

to section 97-t of the State Finance Law or payable to the court.

Cross References

For the text of the rules adopted see Part 130 of the Rules of the Chief Administrator contained in this pamphlet.

PART 38. RETENTION AND DISPOSITION OF THE RECORDS OF THE COURTS OF THE UNIFIED COURT SYSTEM

§ 38.1 Rules of the Chief Administrator of the Courts

(a) The Chief Administrator of the Courts, upon consultation with the Administrative Board of the Courts, shall adopt rules providing for the retention and disposition of the records of the courts of the Unified Court System, including (1) schedules for retention of each category of court record, (2) procedures for disposing of court records, (3) procedures

for microphotography of court records, and (4) provisions to ensure the confidentiality of court records sealed or otherwise made confidential by law.

(b) Rules and schedules governing retention and disposition of records of the Court of Appeals and the Appellate Divisions shall be adopted with the approval of the Chief Judge of the Court of Appeals and the presiding Justices of the Appellate Divisions for the records in their respective courts.

PART 39. PROHIBITION OF SMOKING IN THE UNIFIED COURT SYSTEM

Smoking is prohibited anywhere in any facility or other indoor area used by courts or agencies of the Unified Court System. This includes courtrooms, of-

fices, cafeterias, lounges, restrooms, elevators, hallways and vehicles.

PART 40. FINANCIAL DISCLOSURE BY JUDGES AND NONJUDICIAL EMPLOYEES; ESTABLISHMENT OF ETHICS COMMISSION

§ 40.1 Ethics Commission

a. There shall be an Ethics Commission for the Unified Court System which shall consist of five members and shall have and exercise the powers and duties set forth herein with respect to all state-paid judges, justices and nonjudicial officers and employees of the courts and court-related agencies of the Unified Court System.

b. The members of the commission shall be appointed by the Chief Judge of the State of New York, upon consultation with the Administrative Board of the Courts. Two members shall be state-paid judges or justices of a court or courts of the Unified Court System, and at least two shall not be public officers or employees.

c. The term of members of the commission shall be five years. Members shall be appointed for no more than one five-year term.

d. The Chief Judge shall designate the chairperson of the commission from among the members thereof, who shall serve as chairperson at the pleasure of the Chief Judge. The chairperson or any three members of the commission may call a meeting.

e. Any vacancy occurring on the commission shall be filled within sixty days of its occurrence by the Chief Judge. A person appointed to fill a vacancy occurring other than by expiration of a term of office shall be appointed for the unexpired term of the member he or she succeeds. Where a member of the commission who is a judge or justice leave judicial office, a vacancy on the commission shall thereby be deemed to have occurred.

f. Three members of the commission shall constitute a quorum, and the commission shall have power to act by majority vote of the total number of members of the commission without vacancy.

g. Members of the commission may be removed by the Chief Judge for substantial neglect of duty, gross misconduct in office, inability to discharge the powers or duties of office or violation of this rule, after written notice and opportunity for a reply.

h. The members of the commission shall not receive compensation but shall be reimbursed for reasonable expenses incurred in the performance of their official duties.

i. The commission shall:

(1) Appoint an executive director who shall act in accordance with the policies of the commission and the provisions of this rule. The commission may delegate authority to the executive director to act in the name of the commission between meetings of the commission provided such delegation is in writing and the specific powers to be delegated are enumerated;

(2) Appoint such other staff, within appropriations made available therefor by the Chief Administrator of the Courts, as are necessary to carry out its duties under this rule;

(3) Adopt, amend and rescind rules and regulations to govern procedures of the commission, which shall be consistent with the provisions of this rule and which shall include, but not be limited to, a procedure for such adjudicatory proceedings as are authorized by this rule and the procedure whereby a person who is required to file an annual financial disclosure statement with the commission may request an additional period of time within which to file such statement, due to justifiable cause or undue hardship; such rules or regulations shall provide for a date beyond which in all cases of justifiable cause or undue hardship no further extension of time will be granted;

(4) Make available forms for annual statements of financial disclosure required to be filed pursuant to law;

(5) Review financial disclosure statements in accordance with the provisions of this rule; provided, however, that the commission may delegate all or part of this review function to the executive director, who shall be responsible for completing staff review of such statements in a manner consistent with the terms of the commission's delegation;

