Please return this questionnaire by Friday, December 30, 2011. If a question is not applicable to your jurisdiction, please respond with N/A. Please use the response unknown where the information requested is unavailable. Use 0 only to indicate a zero numerical amount. If you have any questions while filling out the questionnaire, please contact Selina Thomas, Associate Client Protection Counsel, (312) 988-6721, e-mail: selina.thomas@americanbar.org

Entity Responding: ______________________________________________________

**DEFINITION OF THE “PRACTICE OF LAW”**

1. DOES YOUR JURISDICTION HAVE A DEFINITION OF THE “PRACTICE OF LAW”?
   
   YES [ ]
   NO [ ]

   Cite/URL: _____________________________________________________________

2. WHAT IS THE SOURCE OF THE DEFINITION? (PLEASE CHECK ALL THAT ARE APPLICABLE)
   
   Rule [ ]
   Statute [ ]
   Case Law [ ]
   Advisory Opinion [ ]
   Other (explain) [ ]

   Cite/URL: _____________________________________________________________

3. DOES YOUR JURISDICTION HAVE A DEFINITION OF THE “UNAUTHORIZED PRACTICE OF LAW”?
   
   YES [ ]
   NO [ ]

   Cite/URL: _____________________________________________________________
   _____________________________________________________________
   _____________________________________________________________

   1
4. WHAT IS THE SOURCE OF THE DEFINITION? (PLEASE CHECK ALL THAT ARE APPLICABLE)

Rule ☐
Statute ☐
Case Law ☐
Advisory Opinion ☐
Other explain) ______________________________________

5. WHAT IS THE SOURCE OF ENFORCEMENT AUTHORITY?

Rule ☐
Statute ☐
Case Law ☐
Advisory Opinion ☐
Other explain) ______________________________________

6. WHAT REGULATORY ENTITY IS AUTHORIZED TO ENFORCE THE UPL REGULATIONS?

State Bar Counsel ☐
State Bar Committee ☐
Supreme Court Committee/Commission ☐
Attorney General ☐
County Prosecutor ☐
Other (explain) ______________________________________

7. WHO PAYS FOR UPL ENFORCEMENT?

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

8. WHAT IS THE ANNUAL BUDGET FOR UPL ENFORCEMENT?

________________________________________________________________________

9. THIS AMOUNT INCLUDES:

   a. Salaries and benefits:      Yes ☐  No ☐
   b. Space:                    Yes ☐  No ☐
   c. Equipment and Supplies:   Yes ☐  No ☐
   d. Travel/Education/Training: Yes ☐  No ☐
10. **WHAT REMEDIES/SANCTIONS ARE AVAILABLE AGAINST SOMEONE ENGAGED IN THE UNAUTHORIZED PRACTICE OF LAW?**

<table>
<thead>
<tr>
<th>Remedies/Sanctions</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Civil Injunction</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Civil Contempt</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Civil Fine</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Criminal Fine</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prison</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Restitution</td>
<td></td>
<td></td>
</tr>
<tr>
<td>None</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other (explain)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

11. **HOW ACTIVE IS YOUR JURISDICTION IN ENFORCING THE UPL REGULATIONS?** (i.e. does your jurisdiction actively prosecute allegations of unlicensed practice of law on a regular basis?)

<table>
<thead>
<tr>
<th>Status</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Active</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Not Active</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-existent</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(Please explain): ____________________________________________________


**NONLAWYER PRACTICE**

12. **DOES YOUR JURISDICTION PERMIT ANY NONLAWYER PRACTICE?**

<table>
<thead>
<tr>
<th>Status</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(please check all applicable)

*Legal Technicians

*Legal Assistants/Paralegals under the supervision of an attorney

*Document preparers

*Other (explain)________________________
13. IF NONLAWYER PRACTICE IS PERMITTED, IS IT REGULATED/LICENSED?

No [ ]
Yes [ ] by:
  State Bar [ ]
  Supreme Court [ ]
  Other Regulatory Entity/Board [ ]

14. MAY NONLAWYERS INDEPENDENTLY ENGAGE IN ANY OF THE FOLLOWING (PLEASE CHECK ALL APPLICABLE):

- 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 (outside of Federal regulations allowing limited nonlawyer representation) [ ]
- Other: (explain) ________________________________

[ ]

[ ]

15. HAS YOUR JURISDICTION RECEIVED COMPLAINTS REGARDING NONLAWYER PROVIDERS OF LAW-RELATED SERVICES (e.g., Document preparers, nonlawyer owned websites providing legal guidance or advice, online do-it-yourself websites)?

No [ ]
Yes (nature of complaints) ____________________________________________
_________________________________________________________________
_________________________________________________________________
_________________________________________________________________

16. HAS YOUR COURT OR OTHER STATE AUTHORITY ISSUED ANY BINDING OR ADVISORY OPINION REGARDING ONLINE LEGAL SERVICES PROVIDED BY NONLAWYERS? If so, please provide a copy or electronic citation.

No [ ]
17. MAY DISBARRED OR SUSPENDED LAWYERS ENGAGE IN A LAW-RELATED ACTIVITY?

   Yes ☐  No ☐

18. IF A DISBARRED OR SUSPENDED LAWYER CAN ENGAGE IN LAW-RELATED ACTIVITY, WHAT ARE THE RESTRICTIONS?

   (Your answer goes here)

19. WHAT IS THE SOURCE OF YOUR JURISDICTIONS’ POSITION ON DISBARRED/SUSPENDED LAWYER PRACTICE?

   Rule ☐  Statute ☐  Case Law ☐  Advisory Opinion ☐  Other (explain) ☐

OUT-OF-STATE LAWYER PRACTICE

20. HAS YOUR JURISDICTION RECEIVED COMPLAINTS REGARDING THE ACTIONS OF LAWYERS LICENSED IN OTHER JURISDICTIONS (INCLUDING LAWYERS LICENSED IN FOREIGN JURISDICTIONS)?

   No ☐  Yes (nature of complaints) ☐

21. IF YES, WHAT ENTITY IS RESPONSIBLE FOR ENFORCEMENT AGAINST UNAUTHORIZED OUT-OF-STATE LAWYER PRACTICE?

   State Bar Counsel ☐  State Bar Committee ☐  Supreme Court Committee/Commission ☐  Attorney General ☐  County Prosecutor ☐
22. IS YOUR JURISDICTION CONTEMPLATING ANY CHANGE IN ITS UPL REGULATIONS, ENFORCEMENT ACTIVITY OR AUTHORITY?

No ☐
Yes (Please Explain)______________________________________________
______________________________________________
______________________________________________

23. DOES YOUR COMMITTEE MAINTAIN A UPL WEBSITE?

No ☐
Yes (Please provide web address)____________________________________
______________________________________________

**Please attach copies of all relevant rules, statutes, and cases.**

Survey completed by: ________________________________________________

Title and name of UPL contact: _______________________________________

______________________________________________

Address: ___________________________________________________________

______________________________________________

Telephone number: ________________________________

Fax Number: ________________________________

E-mail address: ________________________________

Thank you very much for taking the time to complete this survey. Please return the completed questionnaire to:

Annie Kuhlman
American Bar Association
321 North Clark Street, 17th Floor
Chicago, IL 60654
Ph: (312) 988-5300
Fax: (312) 988-5491
E-mail: annie.kuhlman@americanbar.org