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New York State
Lawyers' Fund for Client Protection

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Albany, N.Y. The New York Lawyers' Fund for Client Protection has published an updated guide for lawyers and clients that focuses on new state laws that govern Powers of Attorney.

The 11-page pamphlet guide is called **What's a Power of Attorney? Answers for New Yorkers**. In a plain English question-and-answer format, the guide addresses basic principles of law, and important changes in New York statutes that took effect on June 13, 2021.

Topics include the differences between "Durable", "Non-durable" and "Springing" Powers of Attorney; the selection of persons to serve as agents under Powers of Attorney; the fiduciary obligations of agents; how a consumer revokes a Power of Attorney; how to protect against the misuse of Powers of Attorney; and transferring property using a Power of Attorney.

According to Michael J. Knight, Executive Director and Counsel to the Fund, the Power of Attorney continues to be an integral legal tool in the area of estate and health planning. Present law permits a Power of Attorney to survive a person's mental incompetence, as in Alzheimer's Disease; or to take effect upon the happening of an event, like a person's medical disability.

"While a Power of Attorney can be tremendously helpful", Knight said, "...it has the same effect of giving someone a blank check on your bank account. Selecting a trustworthy agent to serve under any Power of Attorney is critical, as is monitoring what your agent is doing with your Power of Attorney. Smart legal consumers will consult with a lawyer."

Knight noted that the New York State Legislature made several important changes in the laws involving Powers of Attorney, which took effect on June 13, 2021. While older Powers of Attorney are still valid, he said that consumers should not purchase, or use, Power of Attorney forms from stationers or office supply stores that are dated earlier than June 13, 2021.

The New York Lawyers' Fund is a court agency trust fund that is financed by the legal profession in New York State to protect law clients from dishonest conduct in the practice of law. The Fund is administered *pro bono* by a Board of Trustees, comprised of lawyers and non-lawyers, appointed by the seven judges of the New York State Court of Appeals.

The Lawyers' Fund produced **What's a Power of Attorney? Answers for New Yorkers**, as a public service for New Yorkers, with the help of the Government Law Center of the Albany Law School of Union University. Copies of **What's a Power of Attorney? Answers for New Yorkers** are available, free of charge, from the Lawyers' Fund in Albany by calling 800-442-3863, or 518-434-1935. The brochure is also available on the Fund's website at www.nylawfund.org/pubs.html.