

**American Bar Association
Standing Committee on Client Protection**

2012 Survey of Unlicensed Practice of Law Committees

INTRODUCTION

The ABA Standing Committee on Client Protection conducted a survey on unlicensed practice of law programs in United States jurisdictions in 2011-12. This is the fourth survey the Committee has undertaken on the unauthorized or unlicensed practice of law since it published the *1994 Survey and Related Materials on the Unauthorized Practice of Law/Nonlawyer Practice*. Previous surveys were completed in 1999, 2004, and 2009. The results of the survey are provided to courts, bar associations, lawyers, and members of the public and news media nationwide. Questionnaires were sent electronically to all jurisdictions in the United States.

The Committee received responses from twenty-nine jurisdictions. Where available, responses from the 2009 Survey were incorporated for those jurisdictions that failed to respond to the 2012 questionnaire. The following jurisdictions did not submit responses in 2009 or 2012: Georgia, Kansas, Massachusetts, Michigan, Minnesota, Nevada, New Hampshire, Rhode Island, and South Carolina.

RESULTS OF THE 2012 UNLICENSED PRACTICE OF LAW SURVEY

Current Enforcement Activity

Several jurisdictions have more than one entity responsible for UPL enforcement. Twenty-three jurisdictions actively enforce UPL regulations, although some jurisdictions indicate that insufficient funding or resources make enforcement challenging. Nine jurisdictions stated that enforcement is inactive or non-existent.

The majority of responding jurisdictions have definitions for both the “practice of law” and the “unauthorized practice of law”. “Practice of law” definitions are established by court rule in sixteen jurisdictions, by statute in fourteen, through case law in twenty-three, and through advisory opinions in three jurisdictions. Many jurisdictions have definitions in more than one resource, such as Illinois, which has practice definitions in case law, statute, and advisory opinion. “Unauthorized practice of law” definitions usually are found either in statutes (seventeen jurisdictions), through a court rule (fifteen jurisdictions) or some combination of statute, rule, case law and advisory opinion.

Enforcement authority against UPL is established by court rule in twenty-three jurisdictions, by statute in twenty-nine. Most responding jurisdictions report enforcement authority by both statute and court rule. In most jurisdictions there are two or more authorities authorized to enforce UPL regulations, including states attorneys general, state bar committees/counsel, state supreme court committees/commissions, and local and county attorneys. UPL enforcement in the majority of the responding jurisdictions is

funded through bar association dues or lawyer assessments or the state supreme court. Most jurisdictions either do not have a specific annual expenditure for UPL enforcement or were unaware of the exact amount. The Florida Bar continues to lead the country in funding UPL enforcement, spending approximately \$1.6 million annually. Other jurisdictions providing a significant budget for enforcement are Ohio, Nebraska, and Texas.

The penalties/sanctions for UPL violations that are available to enforcement authorities include (by number of responding jurisdictions): civil injunctions (32), criminal fines (24), prison sentence (20), civil contempt (22), restitution (16), and civil fines (13). Other remedies may be available. Most jurisdictions have several available remedies.

Authorized Nonlawyer Practice

Twenty-one jurisdictions authorize nonlawyers to perform some legal services in limited areas. Sixteen permit legal assistants, legal technicians or paralegals to perform some legal services under the supervision of a lawyer; six jurisdictions permit nonlawyers to draft legal documents. Other allowable nonlawyer activities include: real estate agents/brokers may draft documents for property transactions or attend real estate closings; nonlawyers may attend (and in some states *participate* in) administrative proceedings; and participate in alternative dispute resolution proceedings. Many of these jurisdictions do not classify these activities as the practice of law.

Disbarred/Suspended Lawyers

The survey also asked questions regarding the law-related activities of disbarred lawyers. Twenty-two responding jurisdictions permit disbarred lawyers to engage in law-related activities while disbarred. Usually the disbarred lawyer's conduct is regulated by court rules or case law that defines the supervision necessary for the disbarred lawyer working for a lawyer.

The Future: What's on the Horizon?

Ten jurisdictions (of those responding to the 2012 questionnaire) responded that they expect changes in UPL in the coming year. Those jurisdictions contemplate adopting additional rules, changes to pro hac vice rules, more active enforcement, dedicated investigative staff, issuing advisory opinions, changes in the procedures for enforcement, and increasing penalties.

If you have any questions regarding the 2012 Survey of UPL Committees, please contact Selina Thomas at selina.thomas@americanbar.org or 312/ 988-6721.

Janet Green Marbley, Chair
Standing Committee on Client Protection
March 2012

2012 SURVEY OF UNLICENSED PRACTICE OF LAW COMMITTEES

CHART I

| STATE | Does your jurisdiction have a definition of practice law? Cite/URL: | Source of Definition | Does your jurisdiction have a definition of the <u>unauthorized</u> practice of law? Cite/URL: | Source of Definition | <u>Enforcement Against UPL</u> What is the source of Enforcement Authority? | What Regulatory entity is authorized to enforce the UPL Regulations? | Who pays for UPL Enforcement? | What is the Annual Budget for UPL Enforcement? |
|-------|--|---|---|--|--|--|--|---|
| AL | Yes, Code of Ala., 1975, 34-3-6 & 34-3-7 & Ala Rules of Admission | Statute | Ala. Code 34-3-1; Rule 5.5, Ala. R. Prof. C. | Statute, Rule | Statute, Rule | State Bar Counsel, State Bar Committee, County Prosecutor | State Bar and or County | N/A |
| AK | Yes, Alaska Bar Rule 2, Section 2(c) | Rule; Case Law: Other: Christiansen v. Melinda, 857 P. 2d 345 (Alaska 1993) | Yes, Bar Rule 15(6), Bar Rule 63 | Rule | Statute (see Alaska Statutes 08.08.230) | State Prosecutor (see Alaska Statutes 08.08.230) | State of Alaska if complaints are prosecuted | Unknown |
| AZ | Yes; Rules of the Supreme Court of Arizona, Rule 31 | Rule; Case Law | Yes; Rules of the Supreme Court of Arizona, Rule 31 | Rule | Rule | State Bar Counsel | UPL enforcement occurs through the regulatory process which is funded by lawyer/member dues. | UPL enforcement is not budgeted separately. It is part of the Budget for Lawyer Regulation. |
| AR | Yes; Ark. Code Ann. §§ 4-109-101 | Statute; Case Law | No; Ark. Code Ann. § 16-22-501 | Statute; Case Law; Other - We have no definition of the "unauthorized practice of law", but what we do have are prohibited activities for non-lawyers, developed by case law and statute. The UPL Committee is not bound by just one definition. | Rule; Case Law | Supreme Court Committee/Commission; Attorney General | Arkansas Supreme Court | \$6,850 |

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|-------|---|---|---|---|--|---|---|--|
| CA | Yes. | Statute, Case Law, Advisory Opinion | Yes, Sections 6125 et seq. of the Business and Professions Code and Rules 1-300 and 1-311 of the California Rules of Professional Conduct | Rule, Statute | Statute | State Bar Counsel | State Bar pays for UPL enforcement to the extent that the enforcement is conducted by State Bar disciplinary counsel in the State Bar's Office of the Chief Trial Counsel. | The State Bar does not have a separate budget for UPL enforcement. |
| CO | Yes; http://www.coloradosupremecourt.com/pdfs/Regulation/UPL%20Website%20Q&A%20Final.pdf | Case Law | Yes; http://www.coloradosupremecourt.com/pdfs/Regulation/UPL%20Website%20Q&A%20Final.pdf | Statute, Case Law | Rule | Supreme Court Committee/Commission | Budget of the Colorado Supreme Court office of Attorney Regulation Counsel; office receives its funds from the attorney registration fees paid by Colorado attorneys. | \$135,940.00 (\$120,000.00 of which is earmarked for a new hire) |
| CT | Yes, Practice Book 2-44A available at www.jud.ct.gov and CT Practice Book Sect. 2-44A | Rule; Statute(Conn. General Statutes 51-88); Case Law | Yes. | Rule; Statute(Conn. General Statutes 51-88); Case Law | Rule; Statute | Office of Disciplinary Counsel | The State or the Respondent | Not budgeted |
| DE | No. | Case Law | Yes; Rule H of the Rules of the Board on the Unauthorized Practice of Law | Rule; Statute | Rule | Office of Disciplinary Counsel, arm of Delaware Supreme Court | Delaware Supreme Court | Not available |
| DC | Yes. www.dccourts.gov/dccourts/docs/rule49.pdf | Rule | Yes. www.dccourts.gov/dccourts/docs/rule49.pdf | Rule | Rule | District of Columbia Court of Appeals Committee on Unauthorized Practice of Law | As stated in the answer to #8, the Court of Appeals has no budget for UPL enforcement. The members of the Committee on Unauthorized Practice serve as volunteers, and contribute their time and pay expenses such as postage and copying costs. | The Court of Appeals has no annual budget for UPL enforcement. |

