



30 Bank Street
PO Box 350
New Britain
CT 06050-0350
06051 for 30 Bank Street
P: (860) 223-4400
F: (860) 223-4488

**Testimony of Ralph J. Monaco,
Immediate Past President of the Connecticut Bar Association
In OPPOSITION to SB 454, An Act Concerning the Unauthorized Practice of Law**

Senator Coleman, Representative Fox, and members of the Judiciary Committee, thank you for the opportunity to appear before the Committee to comment regarding SB 454, An Act Concerning the Unauthorized Practice of Law. My name is Ralph J. Monaco and I am the Immediate Past President of the Connecticut Bar Association (CBA), and a member of its Executive Committee. I practice law at the law firm of Conway, Londregan, Sheehan & Monaco in New London, where I have a civil litigation practice.

The CBA is well aware of the increasing problem of people masquerading as lawyers, and the significant danger that this presents to Connecticut citizens. We support increased penalties against people providing legal services who are unlicensed, untrained, and not regulated by our courts. However, we are concerned that the bill that is before you casts too large of a net, thereby criminalizing lawful conduct of lawyers. For this reason, we respectfully oppose the current bill as drafted.

Our membership, and in particular the CBA's Business Law Section, is concerned that the proposed bill subjects lawyers to criminal penalties if they unknowingly negotiate or otherwise interact with people who appear to be lawyers in Connecticut or in other jurisdictions, but in fact are not admitted. As lawyers, we frequent communicate by letter, phone, email or in-person with other people who appear to be lawyers. We deal with these people without confirming that the person is actually admitted to the bar in Connecticut or in another jurisdiction. For example, a lawyer from another state might contact a Connecticut lawyer to discuss a contract with a Connecticut business. Under the proposed bill, the Connecticut lawyer would have to ask for proof of admission to the Connecticut bar or another bar before communicating further with the lawyer. If the Connecticut lawyer failed to obtain proof of admission to another bar, the Connecticut lawyer could be charged with conspiracy to commit a felony under General Statute Section 53a-8. The same could apply to a phone call from an in-state lawyer. Therefore, we oppose placing the burden on licensed Connecticut lawyers to verify bar admission of every purported lawyer with whom they interact.

We respectfully submit that any regulation of the unauthorized practice of law, while extremely important, must not impede the manner in which admitted attorneys traditionally have practiced. We support language that increases the penalty for people who have never been lawyers in any jurisdiction and people who have been disbarred or suspended from the practice, except those who were administratively suspended for failing to pay the occupational tax and/or client security fund fee. We will support language that places the burden of proof on the State that a lawyer charged with conspiracy to commit an offense under Section 51-88 had "actual knowledge" that the person with whom they had dealings in a legal matter was not authorized to practice law in any jurisdiction at the time of the offense. In light of the fact that the bill before you, SB 454, does not contain such language, the CBA cannot support the proposal.

Thank you for the opportunity to address the committee. I would be pleased to answer any questions.