



General Assembly

February Session, 2008

Raised Bill No. 321

LCO No. 1762

01762_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING THE UNAUTHORIZED PRACTICE OF LAW.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 51-88 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2008*):

3 (a) [A] Unless a person is providing legal services pursuant to
4 statute or rule of court, a person who has not been admitted as an
5 attorney under the provisions of section 51-80 or has been disqualified
6 from the practice of law due to resignation, suspension, disbarment or
7 being placed on inactive status shall not: (1) Practice law or appear as
8 an attorney-at-law for another, in any court of record in this state, (2)
9 make it a business to practice law, or appear as an attorney-at-law for
10 another in any such court, (3) make it a business to solicit employment
11 for an attorney-at-law, (4) hold himself or herself out to the public as
12 being entitled to practice law, (5) assume to be an attorney-at-law, (6)
13 assume, use or advertise the title of lawyer, attorney and counselor-at-
14 law, attorney-at-law, counselor-at-law, attorney, counselor, attorney
15 and counselor, or an equivalent term, in such manner as to convey the
16 impression that he or she is a legal practitioner of law, or (7) advertise
17 that he or she, either alone or with others, owns, conducts or maintains

18 a law office, or office or place of business of any kind for the practice of
19 law.

20 (b) Any person who violates any provision of this section shall be
21 fined not more than [two hundred and fifty] ten thousand dollars or
22 imprisoned not more than [two months] five years, or both. [The
23 provisions of this subsection shall not apply to any employee in this
24 state of a stock or nonstock corporation, partnership, limited liability
25 company or other business entity who, within the scope of his
26 employment, renders legal advice to his employer or its corporate
27 affiliate and who is admitted to practice law before the highest court of
28 original jurisdiction in any state, the District of Columbia, the
29 Commonwealth of Puerto Rico or a territory of the United States or in
30 a district court of the United States and is a member in good standing
31 of such bar. For the purposes of this subsection, "employee" means any
32 person engaged in service to an employer in the business of his
33 employer, but does not include an independent contractor.]

34 (c) Any person who violates any provision of this section shall be
35 deemed in contempt of court, and the Superior Court shall have
36 jurisdiction in equity upon the petition of any member of the bar of
37 this state in good standing or upon its own motion to restrain such
38 violation.

39 (d) The provisions of this section shall not be construed as
40 prohibiting: (1) A town clerk from preparing or drawing deeds,
41 mortgages, releases, certificates of change of name and trade name
42 certificates which are to be recorded or filed in the town clerk's office
43 in the town in which the town clerk holds office; (2) any person from
44 practicing law or pleading at the bar of any court of this state in his or
45 her own cause; (3) any person from acting as an agent or
46 representative for a party in an international arbitration, as defined in
47 subsection (3) of section 50a-101; or (4) any attorney admitted to
48 practice law in any other state or the District of Columbia from
49 practicing law in relation to an impeachment proceeding pursuant to

50 Article Ninth of the Connecticut Constitution, including an
51 impeachment inquiry or investigation, if the attorney is retained by (A)
52 the General Assembly, the House of Representatives, the Senate, a
53 committee of the House of Representatives or the Senate, or the
54 presiding officer at a Senate trial, or (B) an officer subject to
55 impeachment pursuant to said Article Ninth.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2008	51-88

Statement of Purpose:

To (1) increase the penalty for practicing law without being admitted as an attorney, and (2) revise the exceptions from the prohibition on practicing law without being admitted as an attorney.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]