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|-----------|--|---|---|--|--|---|---|--|
| FL | No. | Other: Test for practice of law found in case law. | No. | Other: test for unauthorized practice of law found in case law | Rule | Other: State Attorney's Office (criminal prosecution) | Bar cases are funded by part of bar budget funded by annual renewal fee. Respondent may be ordered to pay costs if prosecuted. Criminal case funded by state. | \$1.6mil |
| GA | | | | | | | | |
| HI | No. | - | No. | - | Statute | Attorney General | General Funds | N/A |
| ID | Yes. | Rule, Case Law | Yes, IBCR 801 (i) | Rule | Rule, Statute, Case Law | State Bar Committee, State Bar Counsel, County Prosecutor | Idaho State Bar | \$200.00; The staff time is included in the general Bar Counsel's Office Budget. |
| IL | No. | Statute, Case Law, Advisory Opinion | No. | Statute, Case Law, Advisory Opinion | Statute, Case Law | State Bar Committee, Attorney General, County Prosecutor ¹ | N/A | N/A |
| IN | No. | N/A | No. | N/A | Rule, Statute, Constitution | State Bar Committee, Supreme Court Committee/Commission, Attorney General, County Prosecutor, and "any duly organized local bar association by leave of court." | The regulatory entity bringing the action pays, although costs and expenses incurred by a hearing "shall be borne by the losing party." | No dedicated budget. |

¹ In addition to the above regulatory entities, private attorneys and law firms have standing to bring actions for the unauthorized practice of law. *Mallen v. MyInjuryClaim.com*, 329 Ill. App.3d 953, 769 N.E.,2d 74, 263 Ill. 872 (1st Dist. 2002)

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|-------|--|-------------------------|---|----------------------|--|---|--|---|
| IA | Yes. | Rule and Case Law | Yes. | Rule and Case Law | Rule, Case Law | Supreme Court Committee/Commission, Attorney General | Iowa Supreme Court | \$33,900.00 |
| KS | | | | | | | | |
| KY | Yes, (See SCR 3.020) | Rule, (See SCR 3.020) | No. | N/A | Rule (See SCR 3.460) | Other; The Kentucky Supreme Court delegates authority to the Executive Director of the Kentucky Bar Association, whose investigative duties are carried out by the KBA's Office of Bar Counsel. The criminal statute is enforced by the County Attorney's Office(s) | UPL enforcement is paid for by the annual bar dues of the members of the KBA. | A specific budget for UPL is not allocated. UPL costs are included in the KBA's general fund. |
| LA | Yes, RS37:212; Jurisprudence; RPC 5.5 | Rule, Statute, Case Law | No. | N/A | Rule | Office of Disciplinary Counsel enforces RPC, Prosecutor enforces criminal statute (RS37:213) | As to discipline against lawyer (including suspended or disbarred) ODC is funded by annual attorney assessments; as to Judicial District Prosecutors, Louisiana taxpayers. | None |
| ME | Sort of : Board of Bar Overseers v. Mangan, 2001 ME 711 13-16 | Case Law | No. | - | Statute | Attorney General | Attorney General Office | N/A |
| MD | Yes. | Statute and Case Law | Yes. | Case Law | Statute | State Bar Counsel, Attorney General | Funds of Bar counsel's office | No set sum established |
| MA | | | | | | | | |

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|-------|---|----------------------|---|----------------------|--|---|---|---|
| MI | | | | | | | | |
| MN | | | | | | | | |
| MS | Yes Darby v. Miss. State Board Bar Admissions, 185 So. 2d 684(Miss. 1966); In Re: Williamson, 838 So. 2d 226 (Miss. 2002) | Case Law | Yes, Miss. Code Am § 73-3-55 (1972 as amended) | Statute | Statute | State Bar Committee, County Prosecutor, with referral to County Attorney or District Attorney. It becomes a felony enforced by the DA if more than three. | The State Bar | Unknown; it is a volunteer committee, with an attorney from the Office of General Counsel serving as liaison. |
| MO | Yes, http://www.moga.mo.gov/statutes/o400-499/4840000020.htm | Rule, Case Law | No | N/A | Rule, Statute | State Bar Counsel, Attorney General, County Prosecutor, Other: person who paid entity or person who practiced without license can sue for treble damages. | Office of Chief Disciplinary Counsel and local prosecutors if they choose to prosecute someone. | No amount specifically allocated for UPL. |
| MT | Yes. | Statute and Case Law | Yes. www.montanabar.org | Case Law | Advisory Opinion, Other; Commission an UPL – Supreme Ct. appointee | Supreme Court Committee/Commission | State Bar of Montana, no Court funding, volunteers | \$1500 |
| NE | Yes, Neb. Ct. R. §3-1001 | Rule | Yes, Neb. Rev. stat. 7-101 | Statute | Rule, Statute | Supreme Court Committee/Commission (rule), County Prosecutor (Statute) | Nebraska State Bar Association | \$75,000 |
| NV | | | | | | | | |

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| NH | | | | | | | | |
| NJ | No. | N/A | No. | N/A | Rule, Statute | State Supreme Court Committee/Commission, Attorney General, County Prosecutor, and attorneys may prosecute UPL violations, pursuant to NJ State Bar Assn. v. North NJ Mortgage Assn., 22 NJ 184 (1956) | The Supreme Court Committee on the UPL is comprised of volunteer members of the NJ Bar and laypeople, staffed by a Judiciary employee, paid for through the Judiciary budget allotment. Matters can also be handled by law enforcement, funds for which come from the county or municipal budget. | There is no line item for UPL enforcement by the Supreme Court Committee. The staff member who is counsel and Secretary to the Committee has various other job responsibilities so the budget for the UPL Committee is not separable from the budget for other functions of the staff member. |
| NM | No. | N/A | No. | N/A | Rule, Statute, Case Law | State Bar Counsel, State Bar Committee, Attorney General; Local bar certified by State Bar | New Statute implemented in 2011: rule updates pending – no enforcement action at this time. | \$0.00 |
| NY | No. | - | No. | - | Statute | Attorney General, County Prosecutor | There is no independent budget item for UPL enforcement. It is within the power of the Attorney General and District Attorneys, and each of those offices has an overall budget. | There is no independent budget item for UPL enforcement. It is within the power of the Attorney General and District Attorneys, and each of those offices has an overall budget |
| NC | Yes, NC Gen. Statute 84-2.1 | Statute, Case Law | Yes, NC Gen. Statute 84-4 and 5 | Statute, Case Law | Statute | State Bar Counsel, State Bar Committee, County Prosecutor | The North Carolina State Bar | N/A |

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|-------|--|----------------------|---|----------------------|--|--|---|--|
| ND | No. | - | No. | - | Statute | Supreme Court Committee/Commission, Attorney General, County Prosecutor | The state bar pays the expenses of the Consumer Protection Committee. On those extremely rare instances of a criminal prosecution (unauthorized practice of law, while not defined, is a misdemeanor) county taxpayers would pay. | It is not a budgeted item. |
| OH | No. | | Yes, http://www.supremecourt.ohio.gov/LegalResources/Rules/govbar/govbar.pdf#Rule7 | Rule | Rule, Statute | Supreme Court Committee / Commission | The Supreme Court of Ohio | \$153,750.00 |
| OK | Yes, R.J. Edwards v. Hert, 1972 OK 151, 20, 504 P. 2d 407 http://www.oscn.net/applications/oscn/deliverdocument.asp?cite=1972+ok+151 | Case Law | No. | N/A | Rule | State Bar Counsel, Oklahoma Bar Association and the Professional Responsibility Commission | The budget of the Office of the General Counsel, Oklahoma Bar Association | None, currently, the investigation and prosecution of UPL is not a line item in our budget. A budget proposal including provisions for an attorney and investigator was submitted to the Oklahoma Supreme Court for their approval this month. |
| OR | Yes, The practice of law is defined in case law, See e.g. Oregon State Bar v. Security Escrows, Inc. 233 Or 80, 377 P2d 344 (1962) | Case Law | Oregon RPC 5.5 and Case Law | Statute, Case Law | Statute | State Bar Counsel, State Bar Committee, Attorney General, County Prosecutor | Oregon State Bar, with volunteer assistance from members. | |

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|-------|--|---|---|---|--|--|---|---|
| PA | No. | - | Yes. | Statute; Case Law | Statute | Attorney General; County Prosecutor | Whoever files an action | N/A |
| RI | | | | | | | | |
| SC | | | | | | | | |
| SD | No. | N/A | No. | N/A | Statute | State Bar Committee, Attorney General, County Prosecutor, any citizen | State Bar | - |
| TN | Yes. | Statute, Case Law | Yes, Tenn. Code Ann. §23-3-103(a) (2008) | Statute, Case Law | Statute | State Bar Committee, Supreme Court Committee / Commission, Attorney General, County Prosecutor, and there is also a private right of action. | The party bringing the suit pays (Attorney General, Bar Association, or individual). There is the ability to obtain attorneys' fees from the Defendant. | |
| TX | Yes, Texas Government Code § 81.101 | Statute | Yes, Texas Government Code § 81.102 | Statute | Rule, Statute, Case Law | Supreme Court Committee/Commission | Attorney dues administered by the State Bar of Texas | \$170,000 |
| UT | Yes. | Rule, Statute, Case Law, Advisory Opinion | Yes; http://www.utcourts.gov/resources/rules/ucja/ch14/08%20Special%20Practice/USB14-802.html | Rule, Statute, Case Law, Advisory Opinion | Rule | State Bar Counsel, State Bar Committee, Supreme Court Committee / Commission | Utah State Bar (Bar Fees) | Varies. As needed within reason and vis a vis current budget. |

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|-------|--|----------------------|---|----------------------|---|---|--|--|
| VT | Yes; In re Welch, 123 Vt. 180(1962) | Case Law | Yes; In re Welch, 123 Vt. 180(1962) | Case Law | Case Law | Attorney General, County Prosecutor | Whatever office initiates the action | There is no amount specified in any budget. |
| VA | Yes; Part 6 §I (B) Rules of the Virginia Supreme Court http://www.vsb.org/pro-guidelines/index.php/ unauthorized-practice-rules/practice-of-law-in-the-commonwealth-of-virginia/ | Rule | Yes; http://vsb.org/pro-guidelines/index.php/ unauthorized-practice-rules/ | Rule | Statute, Code of Virginia, Section 54.1-3910 | State Bar Committee, Standing Committee on Unauthorized Practice of Law | The Virginia State Bar includes UPL enforcement in its budget. | There is no specific line item for UPL enforcement; expenses are paid out of the budget allocated for Professional Regulation. |
| WA | Yes; http://www.courts.wa.gov/court_rules/?fa=court_rules.display&group=ga&set=GR&ruleid=gagr24 | Rule | No. | - | Statute; http://apps.leg.wa.gov/RCW/default.aspx?cite=2.48.180 | Supreme Court Committee/Commission; Attorney General; County Prosecutor; The Practice of Law Board was established by the Supreme Court, in part, to investigate and enforce UPL. However, the Board has limited enforcement authority and refers cases to the county prosecutor and the Attorney General's Office. | The Practice of Law Board administered by the WSBA investigates UPL complaints, attempts to enter into cease and desist agreements with violators, and refers violators to county prosecutors and other enforcement agencies. The POL Board's annual budget for 2009 is \$173,846. The state and county enforcement are funded by the state and county. | The POL Board's annual budget for 2009 is \$173,846. The state and county expenditures are from their general funds. |

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|-------|--|--|--|-------------------------|---|--|--|--|
| WV | Yes. | Rule; Other: by order of the WV Supreme Court of Appeals | No. | N/A | Rule; Statute; Other Statute for criminal | State Bar Committee | The West Virginia State Bar | Ad hoc as needed |
| WI | Yes; Wisconsin Stats. 757.30 and SCR Chapter 23: http://wicourts.gov/sc/scrule/DisplayDocument.html?content=html&seqNo=66312 | Rule, Statute | Yes; Wisconsin Stats. 757.30 and SCR Chapter 23: http://wicourts.gov/sc/scrule/DisplayDocument.html?content=html&seqNo=66312 | Rule, Statute | Statute; only enforcement is criminal prosecution under the statutes, not the court rule. | County Prosecutor | The state, to the extent it is prosecuted by district attorneys, who are state funded. | N/A |
| WY | Yes; Rule 11.1 Wyoming Supreme Court Rules Governing the Organization of the Wyoming State bar and the Regulation of the Practice | Rule, Statute, Case Law | Yes; Rule 11.1; Wyoming Court Rules: Bar Association Organization & Governance | Rule, Statute, Case Law | Rule, Statute | State Bar Committee, County Prosecutor | Wyoming State Bar General Fund | As requested |

2012 SURVEY OF UNLICENSED PRACTICE OF LAW COMMITTEES

CHART II

| STATE | This amount includes: | What remedies sanctions are available against someone engaged in the UPL? | How active is jurisdiction in enforcing the UPL regulations? Please explain: | Does your jurisdiction permit any nonlawyer practice? ⁱ | If nonlawyer practice is permitted, is it regulated/licensed? By? | Nonlawyers may engage in the following: |
|-------|--|---|--|--|--|--|
| AL | N/A | Criminal fine | Active. We attempt to stop them by having the individual sign a cease and desist affidavit. | Yes. Legal Assistants/Paralegals under the supervision of an attorney. | No. | Attend administrative Proceedings, Preparation of immigration forms (outside of Federal Regulations allowing limited nonlawyer representation) |
| AK | - | Criminal fine, prison, restitution | Non-existent: The bar Association has been working with the Alaska Supreme Court for many years to arrive at a definition for injunctive under AS 08.07.210, but no definition has been adopted. | No. | N/A | - |
| AZ | Salaries and benefits, space, equipment and supplies, travel/education, training. | Civil injunction, civil contempt, civil fine, | Active | Yes, Legal Assistants/Paralegals under the supervision of an attorney, document preparers. | Yes; State Bar and Supreme Court | Prepare pleadings/wills/other legal documents, Attend administrative proceedings, pre-trial activities, negotiate legal matters, appear in court, attend real estate closings, participate in state administrative proceedings, participate in alternative dispute resolution proceedings. |
| AR | Equipment and supplies; Travel/Education/ Training; Other-court reporters/court and witness fees | Civil injunction, civil contempt, civil fine, criminal fine | Active | No. | - | Prepare pleadings/wills/other legal documents, attend administrative proceedings, pre-trial activities, negotiate legal matters, appear in court, ⁱⁱ attend real estate closings, participate in state administrative proceedings, participate in alternative dispute resolution proceedings. Other: a person can represent himself <i>pro se</i> but cannot do the things listed above on behalf of another. |
| CA | N/A | Civil injunction, civil contempt, prison | ⁱⁱⁱ Active | Yes, Legal Technicians, Legal Assistants/Paralegals | No. | Completing legal documents in a ministerial manner and providing published factual information approved by an attorney. |

ⁱ All United States jurisdictions allow for limited practice by law students with lawyer supervision. See, *ABA Model Rule Relative to Legal Assistance By Law Students*.

