

## NY CLS CPLR § 4548

Current through 2025 released Chapters 1-207

*New York*

*Consolidated Laws Service* >

*Civil Practice Law And Rules (Arts. 1 — 100)* >

*Article 45 Evidence (§§ 4501 — 4551)*

### **§ 4548. Privileged communications; electronic communication thereof.**

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No communication privileged under this article shall lose its privileged character for the sole reason that it is communicated by electronic means or because persons necessary for the delivery or facilitation of such electronic communication may have access to the content of the communication.

### **History**

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Formerly § 4547, add, L 1998, ch 156, § 1; amd, L 1999, ch 56, § 1, eff May 25, 1999.

Annotations

### **Notes to Decisions**

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#### **1. In general**

Employee was not entitled to a protective order under N.Y. C.P.L.R. § 3103 regarding e-mail correspondence with his attorney that was on his employer's computer as any attorney-client privilege under N.Y. C.P.L.R. § 4503 was waived based on the employer's e-mail policy stating that no privacy interest existed in any material sent or received on its computer systems; any expectation of confidentiality under N.Y. C.P.L.R. § 4548 was diminished based on the e-mail policy. *Scott v Beth Israel Med. Ctr., Inc.*, 847 N.Y.S.2d 436, 17 Misc. 3d 934, 238 N.Y.L.J. 86, 2007 N.Y. Misc. LEXIS 7114 (N.Y. Sup. Ct. 2007).

## **Research References & Practice Aids**

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### **Jurisprudences:**

58A NY Jur 2d Evidence and Witnesses § 853. .

### **Treatises**

#### **Matthew Bender's New York Civil Practice:**

Weinstein, Korn & Miller, New York Civil Practice: CPLR Ch. 4548, Privileged Communications; Electronic Communication Thereof.

#### **Matthew Bender's New York Practice Guides:**

LexisNexis Practice Guide New York e-Discovery and Evidence § 4.06. Comparing Federal and State e-Discovery Rules: Chart.

LexisNexis Practice Guide New York e-Discovery and Evidence § 4.25. CHECKLIST: Preserving Attorney Client Privilege or Work Product Protection.

LexisNexis Practice Guide New York e-Discovery and Evidence § 4.26. Asserting Attorney Client Privilege or Work Product Protection in New York State Courts.

LexisNexis Practice Guide New York e-Discovery and Evidence § 5.10. CHECKLIST: Understanding Attorney-Client and Work Product Privileges in ESI Context.

LexisNexis Practice Guide New York e-Discovery and Evidence § 5.11. Understanding Inadvertent Disclosure and Reasonable Care as Applied to ESI.

LexisNexis Practice Guide New York e-Discovery and Evidence § 9.03. CHECKLIST: Objecting to Disclosure of ESI in New York.

LexisNexis Practice Guide New York e-Discovery and Evidence § 9.05. Objecting Based on Privilege.

§ 4548. Privileged communications; electronic communication thereof.

**Matthew Bender's New York Practice Guides:**

LexisNexis Practice Guide New York e-Discovery and Evidence § 15.07 .Considering Cost of Producing ESI.

**Hierarchy Notes:**

NY CLS CPLR, Art. 45

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