

1                   **PRACTICING LAW WITHOUT A LICENSE AMENDMENTS**

2                                   2013 FIRST SPECIAL SESSION

3                                   STATE OF UTAH

4                                   **Chief Sponsor: Brad L. Dee**

5                                   Senate Sponsor: Ralph Okerlund

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7                   **LONG TITLE**

8                   **General Description:**

9                   This bill amends Title 78A, Chapter 9, Attorneys, in relation to the unauthorized  
10 practice of law.

11                   **Highlighted Provisions:**

12                   This bill:

13                   ▶ provides that provisions of court rule that authorize the practice of law without a  
14 license under certain circumstances are an exception to the prohibition on the  
15 unauthorized practice of law.

16                   **Money Appropriated in this Bill:**

17                   None

18                   **Other Special Clauses:**

19                   This bill provides an immediate effective date.

20                   **Utah Code Sections Affected:**

21                   AMENDS:

22                   **78A-9-103**, as enacted by Laws of Utah 2013, Chapter 236

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

25                   Section 1. Section **78A-9-103** is amended to read:

26                   **78A-9-103. Practicing law without a license prohibited -- Exceptions.**

27                   (1) Unless otherwise provided by law or court rule, an individual may not practice law  
28 or assume to act or hold himself or herself out to the public as an individual qualified to  
29 practice law within this state if that individual:

- 30 (a) is not admitted and licensed to practice law within this state;
- 31 (b) has been disbarred or suspended from the practice of law; or
- 32 (c) is prohibited from practicing law by court order entered pursuant to the courts'
- 33 inherent powers or published court rule.

34 (2) The prohibition against the practice of law described in Subsection (1) shall be  
35 enforced by any civil action or proceeding instituted by the Board of Commissioners of the  
36 Utah State Bar.

37 (3) Nothing in this section prohibits an individual from personally and fully  
38 representing that individual's own interests in a cause to which that individual is a party in the  
39 individual's own right and not as an assignee.

40 **Section 2. Effective date.**

41 If approved by two-thirds of all the members elected to each house, this bill takes effect  
42 upon approval by the governor, or the day following the constitutional time limit of Utah  
43 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,  
44 the date of veto override.