ⁱⁱ Real estate brokers may fill in the blanks in connection with simple real estate transactions in standard warranty deeds, quitclaim deeds, release deeds, bills of sale, lease agreements, and mortgages with power of sale under the following restrictions: (1) That the person for whom the broker is acting has declined to employ a lawyer to prepare the necessary instruments and has authorized the broker to do so; (2) that the forms are approved by a lawyer either before or after the blanks are filled in but prior to delivery to the person for whom the broker is acting; (3) that the forms shall not be used for other than simple real estate transactions which arise in the usual course of the broker's business (4) that the forms shall be used only in connection with real estate transactions actually handled by such brokers as a broker; (5) that the broker shall make no charge for filling in the blanks; and (6) that the broker shall not give advice or opinions as to the legal rights of the parties, as to the legal effects of instruments to accomplish specific purposes of as to the validity of title to real estate.

ⁱⁱⁱ In 2006, the Office of the Chief Trial Counsel created a UPL team to handle UPL cases in Southern California. The team doubled in size in 2007 from its original size of two attorneys and three investigators to four attorneys and six investigators. Both the creation of the team in 2006 and the expansion of the team in 2007 were accomplished without any additional budgetary funds or the creation of any new positions.

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|-------|---|--|---|---|---|---|
| | | | | under the supervision of an attorney, ^{iv} document preparers, and unlawful detainer assistant. Neither these persons nor document preparers may practice law. | | |
| CO | Salaries and benefits, travel/education/training, and investigation and trial expenses. | Civil injunction, civil contempt, civil fine, criminal fine, prison, restitution | Active | Yes. Real estate brokers, to a limited extent. | Yes. Other Regulatory Entity / Board | Attend administrative proceedings, attend real estate closings, participate in state administrative proceedings, if allowed by administrative regulation or other authority. |
| CT | N/A | Civil injunction, civil fine | Active | No. | - | Attend administrative proceedings(only if allowed by agency); Attend real estate closings (doc signing only); Participate in state administrative proceedings (if permitted by agency regulations); Participate in alternative dispute resolution proceedings if allowed by forum rules) |
| DE | - | Civil Contempt | Active: we send a cease and desist letter which usually work, Rarely do we file petition. | No. | - | Attend administrative proceedings, participate in state administrative proceedings |
| DC | N/A | Civil Injunction; Civil Contempt; Criminal Fine; Prison; Restitution | Active | Legal Assistants/ Paralegals under the supervision of an attorney; Other: Exceptions for nonlawyers to the general rule that only lawyers can | Yes by Federal and D.C. agencies to extent they permit nonlawyers to practice before them and supervision by the D.C. Bar members. Other Regulatory Entity/Board. | Prepare pleadings/wills/other legal documents, attend administrative proceedings, pre-trial activities (take depositions, etc.), give legal advice, negotiate legal matters, appear in court, attend real estate closings, participate in state administrative proceedings, participate in alternative dispute resolution proceedings, preparation of immigration forms |

^{iv} For the most part, the only nonlawyer practice permitted in our jurisdiction is the work of legal assistants and paralegals under the supervision of an attorney. There are, however, some limited exceptions permitted by statute. Section 6400 et seq. of the Business and Professions Code permits a nonlawyer to render assistance or advice in the prosecution or defense of an unlawful detainer claim or action and to provide self-help service to clients.^{iv}

Section 5501 of the California Labor Code allows nonlawyer representation before the Workers Compensation Appeals Board (WCAB) if the representation is authorized in writing and the representative has notified the WCAB in writing that he or she is not an attorney licensed by the State Bar.^{iv} And section 5700 of the Labor Code permits a nonlawyer to represent a party in hearings on workers compensation applications and to present testimony pertinent under the pleadings on behalf of the party at those hearings.^{iv} (See also California Bar Committee on Professional Responsibility formal opinion 1988-103, which opines that a law firm may delegate authority to a paralegal employee to make appearances at Workers' Compensation Appeals Board hearings and to file petitions, motions or other material allow a paralegal to represent clients at workers' compensation hearings where the client consents to the nonlawyer representation.)^{iv}

Under section 1957 of the California Unemployment Insurance Code, a nonlawyer may represent any individual claiming benefits in any proceedings before the California Unemployment Insurance Appeals Board.^{iv} Some federal agencies with offices in California also permit nonlawyer representation. Those agencies are not listed here.

2012 SURVEY OF UNLICENSED PRACTICE OF LAW COMMITTEES

CHART II

| STATE | This amount includes: | What remedies sanctions are available against someone engaged in the UPL? | How active is jurisdiction in enforcing the UPL regulations? Please explain: | Does your jurisdiction permit any nonlawyer practice? ¹ | If nonlawyer practice is permitted, is it regulated/licensed? By? | Nonlawyers may engage in the following: |
|-----------|--|---|--|--|--|--|
| | | | | engage in the practice of law are set forth in Rule 49(c). For example: U.S. Government employee or practitioner; pro hac vice and pro bono publico legal services; incidental and temporary practice. | | (outside of Federal Regulations allowing limited nonlawyer representation). Exceptions for nonlawyers to the general rule that only lawyers can engage in the practice of law are set forth in Rule 49(c). For example, U.S. Government employee or practitioner; pro hac vice and pro bono publico legal services; incidental and temporary practice. |
| FL | Salaries and benefits, space, equipment and supplies, travel/education, training | Civil injunction, civil contempt, civil fine, criminal fine, prison, restitution and costs. | Active | Yes. Legal Technicians, Legal Assistants/Paralegals under the supervision of an attorney, Document preparers. | Yes. State Bar. | Attend administrative proceedings, participate in state administrative proceedings. |
| GA | | | | | | |
| HI | - | Criminal Fine, Prison | Active | No | - | - |
| ID | Equipment and supplies, Travel/Education, training | Civil injunction, civil contempt, criminal fine, restitution | Active | Yes. Legal Assistants/Paralegals under the supervision of an attorney | No. | N/A |
| IL | N/A | Civil injunction, civil contempt, civil fine, restitution | Active | No | No. | N/A |
| IN | N/A | Civil Injunction, Disgorgement of Fees/ | Active. Disciplinary Commission has ½ staff attorney devoted to UPL enforcement. State Bar has an active UPL Committee which sends cease and desist letters and brings injunctive actions. | Yes. Legal Assistants / Paralegals under the supervision of an attorney, Statutorily defined tax representatives, real estate agents using pre-prepared forms, bank employees using prepared mortgage documents. | Yes. Supreme Court, Other Regulatory Entity/Board | Attend administrative proceedings, attend real estate closings, participate in state administrative proceedings. |
| IA | Salaries and benefits, space, equipment and supplies, travel/education, training | Civil injunction, civil contempt, civil fine, criminal fine, prison, restitution. | Active | Legal Technicians, Legal Assistants/Paralegals under the supervision of an attorney, Limited Domestic Violence Counselors, Limited Real Estate (see Rules 37.4 and | No. | Participate in administrative proceedings if allowed by Rule. |

