

Effective 3/23/2026

78A-9-103 Unauthorized practice of law -- Action by court -- Civil action -- Criminal penalty.

- (1) As used in this section:
 - (a) "Board" means the Board of Commissioners for the Utah State Bar.
 - (b) "Client" means a person that is provided, or has been provided, a service constituting the practice of law.
 - (c) "Practice of law" means the same as that term is defined in Utah Code of Judicial Administration, Rule 14-802.
 - (d) "Unauthorized practice of law" means conduct that is a violation of Subsection (2).
- (2) Unless otherwise provided by law or court rule, a person may not practice law or assume to act or hold oneself out to the public as a person qualified to practice law within this state if the person:
 - (a) is not admitted and licensed to practice law within this state;
 - (b) has been disbarred or suspended from the practice of law; or
 - (c) is prohibited from practicing law by court order entered pursuant to the courts' inherent powers or published court rule.
- (3)
 - (a) If a court determines, by a preponderance of the evidence, that a person engaged in the unauthorized practice of law in a proceeding before the court:
 - (i) the court shall award attorney fees and costs incurred by any party as a result of the person's unauthorized practice of law; and
 - (ii) the court may:
 - (A) strike any filing by the person;
 - (B) subject to Subsection (7), issue an injunction enjoining the person from engaging in the unauthorized practice of law before the court; or
 - (C) refer the matter to the board for civil action or to a prosecuting attorney for criminal action.
 - (b) A court may make a determination described in Subsection (3)(a) upon a motion by a party or the court's own motion.
- (4)
 - (a) The board may bring a civil action against a person for engaging in the unauthorized practice of law.
 - (b) If the board prevails on the civil action described in Subsection (4)(a), the court may:
 - (i) subject to Subsection (7), issue an injunction enjoining the person from engaging in the unauthorized practice of law;
 - (ii) order the person to return any payment that the person received from a client for any service that constituted the unauthorized practice of law;
 - (iii) order the person to pay up to \$10,000 to a fund that reimburses clients for losses caused by dishonest persons admitted to the practice of law;
 - (iv) award reasonable attorney fees and costs to the board; or
 - (v) order any other relief necessary to prevent the person from engaging in the unauthorized practice of law.
- (5)
 - (a) A client has a right of action against a person if the client sustains damages or other harm as a result of the person engaging in the unauthorized practice of law.
 - (b) If a client bringing a right of action described in Subsection (5)(a) prevails in that action:
 - (i) the court shall award reasonable attorney fees and costs to the client; and
 - (ii) the court may award the following remedies to the client:
 - (A) general damages;

- (B) special damages; or
 - (C) equitable relief, including an injunction described in Subsection (7).
- (6) An action described in Subsection (4) or (5) may only be brought within the time period described in Section 78B-2-305.
- (7)
- (a) The court may only issue an injunction described in Subsection (3), (4), or (5) upon a showing, by a preponderance of the evidence, that a person engaged in, or is engaging in, the unauthorized practice of law.
 - (b) An injunction described in Subsection (7)(a) shall include terms that the court considers equitable and reasonable.
 - (c) Proof of monetary damages is not necessary for a court to issue an injunction under this Subsection (7).
- (8)
- (a) Except as provided in Subsection (8)(b), a person who engages in the unauthorized practice of law is guilty of a class A misdemeanor.
 - (b) A person who engages in the unauthorized practice of law is guilty of a third degree felony if:
 - (i) the person falsely represents to a client that the person is licensed or otherwise authorized to engage in the practice of law in this state;
 - (ii) the person's unauthorized practice of law causes a client to suffer:
 - (A) monetary loss or damages exceeding \$1,000; or
 - (B) a significant impairment of a legal right; or
 - (iii) the person has been previously convicted of the unauthorized practice of law.
 - (c) The attorney general, or a county or district attorney, may investigate and prosecute the unauthorized practice of law.
- (9) Nothing in this section prohibits an individual from personally and fully representing that individual's own interests in a cause to which that individual is a party in the individual's own right and not as an assignee.
- (10) Nothing in this section limits the authority of the Supreme Court to regulate the practice of law.

Amended by Chapter 307, 2026 General Session