

STATEMENT

Insurance Association of Connecticut

Judiciary Committee

April 8, 2011

**HB 6477, An Act Concerning The Unauthorized Practice of Law
By Notaries Public And The Outsourcing Of The Drafting,
Review Or Analysis Of Legal Documents**

The Insurance Association of Connecticut, IAC, is opposed to HB 6477, An Act Concerning The Unauthorized Practice of Law By Notaries Public and The Outsourcing Of The Drafting, Reviewing Or Analysis of Legal Documents, as it is overly broad and could result in unjust ramifications.

The IAC fully agrees that it is strong public policy to prohibit non-attorneys from holding themselves out to the public as attorneys and from appearing before any tribunal on behalf of third parties. However, the provisions of HB 6477 far exceed that goal by relying on very broad language classifying what activities cannot be performed by non-lawyers.

Subsection (b) of Section 1 would specifically require that for any individual to serve as a notary public they must be an attorney. This is contrary to the very purpose and function of notaries public. By its very definition a notary public is a public official whose function is to administer oaths, attest and certify certain classes of documents and take acknowledgments of deed and other conveyances. The root source of the very word "notaries" simply means scribe or scrivener. Currently, such functions can be performed by either notaries public or attorneys, which provide options, convenience

and cost savings to Connecticut residents. There is no demonstrated reason why the current practice, that has been in existence for hundreds of years, should be vacated.

There is no demonstrated reason for expanding the scope of the practice of law as encapsulated in Section 2 of this proposal. The expanded activities contained in Section 2 are performed by non-lawyers and lawyers alike. The mere fact that a lawyer may perform such activities should not elevate those functions to be deemed “the practice of law” requiring a person to maintain a license to practice law. Lawyers will routinely permit others to perform some more remedial tasks to save their clients time and money. If a client does not wish such tasks to be performed by anyone other than the attorney, the client already has the ability to deny that from happening. The client is the sole benefactor of the work performed and if the client has no issue with such work being performed by non-lawyers, then the state should not interfere with that relationship.

The expanded definition of the practice of law contained in HB 6477 incorporates very broad concepts that encompass almost every aspect of an insurance company’s operations that currently do not require, nor need, lawyer involvement. Insurance company personnel routinely interpret contractual obligations, draft documents, research and analyze Connecticut law and apply legal principles to day-to-day operations of the company they work for, without needing to be an attorney. However, pursuant to the provision of Section 2 of this proposal, almost all of those acts would qualify as the practice of law and would now require lawyers to perform such tasks. Insurers would have to replace existing staff with attorneys to be in compliance with the law.

The IAC urges your rejection of subsection (b) of Section 1 and Section 2 of HB 6477.