2012 SURVEY OF UNLICENSED PRACTICE OF LAW COMMITTEES CHART II

| STATE | This amount includes: | What remedies sanctions are available against someone engaged in the UPL? | How active is jurisdiction in enforcing the UPL regulations? Please explain: | Does your jurisdiction permit any nonlawyer practice? ¹ | If nonlawyer practice is permitted, is it regulated/licensed? By? | Nonlawyers may engage in the following: |
|-------|--|---|--|---|--|---|
| | | | | 37.5) | | |
| KS | | | | | | |
| KY | Salaries and benefits, space, equipment and supplies, travel/education, training | Civil Fine | Active | No. | N/A | Attend real estate closings, participate in state administrative proceedings. |
| LA | N/A | Criminal Fine, Prison, Discipline by Supreme Court | Active. In the context of lawyer discipline, prosecution by ODC is very aggressive; as regards criminal prosecution, not very active. | No. | N/A | N/A |
| ME | - | Civil injunction, criminal fine, prison, restitution | Active- A member of the Attorney General's Office regularly meets with representatives from the Board of Overseers and Board of Bar Examiners to review complaints and referrals and discuss appropriate action and sanctions. | Yes, http://www.mainelegislature.org/legis/statutes/4/title4sec807.html | No. | Prepare pleadings/wills/other legal documents, attend administrative proceedings, appear in court, participate in state administrative proceedings, other: practice permitted within the exceptions enumerated by 4 MRSA 807. |
| MD | Salaries and benefits, space, travel/education/training | Civil injunction, civil contempt | Active | No. | Yes. | Case Law |
| MA | | | | | | |
| MI | | | | | | |
| MN | | | | | | |
| MS | Space, equipment and supplies | Civil injunction, prison | Active | No. | Yes, Miss. Code Am § 73-3-55 (1972 as amended) | Attend real estate closings |
| MO | N/A | Civil Injunction, criminal fine | Not Active. We often issue letters of cease and desist. We usually refer more serious matters out to the | Legal assistants/Paralegals under the supervision of an attorney, Document | No. | Attend administrative proceedings, participate in state administrative proceedings, and participate in alternative dispute resolution proceedings. |

2012 SURVEY OF UNLICENSED PRACTICE OF LAW COMMITTEES

CHART II

| STATE | This amount includes: | What remedies sanctions are available against someone engaged in the UPL? | How active is jurisdiction in enforcing the UPL regulations? Please explain: | Does your jurisdiction permit any nonlawyer practice? ¹ | If nonlawyer practice is permitted, is it regulated/licensed? By? | Nonlawyers may engage in the following: |
|-------|---|---|--|---|--|---|
| | | | local prosecutor. | preparers | | |
| MT | Travel/Education/ Training. Other: State Bar of Montana supports Commission with staff person, office and equipment. | Civil Injunction and Civil Contempt | Active, to the extent allowed with limited resources. | No. | N/A | Prepare pleadings/wills/other legal documents, attend administrative proceedings, give legal advice, participate in state administrative proceedings and participate in alternative dispute resolution proceedings. Other; These are areas we see nonlawyers trying to do work. |
| NE | Salaries and benefits, space, equipment and supplies, travel/education/training, professional fees | Civil Injunction (rule), civil contempt (rule), criminal fine (statute) | Court rules became effective 1/1/08. Enforcement is becoming more active by commission on UPL. Enforcement by County Prosecutor is not active. | No. | -- | Attend administrative proceedings, attend real estate closings, participate in state administrative proceedings, only as permitted (not prohibited) by Court Rules |
| NV | | | | | | |
| NH | | | | | | |
| NJ | Salaries and benefits, space, equipment and supplies | Prison | Not active: Some jurisdictions law enforcement offices are more active than others, depending on the press of other matters and allocation of resources. The Court Committee has no enforcement authority but works to educate violators and seek agreement to cease the unauthorized practice of law. | Yes, Legal Assistants/Paralegals under the supervision of an attorney | No. | Participate in alternative dispute resolution proceedings as neutrals; Licensed accountants can form corporations*. *Decided by ethics opinion (not considered to be the practice of law) |
| NM | N/A | Civil Injunction, Civil Fine, Restitution | Not Active. New Statute passed in 2011: Rule updates pending | No. | N/A | Attend administrative proceedings, attend real estate closings, participate in state administrative proceedings, participate alternative dispute resolution proceedings. |
| NY | N/A | Civil injunction, criminal fine, prison | Not Active | No. | N/A | |
| NC | N/A | Civil injunction, criminal fine, prison | Active | No. | N/A | |
| ND | N/A | Criminal fine, prison | Not Active | No. | N/A | Attend real estate closings, participate in state administrative proceedings, participate in alternative |

2012 SURVEY OF UNLICENSED PRACTICE OF LAW COMMITTEES

CHART II

| STATE | This amount includes: | What remedies sanctions are available against someone engaged in the UPL? | How active is jurisdiction in enforcing the UPL regulations? Please explain: | Does your jurisdiction permit any nonlawyer practice? ⁱ | If nonlawyer practice is permitted, is it regulated/licensed? By? | Nonlawyers may engage in the following: |
|-------|---|---|--|--|--|---|
| | | | | | | dispute resolution proceedings. |
| OH | Equipment and supplies, travel/education/training, books and subscriptions, reimbursements of board members, reimbursement of bar association expenses related to prosecution of UPL cases. | Civil injunction, civil contempt, civil fine | Active | No. | N/A | |
| OK | N/A | Civil injunction, civil contempt, and other remedies may exist | Active. Our office did not actively prosecute UPL until 2010. At this point, we have limited resources. We are attempting to take a more active role in investigating and prosecuting UPL. | Yes. By statute, nonlawyers may appear in certain administrative proceedings. | No. | |
| OR | N/A | Civil injunction, civil contempt, criminal fine, restitution | ^v Active | Yes. In limited circumstances, actions that would normally constitute the practice of law are specifically authorized by statute (i.e. certain work performed by title companies. See ORS 9.160 et seq). | Yes. Other Regulatory Entity / Board | Attend administrative proceedings, participate in state administrative proceedings. |
| PA | - | Civil injunction, civil contempt, criminal fine, prison, restitution. | Active | No. | - | Attend administrative proceedings, participate in state administrative proceedings |
| RI | | | | | | |
| SC | | | | | | |

^v In 2008, the UPL Committee received 45 new matters for investigation. They resolved 74 cases after investigation. Dispositions included: dismissals, admonition letters, notice letters, cease & desist agreements, and referrals for prosecution. In 2008 we resolved two matters by cease and desist agreements and four new cases were approved for prosecution. We normally have about five open UPL prosecutions at any given time.

2012 SURVEY OF UNLICENSED PRACTICE OF LAW COMMITTEES

CHART II

| STATE | This amount includes: | What remedies sanctions are available against someone engaged in the UPL? | How active is jurisdiction in enforcing the UPL regulations? Please explain: | Does your jurisdiction permit any nonlawyer practice? ¹ | If nonlawyer practice is permitted, is it regulated/licensed? By? | Nonlawyers may engage in the following: |
|-------|--|---|--|--|--|--|
| SD | - | Civil Injunction, Civil Contempt, Criminal Fine | Active. Step One: letter of admonition; step two, if admonition is ignored, and civil injunction, criminal prosecution is available only in limited circumstances and is in discretion of local prosecuting attorney. | No. Appearances allowed in small claims court, before some administrative agencies. | No. | Attend administrative proceedings, Appear in small claims court only, attend real estate closings as title agents, participate in state administrative proceedings |
| TN | N/A | Civil injunction, civil fine, criminal fine, prison, restitution | Active | Yes. Legal Assistants/Paralegals under the supervision of an attorney. | Yes. Other Regulatory Entity / Board | Under limited circumstances, nonlawyers may represent people in administrative Medicare hearings due to federal mandate. |
| TX | Equipment and supplies, Travel/Education/ Training, Meetings, investigations and litigation. | Civil Injunction, Civil Contempt, Prison | Active | Yes. Legal Assistants/Paralegals under the supervision of an attorney. | No. | Attend administrative proceedings, participate in state administrative proceedings, and participate in alternative dispute resolution proceedings. |
| UT | Salaries and benefits, space, equipment and supplies, travel/education/training | Civil injunction, civil contempt, civil fine, restitution (restitution via judge only) | Active, the UPL Committee meets once a month to review ongoing investigations and to assign new complaints. | Yes. Legal assistants/ Paralegals under the supervision of an attorney, document preparers (under certain circumstances) | No. | Attend administrative proceedings, attend real estate closings, participate in state administrative proceedings, and participate in alternative dispute resolution proceedings. |
| VT | N/A | Criminal fine, prison | Not Active | No. | N/A | Participate in alternative dispute resolution proceedings. |
| VA | Salaries and benefits, Travel/education/training | Civil injunction; civil contempt, prison, restitution | Active | Yes. Legal Assistants/Paralegals under the supervision of an attorney | No. | Attend administrative proceedings, attend real estate closings, participate in state administrative proceedings and participate in alternative dispute resolution proceedings. |
| WA | Salaries and benefits, space, equipment and supplies, travel/education/training | Civil injunction, criminal fine, prison, restitution, Other: There is no specific civil injunction available for UPL. | Non- Active; The Practice of Law Board investigates and processes 30-50 cases per year on average. A percentage of these cases are referred to prosecutors. The Board is aware of 1 case that was actually prosecuted. | Yes. Other; Limited Practice Officers in real and personal property transactions. | Yes. Supreme Court and other regulatory Entity/Board. | Attend administrative proceedings, negotiate legal matters, attend real estate closings. Other; Non lawyers may provide representation at administrative hearings if permitted by the agency. Any one in Washington can provide general information about what the law is and may sell legal forms. Limited Practice Officers can prepare specific forms approved by the Limited Practice Board. These forms are connected with real estate closings. If the |

