

NY CLS CPLR § 4505

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)

§ 4505. Confidential communication to clergy privileged.

Unless the person confessing or confiding waives the privilege, a clergyman, or other minister of any religion or duly accredited Christian Science practitioner, shall not be allowed* disclose a confession or confidence made to him in his professional character as spiritual advisor.

History

Add, L 1962, ch 308; amd, L 1965, ch 520, eff June 28, 1965.

Annotations

Notes

Prior Law

Earlier statutes: CPA §§ 351, 354; CCP §§ 833, 836; 2 RS 406 § 72.

Advisory Committee Notes

This section is the same as former § 351 except for the change in title and the addition of the waiver provision formerly found in § 354; the concluding phrase “in the course of discipline

* So in original.

enjoined by the rules or practice of the religious body to which he belongs” has been stricken and the words “as spiritual advisor” substituted. The former language was ambiguous. It was not clear whether the confession must have been required by the religious body or whether the rule of the religious body must have forbidden the disclosure. As formerly written it was doubtful whether the rule applied to any confessions other than those to a Catholic priest. For a recent statute clarifying the scope of the privilege, see NJ Rev Stat § 2A:81-9 (1951); see also Committee on the Revision of the Law of Evidence, Report to the Supreme Court of New Jersey 76–77 (May 25, 1955); Richardson, Evidence 429 (8th ed, Prince 1955). For a discussion of the changes in the waiver provision see the notes to CPLR § 4504(a).

Notes to Decisions

I.Under CPLR

1.Generally

II.Under Former Civil Practice Laws

2.Generally

I. Under CPLR

1. Generally

CPA § 351 applied to any examination of persons as witness unless waived. *New York City Council v Goldwater*, 284 N.Y. 296, 31 N.E.2d 31, 284 N.Y. (N.Y.S.) 296, 1940 N.Y. LEXIS 838 (N.Y. 1940).

An ordained priest, who was subpoenaed to appear and testify before a Grand Jury impaneled to investigate abuses and improprieties within the New York City Department of Correction with respect to preferential treatment accorded certain members of organized crime incarcerated in New York City correctional facilities and who received immunity, is required to answer questions

concerning his contacts with various employees of the Department of Correction and his efforts to secure a furlough and entrance into a work-release program for a particular inmate; neither the existence of a priest-penitent privilege (CPLR 4505) nor the assertion that to answer the questions would jeopardize the free exercise of the priest's ministry (US Const, 1st Amdt) can shield him from his obligation to respond to the Grand Jury's inquiries since the priest-penitent privilege endeavors to protect only confidential communications made to a clergyman in his spiritual capacity and the questions which the priest was directed to answer did not jeopardize the atmosphere of confidence and trust which allegedly enveloped the relationship between the priest and the inmate, but rather the inquiries were directed to elicit from the priest efforts taken by him, independent of any conversations between the two, to secure the inmate's entrance into a work-release program. Additionally, a priest's right to practice his ministry cannot serve to shield him from shedding light upon whether or not any unlawful efforts were undertaken to assist those confined in New York City penal institutions to obtain special privileges; the statutory privilege affords a priest any necessary protection against infringement of freedom of religion by Grand Jury investigations. *Keenan v Gigante*, 47 N.Y.2d 160, 417 N.Y.S.2d 226, 390 N.E.2d 1151, 1979 N.Y. LEXIS 1999 (N.Y.), cert. denied, 444 U.S. 887, 100 S. Ct. 181, 62 L. Ed. 2d 118, 1979 U.S. LEXIS 3241 (U.S. 1979).

Statutory "priest-penitent" privilege is more appropriately dubbed "cleric-congregant" privilege and is applicable to ministers of all religions, most of which have no ritual analogous to that of Catholic confession. Test for applicability of cleric-congregant privilege distills to single inquiry: whether communication in question was made in confidence and for purpose of obtaining spiritual guidance. Cleric-congregant privilege may not be invoked to enshroud conversations with wholly secular purposes solely because one party to conversation happens to be religious minister. Murder defendant's contacts with 2 ministers in Florida had been initiated for purpose of obtaining spiritual guidance and solace, and thus conversations between defendant and ministers were privileged, where defendant was referred to one minister by member of minister's congregation after talking with member about God and about how defendant had gotten involved with destructive narcotics only after he had fallen away from his own church, and both

ministers indicated that defendant had specifically agreed to speak with them because defendant “had a problem” and “needed spiritual help.” Facts that defendant waited until he and minister were alone in latter’s garden before “opening up” to him, and agonized before making decision to turn himself over to police, were factors which courts were entitled to consider in determining that communications between defendant and minister were intended to be confidential. *People v Carmona*, 82 N.Y.2d 603, 606 N.Y.S.2d 879, 627 N.E.2d 959, 1993 N.Y. LEXIS 4354 (N.Y. 1993).

As matter of law, CLS CPLR § 4505 does not give rise to cause of action for breach of fiduciary duty involving disclosure of oral communications between congregant and cleric; while statutory privileges may in some instances overlap with applicable fiduciary duties of confidentiality defined elsewhere in law, those evidentiary privileges are not sources of underlying duties, and CLS CPLR Art 45 does not establish parameters of those fiduciary relationships. *Lightman v Flaum*, 97 N.Y.2d 128, 736 N.Y.S.2d 300, 761 N.E.2d 1027, 2001 N.Y. LEXIS 3463 (N.Y. 2001), cert. denied, 535 U.S. 1096, 122 S. Ct. 2292, 152 L. Ed. 2d 1050, 2002 U.S. LEXIS 3850 (U.S. 2002).

Orders of the family court, adjudging respondent to be the father of a child born to petitioner, were reversed where examination of the church baptismal record showed erasures and new writing over the original entry, and the court, without objection from the petitioner, sustained objection made by an attorney without standing when respondent sought to examine the supervising priest as to the record. There was no showing or reason to believe that the information sought required the disclosure of information under the cloak of a confessional or was in any way confidential. *Puglisi v Pignato*, 26 A.D.2d 817, 274 N.Y.S.2d 213, 1966 N.Y. App. Div. LEXIS 3203 (N.Y. App. Div. 1st Dep't 1966).

In a murder prosecution of an army private for the random shooting of three black males, it was not error to fail to suppress statements made by defendant to a chaplain at the base at which defendant was stationed, where defendant had expressly authorized the chaplain to reveal the conversation to police or medical officials so defendant could get the help he needed at that

time, and where the chaplain's un rebutted testimony, found credible by the trial court, was a sufficient basis for the conclusion that defendant waived the priest-penitent privilege in CPLR § 4505. *People v Christopher*, 101 A.D.2d 504, 476 N.Y.S.2d 640, 1984 N.Y. App. Div. LEXIS 18141 (N.Y. App. Div. 4th Dep't 1984), rev'd in part, 65 N.Y.2d 417, 492 N.Y.S.2d 566, 482 N.E.2d 45, 1985 N.Y. LEXIS 15922 (N.Y. 1985).

Although confidential communication to Muslim brother acting as spiritual adviser may be privileged when made with purpose of seeking religious counsel, advice, solace, absolution or ministrations, and with intention that communication remain confidential, conversations initiated by members of mosque who testify that conversations were motivated by fear that defendant might be dangerous and desire to get defendant out of mosque, during which defendant admitted killing wife, are not privileged. *People v Johnson*, 115 A.D.2d 973, 497 N.Y.S.2d 539, 1985 N.Y. App. Div. LEXIS 55358 (N.Y. App. Div. 4th Dep't 1985).