(6) Permit any person required to file a financial disclosure statement to request the commission to delete from the copy thereof made available for public inspection one or more items of information, which may be deleted by the commission upon a finding by a majority of the total number of its members without vacancy that the information which would otherwise be required to be made available for public inspection will have no material bearing on the discharge of the reporting person's official duties;

(7) Permit any person required to file a financial disclosure statement to request an exemption from any requirement to report one or more items of information which pertain to such person's spouse or unemancipated children, which item or items may be exempted by the commission upon a finding by a majority of the total number of its members without vacancy that the reporting individual's spouse, on his or her own behalf or on behalf of an unemancipated child, or the reporting person on behalf of an unemancipated child, objects to providing the information necessary to make such disclosure and that the information which would otherwise be required to be re-

ported will have no material bearing on the discharge of the reporting person's official duties;

(8) Permit any person who is required to file a financial disclosure statement, but who has not been determined pursuant to section 40.2(b) of this Part to hold a policy-making position, to request an exemption from such requirement in accordance with rules and regulations governing such exemptions. Such rules and regulations shall provide for exemptions to be granted either on the application of an individual or on behalf of persons who share the same job title or employment classification which the commission deems to be comparable for purposes of this section. Such rules and regulations may permit the granting of an exemption where, in the discretion of the commission, the public interest does not require disclosure and the applicant's duties do not involve the negotiation, authorization or approval of:

(i) contracts, leases, franchises, revocable consents, concessions, variances, special permits, or licenses as defined in section seventy-three of the Public Officers Law;

(ii) the purchase, sale, rental or lease of real property, goods or services, or a contract therefor;

(iii) the obtaining of grants of money or loans; or

(iv) the adoption or repeal of any rule or regulation having the force and effect of law;

(9) Exemptions granted hereunder shall be for such duration as the commission shall determine;

(10) Prepare an annual report to the Chief Judge and the Administrative Board of the Courts summarizing the activities of the commission; and

(11) In such cases as it shall deem appropriate, the commission may determine a question common to a class or defined category of persons or items of information required to be disclosed, where determination of the question will prevent undue repetition of requests for exemption or deletion or prevent undue complication in complying with the requirements of this rule.

j. The commission, or the executive director and staff of the commission, if responsibility therefor has been delegated, shall inspect all financial disclosure statements filed with the commission to ascertain whether any person required to file a financial disclosure statement has failed to file such a statement or has filed a deficient statement.

k. If a person required to file a financial disclosure statement with the commission has failed to file a disclosure statement or has filed a deficient statement, the commission shall notify the reporting person in writing, state the failure to file or detail the deficiency, provide the person with a fifteen-day period to cure the deficiency, and advise the person of the penalties for failure to comply with the reporting requirements. Such notice shall be confidential. If the person fails to make such filing or fails to cure the deficiency

within the specified time period, the commission shall send a notice of delinquency: (1) to the reporting person; (2) in the case of a judge or justice of the Unified Court System, to the State Commission on Judicial Conduct; and (3) in the case of a nonjudicial officer or employee, to the Chief Administrator of the Courts.

l. A reporting individual who knowingly and wilfully fails to file an annual statement of financial disclosure or who knowingly and wilfully with intent to deceive makes a false statement or gives information which such individual knows to be false on such statement of financial disclosure filed pursuant to this section shall be subject to disciplinary action as otherwise permitted by law, rule or collective bargaining agreement. No disciplinary action for false filing may be imposed hereunder in the event a category of "value" or "amount" reported hereunder is incorrect unless such reported information is falsely understated.

m. A copy of any notice of delinquency sent pursuant to subdivision (k) of this section shall be included in the reporting person's file and be available for public inspection.

n. Upon written request from any person who is or may be subject to the requirement of filing a financial disclosure statement, the commission shall render advisory opinions concerning such requirement. Such requests shall be confidential, but the commission may publish such opinions provided that the name of the requesting person and other identifying details shall not be included in the publication.

o. In addition to the other powers and duties specified herein, the commission shall have the power and duty to:

(1) Administer and enforce all the provisions of this section;

(2) Conduct any investigation necessary to carry out the provisions of this section. Pursuant to this power and duty, the commission may administer oaths or affirmations, subpoena witnesses, compel their attendance and require the production of any books or records which it may deem relevant or material; and

(3) Establish an adjudicatory procedure pursuant to which requests for certain deletions or exemptions to be made from a financial disclosure statement as authorized in paragraphs (6), (7) and (8) of subdivision (i) of this section may be heard.

p. (1) Notwithstanding the provision of article six of the Public Officers Law, the only records of the commission which shall be available for public inspection are:

(i) the information set forth in an annual statement of financial disclosure filed pursuant to law except the categories of value or amount and the names of unemancipated children, which shall remain confidential, and any other item of information

deleted pursuant to paragraph (i) (6) of this section; and

(ii) notices of delinquency sent under subdivision (k) of this section.

