



NY Bar speaks out for UPL legislation

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The New York State Bar urged the governor to sign legislation that would authorize the state's attorney general to prosecute instances of the unauthorized practice of law. Read on for the details.

New York State Bar Association President Michael E. Getnick of Getnick Livingston Atkinson & Priore, LLP of Utica, N.Y., and of counsel to Getnick & Getnick of New York City urged Governor David A. Paterson to sign into law legislation passed recently by both houses of the State Legislature that would authorize the state's attorney general to prosecute instances of the unauthorized practice of law.

The legislation, **SB 5445/AB 4300** sponsored by Sen. John Sampson and Assemblyman Ron Canestrari, would provide statutory authority for the New York State Attorney General to bring both civil and criminal actions against defendants for violations of the Judiciary Law based on the unlawful practice of law. The legislation also would enable coordinated, statewide prosecution of illegal real estate closing schemes and programs that defraud unknowing consumers and lenders in the state.

“This legislation would enhance the attorney general's ability to combat real estate corruption, larceny and other illegal actions perpetrated by phony lawyers and suspended or disbarred counsel,” Getnick said. “I urge the governor to sign this bill into law without delay to further the attorney general's ability to protect the public from unlicensed legal practitioners.”

The unauthorized practice of law legislation was initially proposed by the New York State Bar Association's Committee on Unlawful Practice of Law and was passed by the Legislature with the strong advocacy of the Association's Real Property Law Section.