

2465

2015-2016 Regular Sessions

I N   A S S E M B L Y

January 16, 2015

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Introduced by M. of A. GRAF, GARBARINO, MONTESANO, McDONOUGH, McKEVITT,  
RAIA -- Multi-Sponsored by -- M. of A. BARCLAY, GIGLIO, HAWLEY -- read  
once and referred to the Committee on Judiciary

AN ACT to amend the judiciary law, in relation to feloniously falsely  
impersonating an attorney

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. Section 485 of the judiciary law, as amended by chapter 492  
2     of the laws of 2012, is amended to read as follows:  
3     S 485. Violation of certain preceding sections a misdemeanor. [Except  
4     as provided in section four hundred eighty-five-a of this article, any]  
5     ANY person violating the provisions of section [four hundred seventy-  
6     eight,] four hundred seventy-nine, four hundred eighty, four hundred  
7     eighty-one, four hundred eighty-two, OR four hundred eighty-three [or  
8     four hundred eighty-four] of this article[, ] shall be guilty of a misde-  
9     meanor.  
10    S 2. Section 485-a of the judiciary law, as amended by chapter 22 of  
11    the laws of 2013, is amended to read as follows:  
12    S 485-a. Violation of certain sections a class E felony. Any person  
13    who violates the provisions of sections four hundred seventy-eight, four  
14    hundred eighty-four, four hundred eighty-six or four hundred ninety-five  
15    of this article is guilty of a class E felony when he or she[: (1)]  
16    falsely holds himself or herself out as a person licensed to practice  
17    law in this state, a person otherwise permitted to practice law in this  
18    state, or a person who can provide services that only attorneys are  
19    authorized to provide[; and (2) causes another person to suffer monetary  
20    loss or damages exceeding one thousand dollars or other material damage  
21    resulting from impairment of a legal right to which he or she is enti-  
22    tled].  
23    S 3. Section 486 of the judiciary law, as amended by chapter 492 of  
24    the laws of 2012, is amended to read as follows:

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 S 486. Practice of law by attorney who has been disbarred, suspended,  
2 or convicted of a felony. Any person whose admission to practice as an  
3 attorney and counselor-at-law has been revoked or who has been removed  
4 from office as attorney and counselor-at-law or, being an attorney and  
5 counselor-at-law, has been convicted of a felony or has been suspended  
6 from practice and has not been duly and regularly reinstated, who does  
7 any act forbidden by the provisions of this article to be done by any  
8 person not regularly admitted to practice law in the courts of record of  
9 this state, unless the judgment, decree or order suspending him OR HER  
10 shall permit such act, shall be guilty of a [misdemeanor unless other-  
11 wise provided by section four hundred eighty-five-a of this article]  
12 CLASS E FELONY.

13 S 4. Subdivisions 2 and 3 of section 495 of the judiciary law, subdi-  
14 vision 2 as added by chapter 1031 of the laws of 1965, and subdivision 3  
15 as amended by chapter 492 of the laws of 2012, are amended to read as  
16 follows:

17 2. No corporation or voluntary association shall itself or by or  
18 through its officers, agents or employees, solicit any claim or demand,  
19 or [taken] TAKE an assignment thereof, for the purpose of representing  
20 any person in the pursuit of any civil remedy, nor solicit any claim or  
21 demand for the purpose of representing as attorney-at-law, or of  
22 furnishing legal advice, services or counsel to, a person sued or about  
23 to be sued in any action or proceeding or against whom an action or  
24 proceeding has been or is about to be brought, or who may be affected by  
25 any action or proceeding which has been or may be instituted in any  
26 court or before any judicial body.

27 Nothing herein contained shall affect any assignment heretofore or  
28 hereafter taken by any moneyed corporation authorized to do business in  
29 the state of New York or its nominee pursuant to a subrogation agreement  
30 or a salvage operation. Any corporation or voluntary association violat-  
31 ing the provisions of this subdivision or of subdivision one of this  
32 section shall be liable to a fine of not more than five thousand dollars  
33 and every officer, trustee, director, agent or employee of such corpo-  
34 ration or voluntary association who directly or indirectly engages in  
35 any of the acts prohibited in this subdivision or in subdivision one of  
36 this section or assists such corporation or voluntary association to do  
37 such prohibited acts is guilty of a [misdemeanor] CLASS E FELONY. The  
38 fact that such officer, trustee, director, agent or employee shall be a  
39 duly and regularly admitted attorney-at-law, shall not be held to permit  
40 or allow any such corporation or voluntary association to do the acts so  
41 prohibited nor shall such fact be a defense upon the trial of any of the  
42 persons mentioned herein for a violation of the provisions of this  
43 subdivision or subdivision one of this section.

44 3. No voluntary association or corporation shall ask or receive  
45 directly or indirectly, compensation for preparing deeds, mortgages,  
46 assignments, discharges, leases, or any other instruments affecting real  
47 estate, wills, codicils, or any other instruments affecting disposition  
48 of property after death or decedents' estates, or pleadings of any kind  
49 in actions or proceedings of any nature. Any association or corporation  
50 violating the provisions of this subdivision is guilty of a [misdemeanor  
51 unless otherwise provided by section four hundred eighty-five-a of this  
52 article] CLASS E FELONY.

53 S 5. This act shall take effect immediately.