(2) Notwithstanding the provisions of article seven of the Public Officers Law, no meeting or proceeding, including any such proceeding contemplated under paragraph (i)(6), (7) or (8) of this section, of the commission shall be open to the public, except if expressly provided otherwise by the commission.

§ 40.2 Financial Disclosure

(a) As herein provided, (1) each state-paid judge or justice, regardless of his or her annual rate of compensation, and (2) each nonjudicial officer and employee of the Unified Court System who, in a calendar year: (i) receives annual compensation at or above the job rate of SG-24 as set forth in paragraph (4) of subdivision (1) of section 130 of the Civil Service Law as of April first of the year in which an annual financial disclosure statement shall be filed and is not otherwise exempted from filing pursuant to this Part, or (ii) holds a policy-making position, as determined in accordance with subdivision (b) of this section, shall file annually with the Ethics Commission of the Unified Court System a financial disclosure statement containing the information and in the form set forth in the Annual Statement of Financial Disclosure adopted by the Chief Judge of the State of New York. Such statement shall be filed on or before the fifteenth day of May following the conclusion of such calendar year, except that:

(A) a person who is subject to the reporting requirements of this section and who timely filed with the Internal Revenue Service an application for automatic extension of time in which to file his or her individual income tax return for the immediately preceding calendar or fiscal year shall be required to file such financial disclosure statement on or before May fifteenth but may, without prejudice on account of a deficient statement, indicate with respect to any item of the disclosure statement that information with respect thereto is lacking but will be supplied in a supplementary statement of financial disclosure, which shall be filed on or before the seventh day after the expiration of the period of such automatic extension of time within which to file such individual income tax return, provided that failure to file or to timely file such supplementary statement of financial disclosure or the filing of an incomplete or deficient supplementary statement of financial disclosure shall be subject to the provisions of section 40.1(k) of this Part as if such supplementary statement were an annual statement; and

(B) a person who is required to file an annual financial disclosure statement with the Ethics Commission of the Unified Court System, and who is granted an additional period of time within which to

file such statement due to justifiable cause or undue hardship, in accordance with required rules and regulations on the subject adopted pursuant to section 40.1(i)(3) of this Part, shall file such statement within the additional period of time granted.

(b) During the month of February in each year, the Chief Administrator of the Courts shall file with the Ethics Commission for the Unified Court System a written instrument that shall set forth the names of (1) all state-paid judges and justices, and (2) all state-paid nonjudicial officers and employees of the courts and court-related agencies of the Unified Court System who, during the preceding calendar year, received

annual compensation at or above the job rate of SG-24 as set forth in paragraph (a) of subdivision (1) of section 130 of the Civil Service Law as of April first of the year in which an annual financial disclosure statement shall be filed and have not been otherwise exempted from filing pursuant to this rule, and the names of such nonjudicial officers and employees who, during such year, held policy-making positions in the determination of: (i) the Chief Judge of the Court of Appeals, as to personnel of that court; (ii) the Presiding Justice of each Appellate Division, as to personnel of that court; and (iii) the Chief Administrator of the Courts, as to all other State-paid personnel of the Unified Court System.

PART 41. INTEGRATED DOMESTIC VIOLENCE PARTS OF SUPREME COURT

§ 41.1. Integrated Domestic Violence Parts of Supreme Court.

