

OFFICE OF LEGISLATIVE RESEARCH  
PUBLIC ACT SUMMARY



**PA 13-29—sSB 829**  
*Judiciary Committee*

**AN ACT CONCERNING THE UNAUTHORIZED PRACTICE OF LAW**

**SUMMARY:** This act generally increases the penalty for the unauthorized practice of law from a class C misdemeanor to a class D felony (see Table on Penalties). It retains the existing penalty for people admitted as attorneys in other jurisdictions who practice in Connecticut without being authorized to do so and who are not otherwise exempt from the penalty.

The act expands the list of people covered by the unauthorized practice statute, as well as those exempt from it. It adds to the prohibition on unauthorized practice Connecticut attorneys who are disqualified from practicing for various reasons. But it exempts from prosecution someone suspended from practice solely for failure to pay the attorney occupational tax or client security fund fee and who practices law during that suspension.

It also explicitly exempts from the unauthorized practice statute someone who is not a Connecticut attorney but who is otherwise permitted to practice here by law or court rules.

The act provides that, in addition to the activities prohibited by the existing unauthorized practice statute, the prohibition also applies to otherwise engaging in the practice of law as defined by statute or Superior Court rules. It also provides that in any prosecution for soliciting, requesting, commanding, importuning, or intentionally aiding in the unauthorized practice of law, or for conspiracy to engage in unauthorized practice, the state must prove beyond a reasonable doubt that the defendant knew that the person was not admitted to practice law in any jurisdiction when the violation occurred.

EFFECTIVE DATE: October 1, 2013

**UNAUTHORIZED PRACTICE OF LAW**

*Penalties and Exemptions*

The act generally increases the penalty for the unauthorized practice of law from a class C misdemeanor to a class D felony (see Table on Penalties). By law, someone who violates the unauthorized practice statute is also deemed to be in contempt of court, and the court has equitable jurisdiction to restrain violations (i.e., order the person to stop the violation).

*Others Authorized by Statute or Court Rule.* The act creates an explicit exemption to the prohibition on unauthorized practice for people authorized to provide legal services under a statute or Superior Court rule.

Court rules allow attorneys from other jurisdictions to provide legal services here under certain conditions without admission to the state bar. These include attorneys practicing “pro hac vice” (for this occasion only), authorized house

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counsel, and foreign legal consultants (Ct. Practice Book §§ 2-15A et seq.).

*Connecticut Attorneys Who Are Later Disqualified.* The act includes within the prohibition on unauthorized practice someone who was admitted to the Connecticut bar but is later disqualified from practicing due to resignation, disbarment, suspension, or being placed on inactive status. But someone suspended solely for failure to pay the attorney occupational tax or client security fund fee required by law, and who practices law during that suspension, is exempt from prosecution.

*Other Attorneys.* The act keeps the existing misdemeanor penalty for a defendant who is not authorized to practice here, as specified above, but who proves, by a preponderance of the evidence, that he or she committed the unlawful acts while an admitted member of good standing of the bar of (1) another state, (2) the District of Columbia, (3) Puerto Rico, (4) a U.S. territory, or (5) a U.S. district court.

By law, the misdemeanor penalty does not apply to attorneys who (1) are admitted members in good standing of the bar of any of the above specified jurisdictions and (2) within the scope of their employment, give legal advice to the employer or its corporate affiliate. But such people are still deemed in contempt of court and the court can stop them from violating the statute.

The act expands this exemption to include someone admitted in good standing to a foreign bar as permitted by Superior Court rules and who meets the other requirements set forth above. Also, such people from any of the above-specified jurisdictions would be exempt from all penalties under the statute if they were authorized house counsel or otherwise permitted by law or court rules to practice here.

### BACKGROUND

#### *Related Act*

PA 13-127 extends the penalties for the unauthorized practice of law to notaries public who are not attorneys and who commit certain acts regarding immigration matters or advertising.

OLR Tracking: JO:RP:PF:RO