

1 **UNAUTHORIZED PRACTICE OF LAW**

2 **PROHIBITED**

3 2001 FIRST SPECIAL SESSION

4 STATE OF UTAH

5 **Sponsor: Terry R. Spencer**

6 **This act adds a new section to the Judicial Code pertaining to the unauthorized practice of**
7 **law by persons not licensed in this state. This act takes effect immediately.**

8 This act affects sections of Utah Code Annotated 1953 as follows:

9 ENACTS:

10 **78-9-101**, Utah Code Annotated 1953

11 *Be it enacted by the Legislature of the state of Utah:*

12 Section 1. Section **78-9-101** is enacted to read:

13 **CHAPTER 9. UNAUTHORIZED PRACTICE OF LAW**

14 **78-9-101. Practicing law without a license prohibited -- Action or proceedings to**
15 **enforce -- Exception.**

16 (1) A person who is not admitted and licensed to practice law within this state or any
17 person whose right or license to practice has been terminated either by disbarment, suspension,
18 failure to pay his license fee or otherwise, may not practice or assume to act or hold himself out
19 to the public as a person qualified to practice or carry on the calling of an attorney within this state.

20 (2) The practice, or assumption to act or holding out, by any unlicensed, disbarred, or
21 suspended person shall not constitute a crime.

22 (3) The prohibition against the practice of law by any person shall be enforced by any civil
23 action or proceedings and instituted by the board of commissioners of the Utah State Bar.

24 (4) The defendant shall be entitled to a trial by jury.

25 (5) Nothing in this section shall prohibit a person who is not licensed as an attorney from
26 personally representing his own interests in a cause to which he is a party in his own right and not
27 as assignee.



28 Section 2. **Effective date.**
29 If approved by two-thirds of all the members elected to each house, this act takes effect
30 upon approval by the governor, or the day following the constitutional time limit of Utah
31 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto, the
32 date of veto override.

Legislative Review Note
as of 6-6-01 4:20 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel