S T A T E O F N E W Y O R K

10071

I N A S S E M B L Y

May 10, 2016

Introduced by M. of A. WEINSTEIN, DINOWITZ, SIMON -- read once and referred to the Committee on Judiciary

AN ACT to amend the judiciary law, in relation to judicial wellness or assistance committees

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

Section 1. The judiciary law is amended by adding a new article 22-A to read as follows:

ARTICLE 22-A

JUDICIAL WELLNESS OR ASSISTANCE COMMITTEES

SECTION 857. JUDICIAL WELLNESS OR ASSISTANCE COMMITTEES.

S 857. JUDICIAL WELLNESS OR ASSISTANCE COMMITTEES. 1. CONFIDENTIAL INFORMATION PRIVILEGED. THE CONFIDENTIAL RELATIONS AND COMMUNICATIONS BETWEEN A MEMBER OR AUTHORIZED AGENT OF A JUDICIAL WELLNESS OR ASSISTANCE COMMITTEE SPONSORED BY A STATE OR LOCAL BAR ASSOCIATION AND ANY PERSON, FIRM OR CORPORATION COMMUNICATING WITH SUCH COMMITTEE, ITS MEMBERS OR AUTHORIZED AGENTS, SHALL BE DEEMED TO BE PRIVILEGED ON THE SAME BASIS AS THOSE PROVIDED BY LAW BETWEEN ATTORNEY AND CLIENT. SUCH PRIVILEGE MAY BE WAIVED ONLY BY THE PERSON, FIRM OR CORPORATION WHICH HAS FURNISHED INFORMATION TO THE COMMITTEE. THIS PRIVILEGE SHALL NOT EXTEND TO INFORMATION RECEIVED BY A JUDGE OR LAWYER SERVING AS A MEMBER OF A JUDICIAL WELLNESS OR ASSISTANCE COMMITTEE THAT A JUDGE IS COMMITTING OR IS LIKELY TO COMMIT A SUBSTANTIAL VIOLATION OF THE RULES GOVERNING JUDICIAL CONDUCT.

2. IMMUNITY FROM LIABILITY. ANY PERSON, FIRM OR CORPORATION IN GOOD FAITH PROVIDING INFORMATION TO, OR IN ANY OTHER WAY PARTICIPATING IN THE AFFAIRS OF, ANY OF THE COMMITTEES REFERRED TO IN SUBDIVISION ONE OF THIS SECTION SHALL BE IMMUNE FROM CIVIL LIABILITY THAT MIGHT OTHERWISE RESULT BY REASON OF SUCH CONDUCT. FOR THE PURPOSE OF ANY PROCEEDING, THE GOOD FAITH OF ANY SUCH PERSON, FIRM OR CORPORATION SHALL BE PRESUMED.

S 2. This act shall take effect immediately.

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

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