Burden rests on party invoking clergyman-penitent privilege to establish that communication sought to be shielded was made for purpose of seeking religious counsel. Evidence supported determination of Criminal Term that homicide defendant's communications to rabbi were not made for purpose of seeking religious counsel, and were not privileged, where rabbi testified that his role was strictly secular, that defendant sought his assistance and benefits of his influence and connections in securing attorney and negotiating beneficial plea bargain, and that he stressed many times to defendant during their discussions that his role was not rabbinical, and although defendant testified that he had been seeking spiritual advice from rabbi, he conceded that he had sought out rabbi in part because rabbi's prominence gave him "connections" in secular world. Burden rests on party invoking clergyman-penitent privilege to establish that communication sought to be shielded was made for purpose of seeking religious counsel. Evidence supported determination of Criminal Term that homicide defendant's communications to rabbi were not made for purpose of seeking religious counsel, and were not privileged, where rabbi testified that his role was strictly secular, that defendant sought his assistance and benefits of his influence and connections in securing attorney and negotiating

beneficial plea bargain, and that he stressed many times to defendant during their discussions that his role was not rabbinical, and although defendant testified that he had been seeking spiritual advice from rabbi, he conceded that he had sought out rabbi in part because rabbi's prominence gave him "connections" in secular world. *People v Drelich*, 123 A.D.2d 441, 506 N.Y.S.2d 746, 1986 N.Y. App. Div. LEXIS 60197 (N.Y. App. Div. 2d Dep't 1986).

Housing police officer (who was also church pastor) was entitled to rely on clergy privilege under CLS CPLR § 4505 in refusing to divulge, to superiors, name of civilian who surrendered firearm to officer while he was out of uniform and presiding over church function. *Lewis v New York City Housing Authority*, 151 A.D.2d 237, 542 N.Y.S.2d 165, 1989 N.Y. App. Div. LEXIS 7366 (N.Y. App. Div. 1st Dep't 1989), app. denied, 75 N.Y.2d 705, 552 N.Y.S.2d 927, 552 N.E.2d 175, 1990 N.Y. LEXIS 185 (N.Y. 1990).

In investigation of alleged Medicaid fraud, religious congregation was not entitled to have court quash subpoena duces tecum directing it to produce donation registers and donor receipts on ground that compelling disclosure of sources and beneficiaries of charitable contributions made to it in confidence would contravene clergyman-penitent privilege, since subpoenaed information did not come under rubric of "confession or confidence" made with purpose of seeking religious counsel, advice, solace, absolution or ministration. *Congregation B'Nai Jonah v Kuriansky*, 172 A.D.2d 35, 576 N.Y.S.2d 934, 1991 N.Y. App. Div. LEXIS 16045 (N.Y. App. Div. 3d Dep't 1991), app. dismissed, 79 N.Y.2d 895, 581 N.Y.S.2d 659, 590 N.E.2d 244, 1992 N.Y. LEXIS 782 (N.Y. 1992).

Court in first degree sodomy trial correctly allowed clergyman to testify that defendant had told him to tell victim that he was sorry, since apology, as admission intended to be passed on to third party, was excluded neither by hearsay rule nor by clergyman-penitent privilege under CLS CPLR § 4505. *People v Dixon*, 199 A.D.2d 332, 604 N.Y.S.2d 604, 1993 N.Y. App. Div. LEXIS 11863 (N.Y. App. Div. 2d Dep't 1993), app. denied, 83 N.Y.2d 851, 612 N.Y.S.2d 383, 634 N.E.2d 984, 1994 N.Y. LEXIS 778 (N.Y. 1994).

Defendant's warrantless arrest, which occurred after pastor to whom she had confided commission of crime reported it to police, was not unlawful since clergyman-penitent privilege is merely evidentiary rule proscribing revelation of privileged communications at trial when privilege is asserted by protected party. *People v Ward*, 199 A.D.2d 573, 604 N.Y.S.2d 320, 1993 N.Y. App. Div. LEXIS 11240 (N.Y. App. Div. 3d Dep't 1993).

In an action to recover damages against the Diocese of Brooklyn for negligent hiring, retention, and supervision and intentional infliction of emotional distress, the priest-penitent privilege did not apply because the Diocese and the nonparty appellant failed to establish that the communications at issue were made in confidence for the purpose of obtaining spiritual guidance. *S.E. v Diocese of Brooklyn*, 2025 N.Y. App. Div. LEXIS 4312 (N.Y. App. Div. 2d Dep't 2025).

