017. *Subscription required*

Postscript: Anthony Davis recently co-authored an article in the Winter 2017 edition of *Georgetown Journal of Legal Ethics* titled “Reforming Lawyer Mobility — Protecting Turf or Serving Clients?” which advocates for a fundamental change to current rules regarding multijurisdictional practice by licensed lawyers. Drawing on

lessons from Australia and Canada, the authors offer a proposal for the recognition of rights of practice of all American lawyers engaged in federal or interstate matters in all American jurisdictions.

You can [download a PDF copy](#) of the article.