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1	UNAUTHORIZED PRACTICE OF LAW
2	AMENDMENTS
3	2001 SECOND SPECIAL SESSION
4	STATE OF UTAH
5	Sponsor: Stephen H. Urquhart
6	This act creates legislative findings on the accessibility of legal services within the state of
7	Utah and adds a new section to the Judicial Code pertaining to the unauthorized practice of
8	law by persons not licensed in this state. This act takes effect immediately and is repealed
9	on May 1, 2003.
10	This act affects sections of Utah Code Annotated 1953 as follows:
11	ENACTS:
12	63-55b-178 , Utah Code Annotated 1953
13	78-9-101 , Utah Code Annotated 1953
14	This act enacts uncodified material.
15	Be it enacted by the Legislature of the state of Utah:
16	Section 1. Legislative findings on the accessibility of legal services Charge to
17	Judiciary to study the issue and suggest changes.
18	(1) The Legislature finds that:
19	(a) there is significant unmet need for legal services within the state of Utah;
20	(b) this unmet need for legal services is linked in part to the high cost of those services;
21	(c) the unmet need for legal services adversely impacts the health, safety, and welfare of
22	<u>Utah citizens:</u>
23	(d) in many situations, non-attorney professionals now provide, at low cost to consumers
24	with adequate protections, services previously reserved by law to attorneys;
25	(e) the right of a person to represent himself and his interests in a court of law is a
26	recognized right in our legal system; and
27	(f) recent enhanced technological capabilities have helped people access information



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28	needed to handle their own legal issues.
29	(2) The Legislature requests that the Judiciary study avenues to improve the accessibility
30	of legal services to the citizens of the state of Utah. The Legislature further suggests that the
31	Judiciary include in its study the following:
32	(a) increasing the availability of standardized legal forms for use in filing legal matters;
33	(b) increasing the use of technology to make legal services available to the public; and
34	(c) the licensing of independent lay professionals to perform certain functions now
35	requiring an attorney.
36	Section 2. Section 63-55b-178 is enacted to read:
37	<u>63-55b-178.</u> Repeal dates Title 78.
38	Section 78-9-101 is repealed May 1, 2003.
39	Section 3. Section 78-9-101 is enacted to read:
40	CHAPTER 9. UNAUTHORIZED PRACTICE OF LAW
41	78-9-101. Practicing law without a license prohibited Exceptions.
42	(1) Unless otherwise provided by law, a person may not practice law or assume to act or
43	hold himself out to the public as a person qualified to practice law within this state if he:
44	(a) is not admitted and licensed to practice law within this state;
45	(b) has been disbarred or suspended from the practiced of law; or
46	(c) is prohibited from doing so by court order entered pursuant to the court's inherent
47	power to regulate the practice of law or published court rule.
48	(2) Subsection (1)(a) shall not apply if the person or organization providing the service is
49	not compensated in any way by the person receiving the service or by anyone specifically on that
50	person's behalf.
51	(3) The prohibition against the practice of law in Subsection (1) shall be enforced by any
52	civil action or proceedings instituted by the Board of Commissioners of the Utah State Bar.
53	(4) Nothing in this section shall prohibit a person from personally and fully representing
54	his own interests in a cause to which he is a party in his own right and not as an assignee.
55	Section 4. Effective date.
56	If approved by two-thirds of all the members elected to each house, this act takes effect
57	upon approval by the governor, or the day following the constitutional time limit of Utah
58	Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto, the

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59 <u>date of veto override.</u>

Legislative Review Note as of 9-21-01 2:41 PM

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

Office of Legislative Research and General Counsel