If no facilities are available whereby defendant may speak in complete privacy with another, and if the defendant has the desire to unburden himself to his wife, his attorney, or his minister, the right of confidentiality should be respected and any custodial officer present should retreat to a safe distance so that the privilege of the communication will not be violated by the presence of a third person. Ordinarily, communications between a penitent and his minister are privileged. *People v Brown*, 82 Misc. 2d 115, 368 N.Y.S.2d 645, 1974 N.Y. Misc. LEXIS 2032 (N.Y. Sup. Ct. 1974).

A communication to a clergyman must be in his professional character as spiritual advisor to rise to the level afforded protection from disclosure under CPLR 4505; the communication in question must have been made with the purpose of seeking religious counsel, advice, solace, absolution or ministration. Accordingly, where the Assistant Attorney-General alleges that a rabbi, who is a Grand Jury witness, and the yeshiva with which he is affiliated have participated in a criminal scheme to launder moneys paid as kickbacks by a number of nursing home

vendors to the operators of nursing homes in a scheme to defraud the Medicaid program, the witness cannot be permitted to claim that the testimony which the prosecutor seeks to elicit concerning receipt and transfer of such funds involves privileged communication under the CPLR 4505 clergyman-penitent privilege; moreover, that privilege is not to be used as a shield to cover up criminal activities in which the clergyman himself is allegedly involved. *In re Fuhrer*, 100 Misc. 2d 315, 419 N.Y.S.2d 426, 1979 N.Y. Misc. LEXIS 2459 (N.Y. Sup. Ct.), *aff'd*, *Fuhrer v Hynes*, 72 A.D.2d 813, 421 N.Y.S.2d 906, 1979 N.Y. App. Div. LEXIS 14090 (N.Y. App. Div. 2d Dep't 1979).

Clergy who has counseled husband and wife in professional character as spiritual advisor does not acquire independent privilege against disclosure of information acquired where husband and wife both waive clergy-communicant privilege, as CPLR § 4505 confers no privilege upon clergy but treats confidential information as property of communicant. *De'Udy v De'Udy*, 130 Misc. 2d 168, 495 N.Y.S.2d 616, 1985 N.Y. Misc. LEXIS 3157 (N.Y. Sup. Ct. 1985).

In medical malpractice action where plaintiffs alleged, *inter alia*, damage to their marital relationship, defendant was entitled to discovery and inspection of records relative to marriage counseling provided to plaintiffs by Roman Catholic priest, unless plaintiffs stipulated to strike all references to damages to their marital relationship and to be precluded from offering evidence relevant to such items of damage, since plaintiffs waived clergyman-penitent privilege by setting forth damage to their marital relationship; however, privilege as to other communications with priest, not pertaining to marriage counseling, remained intact. *Ziske v Luskin*, 138 Misc. 2d 38, 524 N.Y.S.2d 145, 1987 N.Y. Misc. LEXIS 2773 (N.Y. Sup. Ct. 1987).

In order for communication between clergyman and penitent to be confidential communication within CLS CPLR § 4505, communication to clergyman must have been made to him in his professional character as spiritual advisor. Conversation between priest and defendant was privileged communication, and disclosure of communication to grand jury was improper, where (1) priest spoke with defendant in church shortly after shooting occurred, (2) defendant was distraught and told priest that he had hurt his mother and that everyone knew he had done

something bad, (3) priest then took defendant into rectory and defendant said that he had made 10 to 12 people lie on floor and had fired shot, (4) priest asked defendant if he still had gun and defendant said he did and pointed to his hip, (5) priest told defendant that he should turn himself in, but defendant said no and that he wanted to pray, and (6) priest ran to precinct and told officers that man with gun was in rectory. *People v Reyes*, 144 Misc. 2d 805, 545 N.Y.S.2d 653, 1989 N.Y. Misc. LEXIS 569 (N.Y. Sup. Ct. 1989).

In medical malpractice action based on alleged failure of defendants to advise plaintiffs of possibility of giving birth to child with Down's syndrome and failure to conduct appropriate tests to rule out condition, defendants were precluded from seeking early disclosure of plaintiffs' religious advisors as part of their defense that mother would not have had abortion even if she had been advised of results of genetic screening since (1) communication between religious advisor and congregant may be privileged if such communication was elicited to provide aid, advice, or comfort, and (2) granting nonparty disclosure at early stage might expose plaintiffs to embarrassment before their coreligionists and have chilling effect on prosecution of lawsuit. *Bucaretzky v Swersky*, 151 Misc. 2d 136, 572 N.Y.S.2d 285, 1991 N.Y. Misc. LEXIS 357 (N.Y. Sup. Ct. 1991).

Defendant failed to establish that his statements to a detective were privileged under N.Y. C.P.L.R. 4505 because there was no showing that the statements were confidential as they were made in presence of both defendant's aunt and his brother, one of the victims of defendant's criminal conduct; further, the detective was a deacon in the church, not a minister or clergyman. *People v Harris*, 934 N.Y.S.2d 639, 34 Misc. 3d 281, 2011 N.Y. Misc. LEXIS 5195 (N.Y. Sup. Ct. 2011).

In camera review was ordered of the documents set forth in defendants' privilege logs as while an assistant pastor might qualify as the type of penitent that N.Y. C.P.L.R. 4505 contemplated, a pastor had supervisory duties over the assistant pastor; it was likely that inter-priest communications contained the day-to-day correspondence that any supervisor might have with subordinates, and the fact that the documents had been identified as a plan and a report

suggested that they were not confidential confessions. *Krystal G. v Roman Catholic Diocese of Brooklyn*, 933 N.Y.S.2d 515, 34 Misc. 3d 531, 2011 N.Y. Misc. LEXIS 4903 (N.Y. Sup. Ct. 2011).

Even if the cleric-congregant privilege in CPLR 4505 was required to be construed to protect communications made among members of Alcoholics Anonymous (AA), the district court erred in granting a state prisoner's petition for a writ of habeas corpus under 28 USCS§ 2254(d)(1) where the state prisoner failed to show that a communication with fellow AA members was for the purpose of obtaining spiritual guidance. *Cox v Miller*, 296 F.3d 89, 2002 U.S. App. LEXIS 14398 (2d Cir. N.Y. 2002), cert. denied, 537 U.S. 1192, 123 S. Ct. 1273, 154 L. Ed. 2d 1026, 2003 U.S. LEXIS 1174 (U.S. 2003).

Murderer's confession to Roman Catholic priest is not inadmissible under priest-penitent privilege described in CPLR § 4505, even though he spoke to priest in confidence and for purpose of obtaining spiritual guidance, where priest has concluded their conversation was not formal confession but rather heart-to-heart talk, because confessor has now died, and priest, archdiocese, and court all believe disclosure of confession is proper. *Morales v Portuondo*, 154 F. Supp. 2d 706, 2001 U.S. Dist. LEXIS 10377 (S.D.N.Y. 2001).

Health Insurance Portability and Accountability Act of 1996's antipreemption exception has spared more stringent state statutes from preemptive effect; it has not, however, given more stringent state regulations the force of federal law. Thus, N.Y. C.P.L.R. 4504(a) remains the law in areas in which New York State has the authority to regulate, but it has not become the law in areas within the federal domain. *Nat'l Abortion Fedn v Ashcroft*, 2004 U.S. Dist. LEXIS 4530 (S.D.N.Y. Mar. 18, 2004).

II. Under Former Civil Practice Laws

2. Generally

Communications made to a rabbi in confidence during a marriage consultation are privileged even though the consultation was not initiated by the parties, and the consultants were not members of his congregation. Failure to object to examination of the clergyman does not amount to waiver of the privilege. *Kruglikov v Kruglikov*, 29 Misc. 2d 17, 217 N.Y.S.2d 845, 1961 N.Y. Misc. LEXIS 2712 (N.Y. Sup. Ct. 1961), app. dismissed, 16 A.D.2d 735, 226 N.Y.S.2d 931, 1962 N.Y. App. Div. LEXIS 10515 (N.Y. App. Div. 4th Dep't 1962).