2012 SURVEY OF UNLICENSED PRACTICE OF LAW COMMITTEES

CHART II

| STATE | This amount includes: | What remedies sanctions are available against someone engaged in the UPL? | How active is jurisdiction in enforcing the UPL regulations? Please explain: | Does your jurisdiction permit any nonlawyer practice? ¹ | If nonlawyer practice is permitted, is it regulated/licensed? By? | Nonlawyers may engage in the following: |
|-------|------------------------|---|---|---|--|--|
| | | | | | | Court approves the Legal Technician proposal, these technicians will be permitted to give legal advice regarding forms in specific areas of the law approved in advance. The technicians will be tested, licensed and held to the standard of a lawyer. If you would like more information about the Legal Technician proposal, please contact me. |
| WV | Hiring outside counsel | Civil injunction; Criminal fine | Active | Document preparers; Other: Bank employees may complete certain pre-prepared forms- when providing service to low income residents. | Yes. | Attend administrative proceedings; Attend real estate closings |
| WI | N/A | Criminal fine, prison | Not Active | Yes. Legal assistants/Paralegals under the supervision of an attorney; See SCR Chapter 23: http://wicourts.gov/sc/rules/DisplayDocument.html?content=html&seqNo=66312 | Yes. Other Regulatory Entity/ Board | Attend administrative proceedings, attend real estate closings, participate in state administrative proceedings and participate in alternative dispute resolution proceedings. |
| WY | Entirely volunteer | Civil injunction, civil contempt | Active. All complaints are formally processed and decided. | No. | N/A | Prepare pleadings/wills/other legal documents, attend administrative proceedings, give legal advice, negotiate legal matters, attend real estate closings, participate in alternative dispute resolution proceedings |

2012 SURVEY OF UNLICENSED PRACTICE OF LAW COMMITTEES CHART III

| STATE | Has your jurisdiction received complaints re: nonlawyer providers? (Describe) | Has your court or other state authority issued any binding or advisory opinion re: online legal services provided by nonlawyers? Cite, pls. | May disbarred or suspended lawyers engage in a law-related activity? If so, what are the restrictions? | What is the source of your jurisdiction's position on disbarred/suspended lawyer practice? | Has your jurisdiction received complaints regarding the actions of lawyers licensed in other jurisdictions (including lawyers licensed in foreign jurisdictions?) (Explain nature of complaints) |
|-------|--|---|--|--|---|
| AL | Yes. Nonlawyers preparing divorce pleadings, websites, legal advice & online document preparation, and suspended & disbarred lawyers continuing to practice. | No. | No. | Rule, Other. Rule 5.5, Ala.R.Prof. C. | Yes. Lawyers not admitted pro hac vice. |
| AK | | | Yes, but limited by Bar Rule 15(6) | Rule | |
| AZ | | | Yes. Can act as a paralegal under the supervision of a lawyer in good standing. Can also work as an assistant under the same restrictions. | Rule | |
| AR | | | - | Rule; Statute | |
| CA | Yes. We have received complaints about nonlawyers practicing. | No. | Yes. ⁱ | Rule | Yes. We receive complaints about the unauthorized practice by persons not licensed in California which sometimes involve a lawyer licensed in another jurisdiction. An out-of-state lawyer who appears pro hac vice in a California court also becomes subject to regulation by the California State Bar pursuant to California Rules of Court, rule 9.40(f). |

ⁱ According to the California Rules of Professional Conduct, rule 1-311, a member may employ, associate professionally with, or aid a disbarred, suspended, resigned, or involuntarily inactive member to perform research, drafting or clerical activities, including but not limited to: (1) Legal work of a preparatory nature, such as legal research, the assemblage of data and other necessary information, drafting of pleadings, briefs, and other similar documents; (2) Direct communication with the client or third parties regarding matters such as scheduling, billing, updates, confirmation of receipt or sending of correspondence and messages; or (3) Accompanying an active member in attending a deposition or other discovery matter for the limited purpose of providing clerical assistance to the active member who will appear as the representative of the client.

2012 SURVEY OF UNLICENSED PRACTICE OF LAW COMMITTEES CHART III

| STATE | Has your jurisdiction received complaints re: nonlawyer providers? (Describe) | Has your court or other state authority issued any binding or advisory opinion re: online legal services provided by nonlawyers? Cite, pls. | May disbarred or suspended lawyers engage in a law-related activity? If so, what are the restrictions? | What is the source of your jurisdiction's position on disbarred/suspended lawyer practice? | Has your jurisdiction received complaints regarding the actions of lawyers licensed in other jurisdictions (including lawyers licensed in foreign jurisdictions?) (Explain nature of complaints) |
|-------|---|---|--|--|--|
| CO | Yes. Document preparers, websites as described above. | No. | Yes. ⁱⁱ | Rule | Yes. Any and all alleged violations of RPC. |
| CT | No. | No. | Yes. | Case Law | Yes. Debt negotiation/settlement firms. |
| DE | | | Yes. They may act as a paralegal under supervision but are more restricted in what they can do than a non-lawyer paralegal. | Case Law- | |
| DC | Yes. | No. | The D.C. Office of Bar Counsel and the Board on Professional Responsibility enforce restrictions on activity by disbarred or suspended lawyers. | Other. The D.C. Office of Bar Counsel and the Board on Professional Responsibility enforce restrictions on activity by disbarred or suspended lawyers. | No. |
| FL | Yes. | No. | Yes. Can work as a paralegal or law clerk under the direction and supervision of a member of The Florida Bar. No direct client contact, cannot handle trust funds or property; employing attorney must provide quarterly reports of employment to The Florida Bar. | Rule. | Yes. Giving legal advice, taking fee for legal services and not performing services. |
| GA | | | - | - | |

ⁱⁱ Per Colo. RPC 5.5 (b) and (c): (b) A lawyer shall not employ, associate professionally with, allow or aid a person the lawyer knows or reasonably should know is a disbarred, suspended, or on disability inactive status to perform the following on behalf of the lawyer's client: (1) render legal consultation or advice to the client; (2) appear on behalf of a client in any hearing or proceeding or before any judicial officer, arbitrator, mediator, court, public agency, referee, magistrate, commissioner, or hearing officer; (3) appear on behalf of a client at a deposition or other discovery matter; (4) negotiate or transact any matter for or on behalf of the client with third parties; (5) otherwise engage in activities that constitute the practice of law; or (6) receive, disburse or otherwise handle client funds. (c) Subject to the limitation set forth below in paragraph (d), a lawyer may employ, associate professionally with, allow or aid a lawyer who is disbarred, suspended (whose suspension is partially or fully served), or on disability inactive status to perform research, drafting or clerical activities, including but not limited to: (1) legal work of a preparatory nature, such as legal research, the assemblage of data and other necessary information, drafting of pleadings, briefs, and other similar documents; (2) direct communication with the client or third parties regarding matters such as scheduling, billing, updates, confirmation of receipt or sending of correspondence and messages; and (3) accompanying an active member in attending a deposition or other discovery matter for the limited purpose of providing assistance to the lawyer who will appear as the representative of the client. (d) A lawyer shall not allow a person the lawyer knows or reasonably should know is disbarred, suspended, or on disability inactive status to have any professional contact with clients of the lawyer or of the lawyer's firm unless the lawyer: (1) prior to the commencement of the work, gives written notice to the client for whom the work will be performed that the disbarred or suspended lawyer, or the lawyer on disability inactive status, may not practice law; and (2) retains written notification for no less than two years following completion of the work. (e) Once notice is given pursuant to C.R.C.P. 251.28 or this Rule, then no additional notice is required.

