



General Assembly

February Session, 2012

Raised Bill No. 454

LCO No. 2582

02582_____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 Section 51-88 of the general statutes is repealed and the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 October 1, 2012*):

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 having been
6 admitted under said section, has been disqualified from the practice of
7 law due to resignation, disbarment, being placed on inactive status or
8 suspension for reason other than the failure to pay the occupational tax
9 on attorneys imposed pursuant to section 51-81b or the client security
10 fund fee imposed pursuant to section 51-81d, shall not: (1) Practice law
11 or appear as an attorney-at-law for another, in any court of record in
12 this state, (2) make it a business to practice law, or appear as an
13 attorney-at-law for another in any such court, (3) make it a business to
14 solicit employment for an attorney-at-law, (4) hold himself or herself
15 out to the public as being entitled to practice law, (5) assume to be an
16 attorney-at-law, (6) assume, use or advertise the title of lawyer,

17 attorney and counselor-at-law, attorney-at-law, counselor-at-law,
18 attorney, counselor, attorney and counselor, or an equivalent term, in
19 such manner as to convey the impression that he or she is a legal
20 practitioner of law, or (7) advertise that he or she, either alone or with
21 others, owns, conducts or maintains a law office, or office or place of
22 business of any kind for the practice of law.

23 (b) (1) Any person who violates any provision of this section shall
24 be guilty of a class C felony, except that any person who violates any
25 provision of this section and is admitted to practice law before the
26 highest court of original jurisdiction in any state, the District of
27 Columbia, the Commonwealth of Puerto Rico or a territory of the
28 United States or in a district court of the United States and is a member
29 in good standing of such bar shall be fined not more than two hundred
30 [and] fifty dollars or imprisoned not more than two months, or both,
31 unless such person is an employee described in subdivision (2) of this
32 subsection.

33 (2) The provisions of this subsection shall not apply to any
34 employee in this state of a stock or nonstock corporation, partnership,
35 limited liability company or other business entity who, within the
36 scope of his or her employment, renders legal advice to his or her
37 employer or its corporate affiliate and who is admitted to practice law
38 before the highest court of original jurisdiction in any state, the District
39 of Columbia, the Commonwealth of Puerto Rico or a territory of the
40 United States or in a district court of the United States and is a member
41 in good standing of such bar. For the purposes of this [subsection]
42 subdivision, "employee" means any person engaged in service to an
43 employer in the business of his or her employer, but does not include
44 an independent contractor.

45 (c) Any person who violates any provision of this section shall be
46 deemed in contempt of court, and the Superior Court shall have
47 jurisdiction in equity upon the petition of any member of the bar of
48 this state in good standing or upon its own motion to restrain such

49 violation.

50 (d) The provisions of this section shall not be construed as
 51 prohibiting: (1) A town clerk from preparing or drawing deeds,
 52 mortgages, releases, certificates of change of name and trade name
 53 certificates which are to be recorded or filed in the town clerk's office
 54 in the town in which the town clerk holds office; (2) any person from
 55 practicing law or pleading at the bar of any court of this state in his or
 56 her own cause; (3) any person from acting as an agent or
 57 representative for a party in an international arbitration, as defined in
 58 subsection (3) of section 50a-101; or (4) any attorney admitted to
 59 practice law in any other state or the District of Columbia from
 60 practicing law in relation to an impeachment proceeding pursuant to
 61 Article Ninth of the Connecticut Constitution, including an
 62 impeachment inquiry or investigation, if the attorney is retained by (A)
 63 the General Assembly, the House of Representatives, the Senate, a
 64 committee of the House of Representatives or the Senate, or the
 65 presiding officer at a Senate trial, or (B) an officer subject to
 66 impeachment pursuant to said Article Ninth.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2012	51-88

Statement of Purpose:

To clarify the elements of the offense of unlicensed practice of law and increase the penalty for such offense.

[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.]