STATE OF NEW YORK

6383

2019-2020 Regular Sessions

IN ASSEMBLY

March 7, 2019

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:

Section 1. Section 485 of the judiciary law, as amended by chapter 492 of the laws of 2012, is amended to read as follows:

§ 485. Violation of certain preceding sections a misdemeanor. [~~Except as provided in section four hundred eighty-five-a of this article, any~~] Any person violating the provisions of section [~~four hundred seventy-eight,~~] four hundred seventy-nine, four hundred eighty, four hundred eighty-one, four hundred eighty-two, or four hundred eighty-three [~~or four hundred eighty-four~~] of this article[~~,~~] shall be guilty of a misdemeanor.

§ 2. Section 485-a of the judiciary law, as amended by chapter 22 of the laws of 2013, is amended to read as follows:

§ 485-a. Violation of certain sections a class E felony. Any person who violates the provisions of sections four hundred seventy-eight, four hundred eighty-four, four hundred eighty-six or four hundred ninety-five of this article is guilty of a class E felony when he or she[~~: (1)~~] falsely holds himself or herself out as a person licensed to practice law in this state, a person otherwise permitted to practice law in this state, or a person who can provide services that only attorneys are authorized to provide[~~; and (2) causes another person to suffer monetary loss or damages exceeding one thousand dollars or other material damage resulting from impairment of a legal right to which he or she is entitled~~].

§ 3. Section 486 of the judiciary law, as amended by chapter 492 of 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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§ 486. Practice of law by attorney who has been disbarred, suspended, or convicted of a felony. Any person whose admission to practice as an attorney and counselor-at-law has been revoked or who has been removed from office as attorney and counselor-at-law or, being an attorney and counselor-at-law, has been convicted of a felony or has been suspended from practice and has not been duly and regularly reinstated, who does any act forbidden by the provisions of this article to be done by any person not regularly admitted to practice law in the courts of record of this state, unless the judgment, decree or order suspending him **or her** shall permit such act, shall be guilty of a [~~misdemeanor unless otherwise provided by section four hundred eighty-five-a of this article~~] **class E felony**.

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

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

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

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

§ 5. This act shall take effect immediately.