

## 1.6: PART V- Other Attorney-Related Matters

---

### The Attorney-Client Privilege .

The attorney-client privilege is a requirement of professional confidentiality, akin to the priest-penitent and the doctor-patient privileges.

What the attorney-client privilege means is that what is told by a client to his/her attorney is not to be told by the attorney to anyone else, without the client's express permission. This is not an absolute privilege. There are limits. For example, anything said by a client to their attorney, on any matter whatsoever, which speaks to the intent by the client to commit a future illegal act is **not** covered by the privilege. Statements made by a client to their attorney with no reasonable expectations of privacy or confidentiality are **not** covered by the privilege. For example, a client's statement shouted to an attorney in a crowded courtroom hallway.

The attorney-client privilege applies not only to statements made to their attorney, but also to the attorney's office staff, ranging from an attorney's receptionist to any attorney associate or partner of the attorney. The attorney-client privilege not only applies to a client statement, but also to other client-related information, including the fact that the individual is even a client of the attorney, or had an appointment with the attorney.

So, what is the definition of a client? In general, a client is generally defined as the intended and immediate beneficiary of the lawyer's services. To be considered a client for the purpose of invoking the attorney-client privilege, two conditions must be met. First, the client must communicate with the attorney to obtain legal advice, and second, the client must interact with the attorney to advance the client's own interests. A prospective client communication is protected, even if never retained.

### WHO ARE PARALEGALS and what do they do?

The American Bar Association defines a paralegal as:

**"A paralegal is a person, qualified by education, training or work agency or other entity and who performs specifically delegated substantive legal work for which a lawyer is responsible."**

Paralegals assist supervising attorneys in a variety of tasks, from in-take interviewing, to information gathering, to completing legal forms, to drafting documents. A paralegal cannot practice law, meaning they cannot give legal advice, cannot appear in court with a client, and cannot establish an attorney-client relationship.

There is no certification or educational requirements for paralegals in NYS, and this is true in most other states. So, in NYS, anyone can hold themselves out as a paralegal. However, most NYS paralegals have either experience working in a law office and/or have obtained a degree or certificate recognizing completion of a formal paralegal education program.

### WHO ARE NOTARY PUBLICS and what do they do ?

A notary public (often referred to as a notary) is someone who is licensed by NYS to determine the identity of a person signing a legal document. The notary then affixes their signature and notary stamp to acknowledge that a signed document has been legally and properly signed.

The role of a notary public is all too often misunderstood. This is especially true for those that immigrate to the United States from some Spanish speaking countries. The term "notary public" in Spanish is "*notario publico*," which in several countries means "a person highly specialized in the practice of law." In NYS, a notary public who is not an attorney cannot give legal advice, explain legal documents, draft legal documents, or legally represent someone.

Most attorneys are a notary public. However, non-attorneys can also be a notary public. All that is required to be a notary public is to pass a written test (attorneys seeking to become notaries are not required to take this test) as to the powers, duties, and regulations applicable to notaries.

CC licensed content, Shared previously

- Adaptation of Understanding New York Law, 2013-14 Edition. **Authored by:** Michael H. Martella, Esq., David Pogue, Elizabeth Clifford and Alan L. Schwartz. **Provided by:** published by Upstate Legal Publishers. **License:** [CC BY: Attribution](#).  
**License Terms:** Adapted and republished with permission

---

1.6: PART V- Other Attorney-Related Matters is shared under a [not declared](#) license and was authored, remixed, and/or curated by LibreTexts.