New York State Bar Association

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NYSBA

Memorandum Urging Approval

NYSBA #16-A-GOV   March 13, 2018
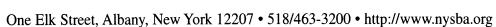
S. 5845   By: Senator Bonacic
A. 9029   By: M. of A. Dinowitz
                                   Senate Committee: Judiciary
                                 Assembly Committee: Judiciary
                                     Effective Date: Immediately

AN ACT to amend the judiciary law, in relation to establishing a lawyer referral service – client privilege.

LAW AND SECTIONS REFERRED TO: Section 498 of the Judiciary Law.

This bill, which was drafted in consultation with the New York State Bar Association's Committee on Lawyer Referral, would amend Judiciary Law Section 498 to add a subdivision to provide that communications between a consumer of legal services and a legal referral service or lawyer referral service be deemed to be privileged on the same basis as those provided by law for communications between attorney and client.

Each year, thousands of New Yorkers and non-New Yorkers rely upon lawyer referral services (LRS) to help find a lawyer or be directed to an appropriate resource. These consumers provide detailed narratives that include information that could cause damage to their criminal or civil case if disclosed to adverse parties. Consumers have relied upon LRS for help and assumed that the detailed information they provide LRS was both necessary in order to receive appropriate referrals and safe in the hands of the LRS helping them.

This bill would resolve any potential question about the confidentiality of communications between the 20 LRS offices in New York and those who rely on them for help. Enactment of this amendment will assure consumers of legal services in New York that seeking legal help through the assistance of any LRS will not prejudice them – and will put in place a protection that consumers always thought was there.

Based on the foregoing, the New York State Bar Association **SUPPORTS** the passage of this bill, which was developed in consultation with the Association's Lawyer Referral Committee. We respectfully urge Governor Cuomo to sign this bill into law.