Admissions made to a clergyman might be received in evidence in a criminal case, if not made to him in his professional character in the course of discipline enjoined by his church. *People v Gates*, 1835 N.Y. LEXIS 45 (N.Y. Sup. Ct. 1835).

Research References & Practice Aids

Cross References:

This section referred to in CLS Educ § 1007.; Soc Ser § 384-b.; Fam Ct Act § 1046.

Spouse, § 4502.

Attorney, § 4503.

Evidence, CLS Fam Ct Act § 1046.

Federal Aspects:

General rule for privileges in United States courts, USCS Court Rules, Federal Rules of Evidence, Rule 501.

Jurisprudences:

32 NY Jur 2d Criminal Law § 1090. .

35B NY Jur 2d Criminal Law § 4818. .

36 NY Jur 2d Death § 26. .

§ 4505. Confidential communication to clergy privileged.

44 NY Jur 2d Disclosure §§ 70., 79., 80., 82., 168. .

47A NY Jur 2d Domestic Relations § 1732. .

57 NY Jur 2d Evidence and Witnesses §§ 3., 109. .

58 NY Jur 2d Evidence and Witnesses §§ 456., 490. .

58A NY Jur 2d Evidence and Witnesses §§ 855., 881., 883., 884., 887., 890., 891., 896. .

76 NY Jur 2d Malpractice §§ 286, 290, 321.

94 NY Jur 2d Schools, Universities, and Colleges § 401. .

81 Am Jur 2d, Witnesses §§ 436., 471.

19B Am Jur Pl & Pr Forms (Rev ed), Physicians, Surgeons, and Other Healers, Forms 171.–
173.

17 Am Jur Proof of Facts 785., Privileged Communications Between Physician and Patient.

6 Am Jur Trials 423., Collateral Cross-Examination of Medical Witness.

Law Reviews:

Toward a New York evidence code: some notes on the privileges. 19 N.Y.L. Sch. L. Rev. 791.

Treatises

Matthew Bender's New York Civil Practice:

Weinstein, Korn & Miller, New York Civil Practice: CPLR Ch. 4505, Confidential communication to clergy privileged.

1 Carrieri, Lansner, New York Civil Practice: Family Court Proceedings § 3.06; 2 Carrieri, Lansner, New York Civil Practice: Family Court Proceedings §§ 31.10; 3 Carrieri, Lansner,

§ 4505. Confidential communication to clergy privileged.

New York Civil Practice: Family Court Proceedings § 38A.06; 4 Carrieri, Lansner, New York Civil Practice: Family Court Proceedings § 65.07.

2 Lansner, Reichler, New York Civil Practice: Matrimonial Actions §§ 35.04, 35A.05; 4 Lansner, Reichler, New York Civil Practice: Matrimonial Actions § 66.09.

3 Cox, Arenson, Medina, New York Civil Practice: SCPA ¶ 1403.06, 1404.11, 1407.07.

Matthew Bender's New York CPLR Manual:

CPLR Manual § 20.02. Scope of disclosure.

Matthew Bender's New York Practice Guides:

1 New York Practice Guide: Domestic Relations § 12.06; 2 New York Practice Guide: Domestic Relations § 34.10.

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

Matthew Bender's New York AnswerGuides:

Lexis Nexis AnswerGuide New York Civil Disclosure § 8.16. Asserting Clergy Privilege.

LexisNexis AnswerGuide New York Civil Litigation § 6.13. Applying Statutory Privileges.

LexisNexis AnswerGuide New York Civil Litigation § 10.04. Protecting Privileged Communications.

