



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

TESTIMONY OF THE DIVISION OF CRIMINAL JUSTICE

IN SUPPORT OF:

S.B. NO. 829: AN ACT CONCERNING THE UNAUTHORIZED PRACTICE OF LAW

JOINT COMMITTEE ON JUDICIARY
February 13, 2013

The Division of Criminal Justice respectfully recommends the Committee's **Joint Favorable SUBSTITUTE Report** for S.B. No. 829, An Act Concerning the Unauthorized Practice of Law. The Division wishes to express its appreciation to the Committee, the Judicial Branch, the Connecticut Bar Association and all others who have devoted so much time and effort to developing legislation on this issue.

S.B. No. 829 would strengthen the penalty and clarify the language of the law regarding those who practice law without ever having been admitted to the practice or law or whose right to practice has been suspended or revoked for serious breaches. The need for this bill is as acute today as it was a year ago when the Division of Criminal Justice and the Connecticut Bar Association joined in a concerted effort to draft the legislation before you. The right to practice law carries with it tremendous responsibility. It is a position of public trust. The legal profession can and must be held to a higher standard for the protection and benefit of the public and to protect the integrity of our judicial system. S.B. No. 829 would provide for meaningful penalties for those who violate this public trust by either falsely posing as a lawyer or by continuing to engage in the practice of law when the right to do so has been suspended or revoked for serious breaches of the law or professional conduct.

The bill in no way affects whether or to what extent a lawyer admitted in another state can practice in our state, whether as "in-house" counsel or in some other capacity. What it would prohibit – and more appropriately punish – is the New York man who tried a case in Stamford after falsely identifying himself as having been admitted to the New York bar. His victim was an immigrant who had very little knowledge or understanding of our legal system. In fact the victims in such cases are typically those who are especially vulnerable. Nor would this bill punish those who have been suspended solely for not having paid any occupational fees or taxes to Connecticut. But it would address the former Connecticut attorney who continued to practice after his right to practice was suspended for other ethical violations and who subsequently surrendered his Connecticut license under threat of disbarment. These are actual incidents that have identified the obvious shortcomings in the existing law and the need for S.B. No. 829.

The Division would respectfully request that the Committee amend S.B. No. 829 to make a violation a felony rather than the Class A misdemeanor included in the bill as raised.

The Division believes the unauthorized practice of law is so serious offense that a felony penalty and its ramifications are appropriate. The Division would also request that the Committee consider adding language proposed in the 2012 session by the Judicial Branch to clarify that the legislation does not apply to those whose right to practice is suspended solely on account of the failure to pay the occupational tax on attorneys imposed pursuant to Section 51-81b or the client security fund fee imposed pursuant to Section 51-81d.

In conclusion, the Division expresses its appreciation to the Committee for your consideration of S.B. No. 829. We would be happy to provide any additional information the Committee might require or to answer any questions you might have.