



**State of Connecticut**  
**DIVISION OF CRIMINAL JUSTICE**

**Testimony of the Division of Criminal Justice**

*In Support of:*

**Raised Bill No. 321 – An Act Concerning the Unauthorized Practice of Law**  
*Joint Committee on Judiciary – March 3, 2008*

The Division of Criminal Justice respectfully requests the Committee's Joint Favorable Report for Raised Bill No. 321, An Act Concerning the Unauthorized Practice of Law. This bill, which was recommended as part of the Division's 2008 legislative package, would strengthen the penalty for those who practice law without being admitted as an attorney and would also clarify that practicing law while under suspension, disbarment, etc., is a criminal offense.

Section 51-88 of the General Statutes currently allows a penalty of up to two months in jail and/or a fine of up to \$250 for anyone who practicing law by someone who has not been admitted as an attorney. This is less than the penalty for the lowest classified misdemeanor (C misdemeanor -- three years and \$500). Raised Bill No. 321 would increase the penalty to a term of imprisonment of not more than five years and/or a fine of not more than \$10,000. As such, this would constitute an unclassified felony carrying the same potential term of incarceration as a class D felony.

This is a serious crime and should be treated as such. Both the State of Connecticut and private citizens are victimized when an individual who is not admitted to practice puts himself or herself forth as an attorney. Such conduct undermines the very credibility and foundations of our legal system. It is fraud and should be treated as the crime that it is.

In one case, a law firm representing a major U.S. corporation based in Fairfield County had to refund hundreds of thousands of dollars in fees to many clients because the individual who had participated in court cases was not an attorney. In another case, again in Fairfield County, a criminal defendant paid almost \$30,000 in purported legal fees to an individual masquerading as an attorney to represent the "client" in a criminal case. When the truth about the non-attorney came to light, the conviction had to be set aside, costing the government

substantially for the cost of an additional trial, not to mention the emotional toll on all parties, defendant and victims, of another trial.

Raised Bill No. 321 would also address a serious shortcoming in the existing law with regard to individuals who practice law after they have been legally banned from doing so. Specifically, the bill would apply the same new penalty (a maximum of five years incarceration and/or \$10,000 fine) to who has been "disqualified from the practice of law due to resignation, suspension, disbarment or being placed on inactive status."

Again, the Division can cite a specific case that points to the need for this revision. In the spring of 2006 the Office of the State's Attorney for the Judicial District of Windham learned of an attorney who was continuing to practice after having been suspended effective in December of 2005. At that time, clients had filed approximately a dozen grievances against this individual. A subsequent investigation by the State's Attorney's office revealed that a woman who had sought assistance with her immigration process had contacted this man. Instead of advising her that he was no longer practicing, the man met with the woman, gave her advice regarding the immigration process, explained his fee schedule, provided her with a letter setting out the fee schedule and accepted money from her. The letter explaining the fee schedule was on paper which clearly labeled this man as an attorney.

Accordingly, the State's Attorney for the Judicial District of Windham obtained an arrest warrant charging this individual with violation of 51-88, which the prosecutor believed addressed the practice of law by persons not being attorneys. The Superior Court ultimately granted the defendant's motion to dismiss the count brought pursuant to Section 51-88, concluding that the statute as now written applies only to those persons who had never been admitted to the practice of law.

Raised Bill No. 321 succinctly corrects this flaw and would add Connecticut to the many other states that clearly and specifically prohibit the practice of law by former attorneys who had been admitted but were later suspended, disbarred or who resigned. Again, the penalty is a serious penalty as it should be. We as lawyers are, and should be, held to a higher standard. We take an oath and serve as officers of the court. Those who violate their oath and who violate the public trust should be dealt with severely.

In conclusion, the Division of Criminal Justice would like to thank the Committee for its consideration of Raised Bill No. 321 and for the opportunity to present our testimony. The Division would be happy to provide any further information or to answer any questions the Committee might have.