



PRESS RELEASE

**New York State
Unified Court System**

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Presiding Justices of NY's Appellate Division Announce Changes to Question 26 of Bar Admission Questionnaire

NEW YORK—The Presiding Justices of the Appellate Division—Hon. Rolando T. Acosta, Hon. Hector D. LaSalle, Hon. Elizabeth A. Garry and Hon. Gerald J. Whalen—jointly announce that after thorough consideration of the recommendations of a statewide committee of appellate justices and key staff, the four Departments of the Appellate Division have amended Question 26 of the Bar Admission Questionnaire to better promote equity and fairness in the character and fitness interview process.

Prior to this change, Question 26 required prospective lawyers to disclose all criminal justice system involvement, regardless of the outcome or seriousness of the offense, except for parking tickets and certain traffic violations.

Under the new Question 26, bar applicants will not be required to disclose (1) matters that were adjudicated in a juvenile delinquency proceeding in Family Court or through other equivalent noncriminal proceedings and (2) citations, tickets, arrests, and other encounters with law enforcement that did not result in formal criminal charges or an indictment, trial, conviction, or guilty plea.

By this change, the Appellate Division seeks to advance the diversity of the bar by reducing the possible chilling effect the previous Question 26 had on law school applicants due to the disproportionate rates of policing and prosecution experienced in communities of color. The four Departments engaged in a lengthy deliberative process hoping to strike a balance between this and other valid concerns on one side and the

need to ensure the integrity of the legal profession and to protect the public from attorney misconduct on the other.

Lawyers serve in positions of profound public and private trust, as officers of the courts, responsible for speaking truthfully, acting ethically and advocating to the best of their abilities on behalf of their clients, while keeping their confidences. Given this unique role, the Appellate Division decided that a measured inquiry into not just convictions but also formal charges is appropriate. For example, victims of sex crimes are often reluctant to proceed, resulting in dismissed charges, and youthful offender adjudications may involve conduct, such as felony identity theft, that is particularly relevant to an applicant's fitness to serve as an attorney.

Answers to Question 26 are kept strictly confidential, and, as the updated preamble to the question reaffirms, the mere fact that an applicant's past includes any interactions with law enforcement is not, by itself, a basis for denying admission to the bar.

The character and fitness process remains a holistic assessment aimed, first and foremost, at properly vetting candidates. The Appellate Division believes that the new Question 26 will make the bar application a more just and welcoming process that encourages all aspiring lawyers to apply to serve as part of this vital profession. The Presiding Justices would like to thank the New York State and City Bar Associations for promoting public dialogue regarding this issue and providing extremely helpful insight and analysis that informed the Departments' collaborative decision-making process.

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