

# STATE OF NEW YORK

10893

## IN ASSEMBLY

May 25, 2018

Introduced by M. of A. SMITH -- 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 Assembly, 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 § 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[~~7~~] shall be guilty of a misde-  
9 meanor.

10 § 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 § 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 ~~itled~~].

23 § 3. Section 486 of the judiciary law, as amended by chapter 492 of  
24 the laws of 2012, is amended to read as follows:

25 § 486. Practice of law by attorney who has been disbarred, suspended,  
26 or convicted of a felony. Any person whose admission to practice as an  
27 attorney and counselor-at-law has been revoked or who has been removed  
28 from office as attorney and counselor-at-law or, being an attorney and

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

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1 counselor-at-law, has been convicted of a felony or has been suspended  
2 from practice and has not been duly and regularly reinstated, who does  
3 any act forbidden by the provisions of this article to be done by any  
4 person not regularly admitted to practice law in the courts of record of  
5 this state, unless the judgment, decree or order suspending him or her  
6 shall permit such act, shall be guilty of a [~~misdemeanor unless other-~~  
7 ~~wise provided by section four hundred eighty five a of this article~~]  
8 class E felony.

9 § 4. Subdivisions 2 and 3 of section 495 of the judiciary law, subdivi-  
10 sion 2 as added by chapter 1031 of the laws of 1965, and subdivision 3  
11 as amended by chapter 492 of the laws of 2012, are amended to read as  
12 follows:

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

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

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

49 § 5. This act shall take effect immediately.