(a) Integrated Domestic Violence Parts of the Supreme Court may be established in one or more counties by order of the Chief Administrator of the Courts following consultation with and agreement of the Presiding Justice of the Judicial Department in which the affected county or counties are located. As provided by rule of the Chief Administrator promulgated pursuant to subdivision (b) of this section, such Parts shall be devoted to the hearing and determination, in a single forum, of cases that are simultaneously pending in the courts if one of them is a domestic violence case in a criminal court and the other is a case in Supreme or Family Court that involves a party or witness in the domestic violence case; or if one is a case in criminal court, Family Court or Supreme Court and the other is a case in any other of these courts having a common party or in which a disposition may affect the interests of a party to the first

case. The Chief Administrator also may provide that, where cases are disposed of in an Integrated Domestic Violence Part, subsequent cases that would have been eligible for disposition in such Part were they to have been pending simultaneously with the cases already disposed of shall be eligible for disposition therein. The Chief Administrator may also provide that domestic violence cases pending in a criminal court in the county shall be eligible for disposition in the Integrated Domestic Violence Part if necessary to best utilize available court and community resources for domestic violence cases.

(b) The Chief Administrator shall promulgate rules to regulate operation of Integrated Domestic Violence Parts in Supreme Court. Such rules shall permit a justice of the Supreme Court to transfer to such court, for disposition in an Integrated Domestic Violence Part thereof, any case pending in another court in the same county.

PART 42. CRIMINAL DIVISION OF SUPREME COURT IN BRONX COUNTY

§ 42.1 Criminal Division of the Supreme Court in Bronx County

(a) The purpose of this rule is to promote the administration of justice in the criminal courts in Bronx County by authorizing deployment of the judges of those courts in a manner that assures that all present and future caseload demands in such county will be met as expeditiously and effectively as possible.

(b) The Chief Administrator of the Courts, following consultation with and agreement of the Presiding Justice of the First Judicial Department, may by administrative order establish a Criminal Division of the Supreme Court in Bronx County. As provided by

rules of the Chief Administrator promulgated pursuant to subdivision (c) of this section, such Criminal Division, when established, shall be devoted to the hearing and determination of criminal cases commenced in or transferred to the courts sitting in Bronx County.

(c) The Chief Administrator shall promulgate rules to regulate operation of the Criminal Division of Supreme Court in Bronx County. Such rules may authorize the transfer to Supreme Court in such county, for disposition in the Criminal Division thereof, of some or all classes of cases pending in the Criminal Court of the City of New York in Bronx County in which at least one felony or misdemeanor is charged therein.

PART 43. SUPERIOR COURTS FOR DRUG TREATMENT

§ 43.1 Superior Courts for Drug Treatment

(a) A Superior Court for Drug Treatment may be established in Supreme Court or County Court in any county by order of the Chief Administrator of the Courts following consultation with and agreement of the Presiding Justice of the Judicial Department in which such county is located. A Superior Court for Drug Treatment shall have as its purpose the hearing and determination of criminal cases in the courts of

the county that are appropriate for disposition by a drug treatment court.

(b) The Chief Administrator, upon consultation with the Administrative Board of the Courts, shall promulgate such rules as are necessary to regulate operation of each Superior Court for Drug Treatment, and to permit transfer to the court, for disposition, of drug cases that are pending in another court in the same county.

PART 44. COURT APPOINTED SPECIAL ADVOCATES PROGRAMS

§ 44.0. General.

Recognizing the vital role that a Court Appointed Special Advocates program ("CASA program") can perform in aiding Family Court efforts to further the health, safety and well-being of children, and the need to insure that each such program has adequate resources, this rule is promulgated to standardize use of CASA programs in the courts of this State and to establish a program of State assistance under the direction of the Chief Administrator of the Courts. For purposes of this rule, a CASA program shall mean a not-for-profit corporation affiliated with, and in compliance with, the standards set forth by the National and New York State Court Appointed Special Advocates Associations.

appointment, a program must meet regulations promulgated by the Chief Administrator of the Courts. Such regulations shall insure that each CASA program is capable of regularly providing thorough information about the health, safety, well-being and permanency plans of children and their families to the Court, the parties and law guardian; monitoring Family Court orders; meeting with children in the presence of, or with the consent of, their law guardians or as directed by the Family Court; working with legal and service providers assigned to their cases to facilitate collaborative solutions; and helping to promptly secure safe, stable homes and nurturing families for children so that they may thrive.

§ 44.1. Use of CASA programs.

A CASA program may be appointed by Family Court in its discretion to provide assistance to the Court in cases regarding children in or at risk of out-of-home placement. The CASA program is not a party to the proceeding. To be eligible for such

§ 44.2. State assistance.