2012 SURVEY OF UNLICENSED PRACTICE OF LAW COMMITTEES CHART III

| STATE | Has your jurisdiction received complaints re: nonlawyer providers? (Describe) | Has your court or other state authority issued any binding or advisory opinion re: online legal services provided by nonlawyers? Cite, pls. | May disbarred or suspended lawyers engage in a law-related activity? If so, what are the restrictions? | What is the source of your jurisdiction's position on disbarred/suspended lawyer practice? | Has your jurisdiction received complaints regarding the actions of lawyers licensed in other jurisdictions (including lawyers licensed in foreign jurisdictions?) (Explain nature of complaints) |
|-------|---|---|--|--|--|
| HI | | | Yes. Could work as a paralegal. | - | |
| ID | Yes. Form shops. | No. | Yes. Prohibited from practicing law and prohibited maintaining a presence or occupying a law office, so not much if any is permitted. IBCR516. | Rule, Other. IBCR 516. | Yes. Practicing in our state. |
| IL | Yes. | No. | No. | Rule, Case Law | N/A |
| IN | Yes. Document preparers, notario publicos, and independent paralegals. | No. | No. | Rule | Yes. Solicitation in this state, practice without proper temporary admission, other violations of professional conduct rules. |
| IA | Yes. | No. | No. | Rule, Case Law, Advisory Opinion | Yes. |
| KS | | | - | - | |
| KY | Yes. Document preparers and nonlawyer owned websites providing legal advice. | No. | Yes. Please see KBA Ethics Opinions E-255, E-256, and E-336. Available on our website www.kybar.org . | Rule, Advisory Opinion | Yes. Practicing without being admitted pro hac vice. |
| LA | | | Yes. Suspended lawyers only may work for a licensed attorney if employment is registered under the restrictions of Rule 5.5. | Rule | |
| ME | | | Yes. He must not hold himself out as lawyer and his conduct must fall under the enumerated exceptions under 4 MRSA 807. | Statute | |
| MD | | | - | Rule, Statute, Case Law | |
| MA | | | - | - | |
| MI | | | - | - | |

2012 SURVEY OF UNLICENSED PRACTICE OF LAW COMMITTEES CHART III

| STATE | Has your jurisdiction received complaints re: nonlawyer providers? (Describe) | Has your court or other state authority issued any binding or advisory opinion re: online legal services provided by nonlawyers? Cite, pls. | May disbarred or suspended lawyers engage in a law-related activity? If so, what are the restrictions? | What is the source of your jurisdiction's position on disbarred/suspended lawyer practice? | Has your jurisdiction received complaints regarding the actions of lawyers licensed in other jurisdictions (including lawyers licensed in foreign jurisdictions?) (Explain nature of complaints) |
|-------|--|---|--|--|--|
| MN | | | - | - | |
| MS | Yes. | No. | No. | Rule, Statute | Yes. |
| MO | Yes. Unsure. | No. | Yes. None, as long as not practicing law. Can assist an attorney in law related activities. | N/A | Yes. |
| MT | | | Yes. Paralegal/legal assistant only. | Other: Allowed practice from disciplinary authority. | |
| NE | | | - | Rule, Statute, Case Law, Advisory Opinion, Other: Disbarred/suspended lawyers are "non-lawyers" but still subject to counsel for discipline. | |
| NV | | | - | - | |
| NH | | | - | - | |
| NJ | Yes. Many complaints on immigration matters with nonlawyers pretending to be lawyers or filling out documents; expungent websites run by nonlawyers; notarios holding themselves out as lawyers. | No. | No. | Rule | Yes. Out of state lawyers representing parties in debt collection matters. |
| NM | No. | No. | No. | Rule. | Yes. UPL and abuse of pro hac vice. |
| NY | Yes. We do not know what complaints have been received by enforcement authorities, but we have heard of such complaints. | No. | Yes. They cannot engage in any activity that constitutes the practice of law, buy they can, for example, act as a paralegal. | Statute | Yes. I assume so, but cannot be certain since the Bar Association does not have enforcement authority. |
| NC | Yes. Specifically online document preparers. | No. | Yes. They may be employed by the firm with whom they were employed at the time of the misconduct. | Rule | Yes. Complaints regarding debt adjusting and document preparation. |

2012 SURVEY OF UNLICENSED PRACTICE OF LAW COMMITTEES CHART III

| STATE | Has your jurisdiction received complaints re: nonlawyer providers? (Describe) | Has your court or other state authority issued any binding or advisory opinion re: online legal services provided by nonlawyers? Cite, pls. | May disbarred or suspended lawyers engage in a law-related activity? If so, what are the restrictions? | What is the source of your jurisdiction's position on disbarred/suspended lawyer practice? | Has your jurisdiction received complaints regarding the actions of lawyers licensed in other jurisdictions (including lawyers licensed in foreign jurisdictions?) (Explain nature of complaints) |
|-------|--|---|--|--|---|
| ND | Yes. Complaints about accountants, real estate agents, and life insurance salespersons. | No. | No. Depends whether acting as a paralegal for a licensed lawyer constitutes a "law-related activity." No restrictions on that. | N/A | Yes. |
| OH | Yes. Complaints regarding online document preparation, document preparation (trusts, wills, divorce documents) and debt negotiations. | Yes. http://www.supremecourt.ohio.gov/Boards/UPL/advisory_opinions/UPLAdvOp_08_03.pdf | No. | Rule | No. |
| OK | Yes. This Office receives complaints concerning individuals preparing pleadings and providing legal advice in family matters, foreclosure proceedings, immigration proceedings, criminal law (including appellate relief) and various other areas. | No. | Yes. OBA Ethics Opinion No. 319 and see State ex rel. Oklahoma Bar Ass'n v. Samara, 725 P.2d 306 (1963) | Rule, Case Law, Advisory Opinion | Yes. This office receives complaints concerning out-of-state attorneys preparing/filing pleadings in state court without being admitted pro hac vice and complaints identical to those routinely received by lawyers licensed in this jurisdiction. |
| OR | Yes. | No. | Yes. A disbarred or suspended lawyer can engage in the same activities as a nonlawyer. See OSB Formal Ethics Opinion 2005-24. | Rule, Statute, Case Law | Yes. |
| PA | | | - | Rule | |
| RI | | | - | - | |
| SC | | | - | - | |
| SD | | | - | Statute, Case Law | |
| TN | Yes. Many Tennessee consumers have complained of non-attorneys giving legal advices and preparing pleadings. | No. | No. | Rule | Yes. Some out of state attorneys have attempted to practice law in Tennessee without obtaining pro hac vice status, which Tennessee considers to be the unauthorized practice of law. |

