



NEW YORK STATE SENATOR

Charles J. Fuschillo Jr.

Fuschillo Bill to Raise Penalties for Impersonating an Attorney Approved by State Senate

CHARLES J. FUSCHILLO JR. June 15, 2010

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New York State Senator Charles J. Fuschillo, Jr. (R-Merrick) today announced that the New York State Senate unanimously passed legislation he is sponsoring to increase penalties for people who impersonate attorneys in New York State. The measure would increase the penalty for those practicing law without a license from a misdemeanor to a Class E felony punishable by up to four years in prison and a fine of up to \$5,000.

Senator Fuschillo said, “Attorneys are entrusted with carrying out some of the most important decisions individuals must make, such as wills, home purchases, and marital separations. It makes no sense that an unlicensed person illegally practicing law can defraud consumers and face only misdemeanor charges while someone who impersonates a landscape architect is guilty of a felony. New York State needs tougher penalties to ensure that fake lawyers get real punishment.”

Under current state law, it is a felony crime to impersonate a physician, a dentist, an interior designer, a landscape architect, a certified public accountant, or other licensed professional. The crime of illegally practicing law, however, is only a misdemeanor. Senator Fuschillo’s legislation (S. 41) would make the penalty for posing as a lawyer consistent with the crime of impersonating other professions.

The New York State Bar Association, which supports Senator Fuschillo’s legislation, stated in a memorandum of support that the proposed law would allow law enforcement to “more effectively protect consumers from entities and individuals who seek to advise and represent the interests of others without proper qualifications, training, and licensing.”

Senator Fuschillo called on the Assembly to join the Senate in passing the legislation.

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