The Chief Administrator of the Courts may by rule establish a program for the provision of grants of State assistance to individual CASA programs within appropriations annually made available to the Judiciary.

PART 50. RULES GOVERNING CONDUCT OF NONJUDICIAL COURT EMPLOYEES

§ 50.1 Code of Ethics for Nonjudicial Employees of the Unified Court System

PREAMBLE: A fair and independent court system is essential to the administration of justice. Court employees must observe and maintain high standards of ethical conduct in the performance of their duties in order to inspire public confidence and trust in the fairness and independence of the courts. This code of ethics sets forth basic principles of ethical conduct that court employees must observe, in addition to laws, rules and directives governing specific conducts,

so that the court system can fulfill its role as a provider of effective and impartial justice.

- I. Court employees shall avoid impropriety and the appearance of impropriety in all their activities.
 - A. Court employees shall respect and comply with the law.
 - B. Court employees shall not use or attempt to use their positions or the prestige of judicial affiliation to secure privileges or exemptions for themselves or others.
 - C. Court employees shall not solicit, accept or agree to accept any gifts or gratuities from

attorneys or other persons having or likely to have any official transaction with the court system.

- D. Court employees shall not request or accept any payment in addition to their regular compensation for assistance given as part of their official duties, except as provided by law.
 - E. Court employees shall not perform any function in a manner that improperly favors any litigant or attorney.
- II. Court employees shall adhere to appropriate standards in performing the duties of their office.
- A. Court employees shall perform their duties properly and with diligence.
 - B. Court employees shall be patient and courteous to all persons who come in contact with them.
 - C. Court employees shall not discriminate, and shall not manifest by words or conduct bias or prejudice, on the basis of race, color, sex, sexual orientation, religion, creed, national origin, marital status, age or disability.
 - D. Court employees shall not disclose any confidential information received in the course of their official duties, except as required in the performance of such duties, nor use such information for personal gain or advantage.
- III. Court employees shall conduct their outside activities in a manner that does not conflict with their employment duties.
- A. Court employees shall not engage in outside employment or business activities that interfere with the performance of their official duties or that create an actual or appearance of conflict with those duties.
 - B. Court employees shall not engage in political activity during scheduled work hours or at the workplace.

§ 50.2 Rules Governing Conduct for Nonjudicial Court Employees Not Contained in this Part

(a) **Appointments by the Court.** Court employees may not be appointed as guardians, guardians ad litem, court evaluators, attorneys for alleged incapacitated persons, receivers, referees (to sell real property) or persons designated to perform services for any of these, as provided in section 36.2(c)(3) of the Rules of the Chief Judge.

(b) **Financial Disclosure.** Court employees who are required to file financial disclosure statements in accordance with section 40.2 of the Rules of the Chief Judge must comply with the requirements of that section.

(c) **Political Activity of Personal Appointees of Judges.** Court employees who are personal appointees of judges on the judges' staffs may not engage in political activities as set forth in section 100.5(C) of the

Chief Administrator's Rules Governing Judicial Conduct.

§ 50.3 Dual Employment in the Court Service

(a) No employee regularly employed in a position in the classified service in the unified court system shall, while continuing to hold such position, accept appointment or employment in any other position or title, or in any capacity whatsoever, on a full-time or part-time basis, either in the classified or unclassified service, in another department or agency of the State or a political subdivision, or in the Legislature or the Judiciary, for which employment compensation or salary is payable, without the previous consent in writing of his or her appointing authority, except that such consent shall be subject to approval by the Chief Administrator of the Courts for employees of courts other than the appellate courts. Such written consent shall be required, in each case, for each such additional appointment or employment accepted or undertaken by such employee.

(b) A willful violation of the provisions of this section shall be deemed sufficient cause for disciplinary action, including removal.

§ 50.4 Obstruction of Court Service Rights; False Representation; Impersonation in Examination; Misuse or Misappropriation of Examination Material

(a) Any person who shall willfully, by himself or herself, or in cooperation with other persons, defeat, deceive or obstruct any person in respect of his or her right of examination, registration, certification, appointment, promotion or reinstatement, pursuant to the provisions of this Part or who shall willfully and falsely mark, grade, estimate or report upon the examination or proper standing of any person examined, registered or certified pursuant to the provisions of this Part or aid in so doing, or who shall willfully make any false representations concerning the same, or concerning the person examined, or who shall willfully furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined, registered or certified, or to be examined, registered or certified, or who shall impersonate any other person, or permit or aid in any manner any other person to impersonate him or her, in connection with any registration or application or request to be registered, shall for each offense be subject to the provisions of section 106 of the Civil Service Law.