2012 SURVEY OF UNLICENSED PRACTICE OF LAW COMMITTEES CHART III

| STATE | Has your jurisdiction received complaints re: nonlawyer providers? (Describe) | Has your court or other state authority issued any binding or advisory opinion re: online legal services provided by nonlawyers? Cite, pls. | May disbarred or suspended lawyers engage in a law-related activity? If so, what are the restrictions? | What is the source of your jurisdiction's position on disbarred/suspended lawyer practice? | Has your jurisdiction received complaints regarding the actions of lawyers licensed in other jurisdictions (including lawyers licensed in foreign jurisdictions?) (Explain nature of complaints) |
|-----------|---|---|--|--|--|
| TX | Yes. Document preparers, freelance paralegals, mediators, accountants, etc. | No. | Yes. Must be under the supervision of a licensed attorney. | Other. Practice. | Yes. |
| UT | Yes. All of the aforementioned. | No. | Yes. May not practice law. | Other. Judge determines in formal cases. | Yes. Typically, complainant wants to know if person can do whatever they are doing. |
| VT | No. | No. | No. | Rule | No |
| VA | N/A | Yes. http://www.vsb.org/site/regulation/upl-opinions-on-line-alpha-index | Yes. ⁱⁱⁱ | Rule | Yes. Lack of competence, diligence, failure to communicate. |
| WA | | | - | Rule | |
| WV | Yes. Numerous complaints but significant numbers are related to real estate. | Yes. The State Bar Unlawful Practice Committee has issued several advisory opinions which are available on the website under the UPL Committee listings. | No. | N/A | Yes. Any attorney who is not licensed in WV must obtain pro hac vice admission. |
| WI | Yes. Numerous | No. | No. | Rule | Yes. Cross-border practice. |
| WY | Yes. Document preparation, internet forms, advertising by out of state attorneys. | No. | No. Restrictions on reapplying for admission and other UPL sanctions. | Rule | Yes. Court appearances and filing documents in state. |

ⁱⁱⁱ See Va. Rule 5.5 (a) A lawyer, law firm or professional corporation shall not employ in any capacity a lawyer whose license has been suspended or revoked for professional misconduct, during such period of suspension or revocation, if the disciplined lawyer was associated with such lawyer, law firm, or professional corporation at any time on or after the date of the acts which resulted in suspension or revocation. (b) A lawyer, law firm or professional corporation employing a lawyer as a consultant, law clerk, or legal assistant when that lawyer's license is suspended or revoked for professional misconduct shall not represent any client represented by the disciplined lawyer or by any lawyer with whom the disciplined lawyer practiced on or after the date of the acts which resulted in suspension or revocation.

2012 SURVEY OF UNLICENSED PRACTICE OF LAW COMMITTEES CHART IV

| STATE | What, if any, entity is responsible for enforcement against unauthorized out-of-state lawyer practice? | Is your jurisdiction contemplating any change in its UPL Regulations, enforcement activity, or authority? | Does your committee maintain a UPL website? (Provide address) |
|-------|--|---|---|
| AL | State Bar Counsel | Yes. UPL Task Force | No. |
| AK | | Yes, a proposal to require written disclosure by a nonlawyer is pending before the Alaska Supreme Court. | |
| AZ | | No. | |
| AR | | Yes, The Arkansas Supreme Court has requested that the Arkansas Bar Association review current UPL regulations and make recommendations for amendments and/or changes | |
| CA | State Bar Counsel | Yes. There are no contemplated changes in UPL regulations or authority, but the area of enforcement activity is subject to ongoing discussion. | No... |
| CO | Other: Supreme Court Office of Attorney Regulation Counsel | Yes. | Yes. www.coloradosupremecourt.com/regulation/upl.htm |
| CT | Other: Chief Disciplinary Counsel | No | No. |
| DE | | No. | |
| DC | Other. D.C. Court of Appeals Committee on Unauthorized Practice of Law. | No. | Yes. http://www.dcappeals.gov/dccourts/appeals/cupl/index.jsp |
| FL | State Bar Counsel, State Bar Committee, Attorney General, Other: State Attorney | No. | Yes. www.floridabar.org |
| GA | | - | |
| HI | | Yes. Ongoing preparation on defining "practice of law" by court rule. | |

2012 SURVEY OF UNLICENSED PRACTICE OF LAW COMMITTEES CHART IV

| STATE | What, if any, entity is responsible for enforcement against unauthorized out-of-state lawyer practice? | Is your jurisdiction contemplating any change in its UPL Regulations, enforcement activity, or authority? | Does your committee maintain a UPL website? (Provide address) |
|-------|--|---|--|
| ID | State Bar Counsel, County Prosecutor | No. | Yes. Part of www.isb.idaho.gov |
| IL | Supreme Court Committee/Commission | No. | Yes. http://www.isba.org/resources/upl |
| IN | Supreme Court Committee/Commission | Yes. Changes to the pro hac vice admission standards regarding administrative practice has been considered. | No. |
| IA | Supreme Court Committee/Commission, Attorney General | No. | Yes. http://www.iowacourts.gov/Professional_Regulation/Attorney_RegulationCommissions/Unauthorized_Practice_of_Law/ |
| KS | | - | |
| KY | State Bar Counsel, County Prosecutor | No. | No. |
| LA | | No. | |
| ME | | No. | |
| MD | | No. | |
| MA | | - | |
| MI | | - | |
| MN | | - | |
| MS | State Bar Counsel, State Bar Committee | No. | No. |
| MO | State Bar Counsel | No. | No. |
| MT | | Yes. Revising Commission rules to streamline and also recognize limited funding. Petition with rule change | |

2012 SURVEY OF UNLICENSED PRACTICE OF LAW COMMITTEES CHART IV

| STATE | What, if any, entity is responsible for enforcement against unauthorized out-of-state lawyer practice? | Is your jurisdiction contemplating any change in its UPL Regulations, enforcement activity, or authority? | Does your committee maintain a UPL website? (Provide address) |
|-------|--|--|---|
| | | | |
| | | filed with MT Supreme Court and currently with 60 day comment period. | |
| NE | | No. | |
| NV | | - | |
| NH | | - | |
| NJ | Supreme Court Committee/Commission, County Prosecutor, Other: Division of Consumer Affairs | No. | No. |
| NM | Supreme Court Committee/Commission | Yes. New Statute passed in 2011; Rule changes pending. | No. |
| NY | Attorney General, County Prosecutor | Yes. There is a Bar Association sponsored bill in the Legislature to upgrade the penalties for some violations from a misdemeanor to a felony. | No. |
| NC | State Bar Counsel, State Bar Committee | No. | Yes. www.ncbar.gov |
| ND | State Bar Counsel, Supreme Court Committee/Commission | No. | No. |
| OH | N/A | No. | Yes. http://www.supremecourt.ohio.gov/Boards/UPL/ |
| OK | State Bar Counsel, Other: Oklahoma Bar Association and Professional Responsibility Commission. | Yes. We submitted a budget proposal that would allow for an attorney and investigator that would specifically handle UPL matters. | No. |
| OR | State Bar Counsel, State Bar Committee | Yes. Our UPL Committee was recently authorized by the Oregon State Bar Board of Governors to issue Advisory Opinions. | Yes. http://www.osbar.org/upl |
| PA | | No. | |

2012 SURVEY OF UNLICENSED PRACTICE OF LAW COMMITTEES CHART IV

| STATE | What, if any, entity is responsible for enforcement against unauthorized out-of-state lawyer practice? | Is your jurisdiction contemplating any change in its UPL Regulations, enforcement activity, or authority? | Does your committee maintain a UPL website? (Provide address) |
|-------|--|---|---|
| RI | | - | |
| SC | | - | |
| SD | | No. | |
| TN | State Bar Committee, Attorney General, County Prosecutor | No. | Yes. http://www.tn.gov/attorneygeneral/upl/upl.html |
| TX | Supreme Court Committee/Commission | No. | Yes. www.txuplc.org |
| UT | State Bar Counsel, Supreme Court Committee/Commission | No. | Yes. Http://www.utahbar.org/upl/welcome.html |
| VT | N/A | No. | No. |
| VA | State Bar Counsel | No. | Yes. http://www.vsb.org/site/regulation/unauthorized-practice |
| WA | | Yes (explain): There is a rule pending before the Washington Supreme Court that would permit the licensing of Legal Technicians to provide limited legal services. | |
| WV | State Bar Committee | Yes. Currently under discussion. | No. |
| WI | Supreme Court Committee/Commission | Yes. | Yes. http://www.wisbar.org/AM/Template.cfm?Section=UPL |
| WY | State Bar Committee | Yes. Complete revision of rule and statute. | N/A |