Matthew Bender's New York Evidence:

1 Bender's New York Evidence § 101.09. Privileges.

4 Bender's New York Evidence § 160.05. Clergyman-Penitent Privilege.

Annotations:

Construction and effect of statute removing or modifying, in personal injury actions, patient's privilege against disclosure by physician. 25 ALR2d 1429.

Evidence: privilege of communications by or to nurse or attendant. 47 ALR2d 742.

Waiver of privilege as regards one physician as a waiver as to other physicians. 5 ALR3d 1244.

Applicability in criminal proceedings of privilege as to communications between physician and patient. 7 ALR3d 1458.

Physician's tort liability, apart from defamation, for unauthorized disclosure of confidential information about patient. 20 ALR3d 1109.

Commencing action involving physical condition of plaintiff or decedent as waiving physician-patient privilege as to discovery proceedings. 21 ALR3d 912.

Admissibility of physician's testimony as to patient's statements or declarations, other than res gestae, during medical examinations. 37 ALR3d 778.

Admissibility of physiological or psychological truth and deception test or its results to support physician's testimony. 41 ALR3d 1369.

Privilege, in judicial or quasi-judicial proceedings, arising from relationship between psychiatrist or psychologist and patient. 44 ALR3d 24.

Physician-patient privilege as extending to patient's medical or hospital records. 10 ALR4th 552.

What constitutes physician-patient relationship for malpractice purposes. 17 ALR4th 132.

Liability of doctor, psychiatrist, or psychologist for failure to take steps to prevent patient's suicide. 17 ALR4th 1128.

Constitutionality, with respect to accused's rights to information or confrontation, of statute according confidentiality to sex crime victim's communications to sexual counselor. 43 ALR4th 395.

§ 4505. Confidential communication to clergy privileged.

Validity, construction, and application of statute limiting physician-patient privilege in judicial proceedings relating to child abuse or neglect. 44 ALR4th 649.

Physician's tort liability for unauthorized disclosure of confidential information about patient. 48 A.L.R.4th 668.

Insured-insurer communications as privileged. 55 A.L.R.4th 336.

Scope and extent of protection from disclosure of medical peer review proceedings relating to claim in medical malpractice action. 69 ALR5th 559.

Situations in which federal courts are governed by state law of privilege under Rule 501 of the Federal Rules of Evidence. 48 ALR Fed 259.

Matthew Bender's New York Checklists:

Checklist for Evaluating Limitations on Disclosure LexisNexis AnswerGuide New York Civil Litigation § 6.12.

Checklist for Protecting Privileged Communications LexisNexis AnswerGuide New York Civil Litigation § 10.02.

Forms:

Bender's Forms for the Civil Practice Form No. CPLR 4504:1 et seq.

LexisNexis Forms FORM 75-CPLR 4505:1.—Waiver of Privileged Communication Made to Spiritual Advisor.

Texts:

New York Criminal Practice Ch 34.

New York Insurance Law (Matthew Bender's New York Practice Series) §§ 33.07[3][e]., 35.05[4][a], [f].

1 Frumer & Biskind, Bender's New York Evidence—CPLR §§ 1.09., 1.14.; 4 Frumer & Biskind, Bender's New York Evidence—CPLR §§ 10.07., 12.04., 12.07., 12.08., 15.14.; 5 Frumer & Biskind, Bender's New York Evidence—CPLR §§ 19.05., 23.09., 23A.04.

Jonakait, Baer, Jones, & Imwinkelried, New York Evidentiary Foundations (Michie), Ch 7 .Privileges and Similar Doctrines.

NY Pattern Jury Instructions 3d, PJI 1:76.

1 New York Trial Guide (Matthew Bender) §§ 7.23., 7.51.; 2 New York Trial Guide (Matthew Bender) § 22.30.; 3 New York Trial Guide (Matthew Bender) §§ 51.01., 51.11., 51.12., 51.15.; 4 New York Trial Guide (Matthew Bender) § 60.30.

Hierarchy Notes:

NY CLS CPLR, Art. 45

New York Consolidated Laws Service

Copyright © 2025 All rights reserved.