



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. March 8, 2011

| ISSUE: **CONSUMER PROTECTION**

Proposed Law Would Create Felony Charges for Phony Lawyers

New York State Senator Charles J. Fuschillo, Jr. (R-Merrick) announced that the New York State Senate recently passed legislation he is sponsoring to increase penalties for people who impersonate attorneys in New York State. The measure, which was unanimously approved, 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.

Senator Fuschillo said, "Fake lawyers deserve real punishment. People entrust attorneys to carry out some of their most important personal and financial wishes, such as wills, home purchases, and marital separations. It makes no sense that someone who defrauds consumers and jeopardizes their legal wishes faces misdemeanor charges while someone who impersonates a landscape architect or interior designer is guilty of a felony. This legislation would raise the penalty for illegally practicing law to a felony, making it the same as the penalty for illegally performing other professions."

Under current state law, the crime of illegally practicing law is only a misdemeanor, while it is a felony to impersonate a physician, dentist, certified public accountant, an interior designer, a landscape architect, or other licensed professional. Senator Fuschillo's legislation (S1998) would make the penalty for posing as a lawyer consistent with the crime of impersonating other professions.

"Our system of justice cannot function properly when scam artists take advantage of unknowing clients," said Nassau County District Attorney Kathleen Rice. "Legal issues are too important for this crime to be considered anything less than a felony, and I strongly urge for this legislation's passage."

Senator Fuschillo urged the Assembly to join the Senate in passing the legislation.

#####