(b) A person who shall:

(1) Impersonate, or attempt to or offer to impersonate, another person in taking an examination held pursuant to this Part; or

(2) Take, or attempt to take or offer to take, such an examination in the name of any other person; or

(3) Procure or attempt to procure any other person to falsely impersonate him or her or to take, or attempt to take or offer to take, any such examination in his or her name; or

(4) Have in his or her possession any questions or answers relating to any such examination, or copies of such questions or answers, unless such possession is duly authorized by the appropriate authorities; or

(5) Sell or offer to sell questions or answers prepared for use in any such examination; or

(6) Use in any such examination any questions or answers secured prior to the administration of the examination or secure the questions or secure or prepare the answers to the examination questions prior to the administration of the examination, unless duly authorized to do so by the appropriate authorities; or

(7) Disclose or transmit to any person the questions or answers to such examination prior to its administration, or destroy, falsify or conceal the records or results of such examination from the appropriate authorities to whom such records are required to be transmitted in accordance with this Part, unless duly authorized to do so by the appropriate authorities; shall be subject to the provisions of section 50(11) of the Civil Service Law. Additionally, a person who is found by the appropriate administrative authority to have violated this section, in addition to any disciplinary penalty that may be imposed, shall be disqualified from appointment to the position for which the examination is being held and may be disqualified from being a candidate for any civil service examination for a period of five years.

§ 50.5 Prohibition Against Certain Political Activities; Improper Influence

(a) **Recommendations Based on Political Affiliations.** No recommendation or question under the authority of this Part shall relate to the political opinions or affiliations of any person whatever; and no appointment or selection to or removal from an office or employment within the scope of this Part shall be in any manner affected or influenced by such opinions or affiliations. No person in the unified court system is for that reason under any obligation to contribute to any political fund or to render any political service, and no person shall be removed or otherwise prejudiced for refusing so to do. No person in the unified court system shall discharge or promote or reduce, or in any manner change the official rank or compensation of any other person in the unified court system, or promise or threaten so to do, for giving or withholding or neglecting to make any contribution of money or service or any other valuable thing for any political purpose. No person in the unified court

system shall use his or her official authority or influence to coerce the political action of any person or body or to interfere with any election.

(b) Inquiry Concerning Political Affiliations.

(1) No person shall directly or indirectly ask, indicate or transmit orally or in writing the political affiliations of any employee in the unified court system or of any person dependent upon or related to such an employee, as a test of fitness for holding office. A violation of this subdivision shall be subject to the provisions of subdivision 2 of section 107 of the Civil Service Law. Nothing herein contained shall be construed to prevent or prohibit inquiry concerning the activities, affiliation or membership of any applicant or employee in any group or organization which advocates that the government of the United States or of any state or of any political subdivision thereof should be overturned by force, violence or any unlawful means.

(2) No question in any examination or application or other proceeding pursuant to this Part shall be so framed as to elicit information concerning, nor shall any other attempt be made to ascertain, the political opinions or affiliations of any applicant, competitor or eligible, and all disclosures thereof shall be disregarded. No discrimination shall be exercised, threatened or promised against or in favor of any applicant, competitor or eligible because of his or her political opinions or affiliations.

(c) **Political Assessment.** No employee of the unified court system shall, directly or indirectly, use his or her authority or official influence to compel or induce any other employee of the unified court system to pay or promise to pay any political assessment, subscription or contribution. Every employee who may have charge or control in any building, office or room occupied for any governmental purpose is hereby authorized to prohibit the entry of any person, and he or she shall not knowingly permit any person to enter the same for the purpose of making, collecting, receiving or giving notice therein, of any political assessment, subscription or contribution; and no person shall enter or remain in any such office, building or room, or send or direct any letter or other writing thereto, for the purpose of giving notice of, demanding or collecting a political assessment; nor shall any person therein give notice of, demand, collect or receive any such assessment, subscription or contribution. No person shall prepare or take any part in preparing any political assessment, subscription or contribution with the intent that the same shall be sent or presented to or collected from any employee subject to the provisions of this Part, and no person shall knowingly send or present any political assessment, subscription or contribution to or request its payment of any employee. Any person violating any provision of this subdivision shall be subject to the provisions of subdivision 3 of section 107 of the Civil Service Law.

