STATE OF NEW YORK
DEPARTMENT OF STATE

DETERMINATION

In the matter of a request that "attorney" be designated as an eligible profession for the purchase, sale, and use of body armor.

Date of determination: January 21, 2026

Legal framework

To purchase or take possession of body armor in New York State, an individual or entity must be engaged or employed in an eligible profession.[1] Pursuant to Executive Law section 144-a, the Department of State (Department) has created a process whereby individuals and entities may request that the profession in which they engage be added to the Department's list of eligible professions.[2] The Department has received a request that "attorney" be designated as an eligible profession for the purchase, sale and use of body armor. Prior to adding a profession to the list of eligible professions, the Department must first determine whether the duties of the profession may expose an individual engaged in such profession to serious physical injury that may be prevented or mitigated by the wearing of body armor, or whether the duties of the profession are necessary to facilitate the lawful purchase, sale, or use of body armor.

Request

After receiving the request by an individual employed as an attorney that the profession of attorney be designated an eligible profession, notice of this eligible profession request was published on the Department's website on November 27, 2024, whereby the public was invited to submit additional requests relating to this profession. Only one other request relating to this request was received by the Department. That request was made by a New York State licensed attorney, but other than expressing interest in submitting an independent request that the profession of attorney be designated, no information supporting the instant request was provided by that attorney.

The requestor describes the duties of their profession as follows: representing clients in legal matters, ensuring their rights are protected, and advocating in court proceedings or administrative hearings; providing legal advice, which includes interpreting laws, regulations, and precedents, to guide clients in compliance and decision-making; preparing and reviewing legal documents such as contracts, wills, and pleadings to ensure accuracy and adherence to legal standards; conducting in-depth research to analyze complex legal issues, enabling effective

[1] New York Penal Law §270.21.
[2] *See* 19 NYCRR Chapter XIX, Part 905, generally.

representation and sound legal counsel. These duties, according to the request, are mandatory for the profession and integral to upholding the justice system.

To support their request that engaging in the profession of an attorney may expose them to serious physical injury that may be prevented or mitigated by the wearing of body armor, the requestor states that attorneys in "high-stakes areas like criminal defense, family law, and litigation, frequently face risks that could lead to serious physical injury" and provided the following examples. Family law attorneys often deal with emotionally charged custody disputes with volatile parties, "potentially escalating to threats or physical violence." Criminal defense attorneys run the risk of retaliation from defendants and/or their associates, particularly in high-profile cases. Additionally, such attorneys are often required to meet clients and/or witnesses in high-risk environments and neighborhoods, such as correctional facilities or high-crime areas, where their personal safety can be compromised. The requestor explains that family law attorneys in New York regularly report that they are the targets of threats, harassment, and, in some cases, physical violence from individuals in the context of high-conflict custody and/or divorce cases.

The requestor further explains that attorneys are often required to interact with court officials, members of law enforcement, and members of the public in various settings, often in unpredictable and volatile situations. The request highlights the following incidents where attorneys have encountered physical threats and/or gun violence related to their work.

- In 2017, Louis Barbash, an attorney in New York, New York, was fatally shot by a former client in his office following a dispute.
- On March 22, 2017, Sara Quirt Sann, an attorney in Wausau, Wisconsin, was fatally shot in her office by the husband of a client Sann represented in a divorce.
- In 2019, a criminal defense attorney was attacked in a courtroom in Queens, New York by a client that they were defending.

The requestor further references surveys by the American Bar Association ("ABA") showing that nearly one-third of family law attorneys report threats or violent encounters with clients or opposing parties. Additionally, the requestor asserts that surveys by the New York State Bar Association support the ABA's findings, indicating that family and criminal defense lawyers experience the most frequent and severe threats. The requestor asserts that nearly 28% of attorneys experience depression, with suicide rates among lawyers higher than the national average. Stress from high caseloads and the adversarial nature of the profession contributes to burnout and reduced attention to personal safety.

The requestor states that an individual must have a license issued by New York State to engage in the profession of an attorney. Additionally, they state that an individual must possess a juris doctor degree from an accredited law school, pass a bar examination, and meet certain character and fitness requirements as determined by the relevant state licensing authority. The requestor states that prior to the change in body armor law that occurred on July 6, 2022, they utilized body armor such as ballistic and/or stab-resistant vests in certain high-risk settings such as correctional facility visits, custody disputes, eviction proceedings, or high-profile cases. According to the requestor, wearing such body armor "safeguards against threats, including gunfire, stabbings, and retaliation in volatile environments."

Findings of fact and analysis

A "profession" refers to any occupation or line of work referenced or included within a category identified in the Standard Occupational Classification Manual published by the federal Office of Management and Budget (SOC Manual), or as otherwise described in a federal, state, or local statute or regulation.[3] The requestor identified code 23-1011 in the SOC Manual, which corresponds to the detailed occupation of "Lawyers" and includes the following duties:

> Represent clients in criminal and civil litigation and other legal proceedings, draw up legal documents, or manage or advise clients on legal transactions. May specialize in a single area or may practice broadly in many areas of law.
>
> *Illustrative examples: Attorney, Corporate Counsel, Public Defender*

The profession of attorney falls within this SOC category. Engaging in the profession of attorney requires a license issued pursuant to Article 15 of the Judiciary Law of New York State.[4] The rules with respect to admission to practice law in New York courts are set forth under section 520 of the Rules of the Court of Appeals for the Admission of Attorneys and Counselors at Law. An applicant must, *inter alia*, graduate from a law school that is accredited by the American Bar Association. The requirements include sitting for and passing the bar examination administered by the New York State Board of Law Examiners.[5] In addition, practice before the federal courts in New York State is prescribed by rule of such court.[6] Accordingly, for purposes of this determination, an attorney is defined as an attorney licensed to practice law in the State of New York for a specified term or *pro hac vice*, pursuant to Judiciary Law section 460, in accordance with the rules of the Court of Appeals authorized by Judiciary Law section 53, currently codified at 22 NYCRR Part 520, or an attorney admitted to any federal court in New York State under the rules of such court for a specified term or *pro hac vice*.

