



General Assembly

February Session, 2012

Amendment

LCO No. 4497

HB0514704497HDO

Offered by:

REP. FOX, 146th Dist.

REP. HETHERINGTON, 125th Dist.

REP. HOLDER-WINFIELD, 94th
Dist.

REP. TONG, 147th Dist.

To: House Bill No. 5147

File No. 501

Cal. No. 377

**"AN ACT CONCERNING THE UNAUTHORIZED PRACTICE OF
LAW BY NOTARIES PUBLIC."**

1 In line 14, after "statutes" insert ", as amended by this act,"

2 In line 15, after "statutes" insert ", as amended by this act"

3 After the last section, add the following and renumber sections and
4 internal references accordingly:

5 "Sec. 501. Section 51-88 of the general statutes is repealed and the
6 following is substituted in lieu thereof (*Effective October 1, 2012*):

7 (a) [A] Unless a person is providing legal services pursuant to
8 statute or rule of court, a person who has not been admitted as an
9 attorney under the provisions of section 51-80, or having been
10 admitted under said section, has been disqualified from the practice of

11 law due to resignation, disbarment, being placed on inactive status or
12 suspension for reason other than the failure to pay the occupational tax
13 on attorneys imposed pursuant to section 51-81b or the client security
14 fund fee imposed pursuant to section 51-81d, shall not: (1) Practice law
15 or appear as an attorney-at-law for another [] in any court of record in
16 this state, (2) make it a business to practice law [] or appear as an
17 attorney-at-law for another in any such court, (3) make it a business to
18 solicit employment for an attorney-at-law, (4) hold himself or herself
19 out to the public as being entitled to practice law, (5) assume to be an
20 attorney-at-law, (6) assume, use or advertise the title of lawyer,
21 attorney and counselor-at-law, attorney-at-law, counselor-at-law,
22 attorney, counselor, attorney and counselor, or an equivalent term, in
23 such manner as to convey the impression that he or she is a legal
24 practitioner of law, or (7) advertise that he or she, either alone or with
25 others, owns, conducts or maintains a law office, or office or place of
26 business of any kind for the practice of law.

27 (b) (1) Any person who violates any provision of this section shall
28 be guilty of a class A misdemeanor, except that in any prosecution
29 under this section, if the defendant proves by a preponderance of the
30 evidence that the defendant committed the proscribed act or acts while
31 admitted to practice law before the highest court of original
32 jurisdiction in any state, the District of Columbia, the Commonwealth
33 of Puerto Rico or a territory of the United States or in a district court of
34 the United States and while a member in good standing of such bar,
35 such defendant shall be fined not more than two hundred [and] fifty
36 dollars or imprisoned not more than two months, or both, for any
37 violation of this section.

38 (2) The provisions of subdivision (1) of this subsection shall not
39 apply to any employee in this state of a stock or nonstock corporation,
40 partnership, limited liability company or other business entity who,
41 within the scope of his or her employment, renders legal advice to his
42 or her employer or its corporate affiliate and who is admitted to
43 practice law before the highest court of original jurisdiction in any
44 state, the District of Columbia, the Commonwealth of Puerto Rico or a

45 territory of the United States or in a district court of the United States
46 and is a member in good standing of such bar. For the purposes of this
47 [subsection] subdivision, "employee" means any person engaged in
48 service to an employer in the business of his or her employer, but does
49 not include an independent contractor.

50 (3) In any prosecution under section 53a-8 for soliciting, requesting,
51 commanding, importuning or intentionally aiding in the violation of
52 this section, and in any prosecution under section 53a-48 for
53 conspiracy to violate this section, the state shall have the burden of
54 proving beyond a reasonable doubt that the defendant had actual
55 knowledge that the person was not admitted to practice law in any
56 jurisdiction at the time such violation occurred.

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

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

78 impeachment pursuant to said Article Ninth.

79 Sec. 502. Section 116 of substitute house bill 5145 of the current
80 session is repealed. (*Effective from passage*)"

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	<i>October 1, 2012</i>	51-88
Sec. 502	<i>from passage</i>	Repealer section