(d) Prohibition Against Promise of Influence. Any person who, while holding any public office, or in nomination for, or while seeking a nomination or appointment for any public office, shall corruptly use or promise to use, whether directly or indirectly, any official authority or influence, whether then possessed or merely anticipated, in the way of conferring upon any person, or in order to secure or aid any person in securing any office or public employment, or any nomination, confirmation, promotion or increase of salary, upon the consideration that the vote or political influence or action of the last-named person, or any other, shall be given or used in behalf of any candidate, officer or party, or upon any other corrupt condition or consideration, shall be subject to the provisions of subdivision 4 of section 107 of the Civil Service Law. Any public officer, or any person having or claiming to have any authority or influence for or affecting the nomination, public employment, confirmation, promotion, removal or increase or decrease of salary of any public officer, who shall corruptly use, or promise, or threaten to use any such authority or influence, directly or indirectly in order to coerce or persuade the vote or political action of any citizen or the removal, discharge or promotion of any officer or public employee, or upon any other corrupt consideration, shall also be subject to the provisions of subdivision 4 of section 107 of the Civil Service Law.

(e) Political Organizations. No employee of the unified court system may hold an elective office in a political party, or a club or organization related to a political party, except that an employee may be a delegate to a judicial nominating convention or a member of a county committee other than the executive committee of a county committee.

§ 50.6 Practice of Law

(a) A lawyer who is employed full-time in any court or agency of the unified court system shall not maintain an office for the private practice of law alone or with others, hold himself or herself out to be in the private practice of law, or engage in the private practice of law except as provided in this section.

(b) Subject to prior written application and approval as to each professional engagement, a person referred to in subdivision (a) of this section may engage in the private practice of law as to matters not pending before a court or a governmental agency, in uncontested matters in the Surrogate's Court, uncontested accountings in the Supreme Court and other ex parte applications not preliminary or incidental to litigated or contested matters. Such approval shall continue only to the completion of the particular engagement for which permission was obtained, except that prior approval for the provision of pro bono services, authorized under subdivision (c) of this section, may be granted on an annual basis with respect

to an organization or project that provides such services to persons unable to afford counsel. Prior approval must be obtained from:

- (1) the Chief Judge of the Court of Appeals for lawyers employed in that court;
- (2) the Presiding Justice of the appropriate Appellate Division for lawyers employed by an Appellate Division; and
- (3) the Chief Administrator of the Courts for lawyers employed in every other court or court-related agency in the unified court system.

(c)(1) Persons referred to in subdivision (a) of this section may provide pro bono legal services, which do not interfere with the performance of their jobs, in contested or uncontested matters, except those brought in the courts of their own employment.

(2) Pro bono services in any contested matter shall be performed under such written terms and conditions as may be specified by the approving authority designated in subdivision (b) (1), (2) or (3).

(3) No provision of legal services or related activities authorized pursuant to this section may take place during usual working hours unless appropriate leave is authorized and charged. No public resources may be used in any such connection. Reasonable precautions must be taken in all cases by approving authorities and authorized employees to avoid actual and perceived conflicts of interest and the actual or perceived lending of the prestige or power of the public offices or positions of the employees and conveying the impression that such employees are in special positions to exert influence.

(d) An employee of the Unified Court System who is employed on a part-time basis shall not participate directly or indirectly as a lawyer in any contested action or proceeding in the court in which he or she serves, or in any other practice of law which is incompatible with or which would reflect adversely upon his or her position or the performance of his or her duties. Such employee may participate as a lawyer in uncontested actions or proceedings in the court in which he or she serves only with prior written approval of the Chief Administrator of the Courts.

(e) No partner or associate of a part-time law secretary or law clerk shall practice law before the justice or judge by whom such law secretary or law clerk is employed.

(f) Each approving authority or designee shall report annually to the Chief Administrator of the Courts the number of requests and approvals. With respect to pro bono representation, each authorized employee shall report annually to the Chief Administrator the number of representations and pro bono hours performed.