STATE OF NEW YORK

11723

IN ASSEMBLY

September 16, 2026

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Vanel) -- read once and referred to the Committee on Judiciary

AN ACT to amend the civil practice law and rules, in relation to the use of artificial intelligence and attorney-client privilege and work product

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The civil practice law and rules is amended by adding a new section 4552 to read as follows:

§ 4552. Attorney-client privilege and work product; artificial intelligence. (a) For purposes of sections forty-five hundred three, forty-five hundred forty-eight of this article, and subdivisions (c) and (d) of section thirty-one hundred one of this chapter and any provisions of law or common law which may relate thereto, a communication or attorney work product otherwise protected by the attorney-client privilege or which otherwise shall not be obtainable by another party shall not lose its privileged or unobtainable character solely as a result of it being produced by, transmitted to, processed by, stored on, or otherwise facilitated through an artificial intelligence technology, as defined in subdivision one of section seventeen hundred of the general business law, including one operated by a third-party or on a private server, provided that such communication or work product was made in confidence for the purpose of rendering legal advice or strategy, or preparing, editing, validating, or otherwise assisting in the preparation of legal materials.

(b) Prior to utilizing artificial intelligence pursuant to subdivision (a) of this section an attorney shall provide each client a form to be signed and notarized authorizing such attorney to use such technology for such purposes.

(c) The form described in subdivision (a) of this section shall be effective on the date the client first engages with the attorney, regardless of the date such form is signed or notarized.

(d) Such form shall explain the risks of using artificial intelligence, which shall include the risk of:

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

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1. Hallucinated content or case law;
2. Inaccurate content or case law;
3. Unthorough review of content or case law; and
4. Poor, inadequate or ill-advised legal strategy or arguments.

(e) No client of an attorney shall be responsible for errors with respect to the use of artificial intelligence by an attorney, except where the attorney is the client representing themselves pro se.

(f) No client shall be barred from asserting legal malpractice, ineffective assistance of counsel, any disciplinary complaint, or any other related matter by authorizing the use of artificial intelligence under this section.

(g) The form required by this section shall not permit an attorney to use artificial intelligence technology to engage in such authorized purposes under this section without human review. Where such form contains such a provision, the form shall be deemed void ab initio, and all information produced by, transmitted to, processed by, stored on, or otherwise facilitated through such artificial intelligence technology with respect to the particular client shall lose its privileged character and shall be obtainable.

(h) Where a litigant is a pro se litigant, no form shall be required, and the protections provided by this section shall presumptively apply to such litigant.

§ 2. This act shall take effect immediately.