For a profession to be deemed eligible, the duties of the profession must sometimes require individuals engaged or employed in that profession to be exposed to serious physical injury that may be prevented or mitigated by the wearing of body armor, or if the duties of the profession are necessary to facilitate the lawful purchase, sale, or use of body armor. Because the profession of attorney does not involve facilitation of the lawful purchase, sale, or use of body armor, the relevant inquiry for this request is the question of whether the duties of the profession of attorney must sometimes require individuals engaged or employed in that profession to be exposed to serious physical injury that may be prevented or mitigated by the wearing of body armor.

[3] 19 NYCRR 905.1(f).
[4] Judiciary Law § 460.
[5] 22 NYCRR 520.2
[6] FRAP 46 and Second Circuit Local Rule 46.1 (Attorney Admission, Second Circuit), Federal Rules of Civil Procedure, Rule 83 (Attorney Admission, District Courts).

Previous approved requests to add a profession to the List of Eligible Professions have discussed duties specific to that profession that may expose an individual to gunfire, such as the handling of live firearms, guarding valuable items or sensitive locations, or in-person enforcement activities. These are duties that, in their inherent nature, involve a likelihood of exposure to gunfire, as opposed to occupational activity that may expose a member of such profession to generalized harm not involving gunfire. In addition to such duties inherently exposing an individual to gunfire, some approved requests also offered verifiable, documented evidence of past instances of serious physical injury from gunfire that may have been prevented or mitigated by the wearing of body armor. Taken altogether, the evidence provided by a requestor is vital to an understanding of the profession and a determination about whether a profession is eligible pursuant to Executive Law § 144-a.

In describing how the duties of the profession may expose an attorney to serious physical injury that may be prevented or mitigated by the wearing of body armor, the requestor indicated that attorneys may need to wear body armor because they are often at the fore of the conflict resolution process and can be involved in emotional, high-stake disputes. They are also required to travel for work to engage with clients and witnesses in correctional facilities, high-crime neighborhoods, or other challenging settings where physical risk is heightened. The requestor also explains that members of their profession must interact regularly with court officials, law enforcement, and members of the public in various settings, often in unpredictable or volatile situations. Law enforcement officers, such as those in the Police Officers and Peace Officer profession, are eligible professions because they meet the relevant definitions in the Criminal Procedure Law,[7] and the Justice and Judge profession[8], was determined by the Department to be an eligible profession.[9]

While most of the information relating to threats or violent encounters with clients or opposing parties provided by the requestor does not expressly relate to firearms or shootings, including data compiled from NYSBA and ABA reports and surveys, the requestor has also provided information as to past instances and reports concerning gun violence directed at attorneys, including two instances where an attorney was fatally shot as a direct result of the discharge of their duties as an attorney, one having been shot by a former client and another having been shot by the husband of a divorce client.

The requestor further indicates that prior to the change in body armor law on July 6, 2022, individuals engaged in the profession did use body armor.

Considering the emotionally charged environment of many legal matters, the prior instances involving the fatal shooting of attorneys stemming from the discharge of their duties as attorneys, as well as the designation of professions with duties requiring them to engage with clients in potentially dangerous circumstances as eligible, the Department concludes that the

[7] 19 NYCRR §905.1(d)

[8] Based on the foregoing facts and the requirements of Executive Law §144-a and 19 NYCRR Part 905, the Department has designated the profession of town and village justice, as referenced by ¶¶ (a) and (b) of §103 of the UJCA, judge of the courts of record, as referenced by section 2 of the Judiciary Law of the State of New York, judge of the United States and justice of the United States, as defined in 28 U.S.C. § 451 as eligible professions for the purchase, sale, and use of body armor and adds such professions to the Department's list of eligible professions.

[9] 19 NYCRR §§905.1(d) and 905.3

specific duties of the profession of attorney may expose an individual engaged in such profession to serious physical injury that may be prevented or mitigated by the wearing of body armor.

Determination

The information set forth above supports a determination by the Department that the duties of the profession of attorney sometimes require individuals engaged or employed in that profession to put themselves in dangerous situations that may expose them to serious physical injury, and that such serious physical injury may be prevented or mitigated by the wearing of body armor. Based on the foregoing facts and the requirements of Executive Law §144-a and 19 NYCRR Part 905, the Department has designated the profession of attorney licensed to practice law in the State of New York for a specified term or *pro hac vice*, pursuant to Judiciary Law section 460, or an attorney admitted to any federal court in New York State under the rules of such court[10] for a specified term or *pro hac vice,* as an eligible profession. and adds such profession to the Department's list of eligible professions.

[10] 28 U.S.C. § 2071.