

1606--A

2015-2016 Regular Sessions

I N S E N A T E

January 13, 2015

Introduced by Sen. BONACIC -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- recommitted to the Committee on Judiciary in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

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

3 ARTICLE 22-A

4 JUDICIAL WELLNESS OR ASSISTANCE COMMITTEES
5 SECTION 857. JUDICIAL WELLNESS OR ASSISTANCE COMMITTEES.

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

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

25 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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