

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

2015 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 2015. This is the fifth 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, 2009 and 2012. 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 jurisdictions. Where available, responses from the 2009 and 2012 Surveys were incorporated for those jurisdictions that failed to respond to the 2015 questionnaire. The following jurisdictions did not submit responses in 2009, 2012 or 2015: Georgia, Kansas, Massachusetts, Michigan, Minnesota, Nevada, and South Carolina.

RESULTS OF THE 2012 UNLICENSED PRACTICE OF LAW SURVEY

Current Enforcement Activity

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 fifteen jurisdictions, by statute in sixteen, through case law in twenty-one, and through advisory opinions in three jurisdictions. Many jurisdictions have definitions in more than one resource, such as Pennsylvania, which has practice definitions in case law and advisory opinion. “Unauthorized practice of law” definitions usually are found either in statutes (fourteen jurisdictions), through a court rule (thirteen jurisdictions) or some combination of statute, rule, case law and advisory opinion.

Enforcement authority against UPL is established by court rule in nineteen jurisdictions, by statute in twenty-eight. 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.¹ 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

¹ This questionnaire was distributed ahead of the United States Supreme Court decision in *North Carolina Board of Dental Examiners v. FTC*. As a result of the ruling, many jurisdictions are re-evaluating UPL enforcement procedures.

or were unaware of the exact amount. The Florida Bar continues to lead the country in funding UPL enforcement, spending approximately \$1.8 million annually. Other jurisdictions providing a significant budget for enforcement are Ohio, Colorado, Nebraska, and Texas.

The penalties/sanctions for UPL violations that are available to enforcement authorities include (by number of responding jurisdictions): civil injunctions (35), criminal fines (23), prison sentence (21), civil contempt (20), restitution (15), and civil fines (15). 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, generally under the supervision of a lawyer. Washington adopted the Limited Legal License Technician Rule in 2012 which allows properly licensed nonlawyer legal professionals to provide limited representation in family law matters. Of those responding to the 2015 questionnaire, six jurisdictions are contemplating the limits on nonlawyer service providers. 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?

Six jurisdictions (of those responding to the 2015 questionnaire) responded that they expect changes in UPL in the coming year. Those jurisdictions contemplate adopting additional rules, changes to current rules, expanding available penalties, reassessing enforcement, and issuing advisory opinions.

If your jurisdiction has not submitted responses to the 2015 questionnaire, and would like to be included, you may forward your responses to Annie Kuhlman at annie.kuhlman@americanbar.org. If you have any questions regarding the 2015 Survey of UPL Committees, please contact Selina Thomas at selina.thomas@americanbar.org or 312/ 988-6721.

Lindsey D. Draper, Chair
Standing Committee on Client Protection
September 2015

	Responding in 2015
	Responding in 2012
	Responding in 2009

2015 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?	How are funds allocated?
AL	Yes; Code of Ala., 1975, 34-3-6 & 34-3-7 & Ala Rules of Admission	Rule, Statute	Ala. Code 34-3-1; Rule 5.5, Ala. R. Prof. C.	Statute	Statute, Rule	State Bar Committee, County Prosecutor	State Bar dues by members of the Alabama State Bar and taxes	N/A	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(a)(2)(A)	Rule	Yes; Rules of the Supreme Court of Arizona, Rule 31(a)(2)(B)	Rule	Rule	State Bar in general	State Bar of Arizona	UPL enforcement is not budgeted separately. It is part of the Budget for Lawyer Regulation.	Salaries and benefits, space, equipment and supplies, travel/education, training
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	Rule; Case Law	Supreme Court Committee/Commission; Attorney General	Arkansas Supreme Court	\$6,850	Equipment and supplies; Travel/Education/ Training; Other- court reporters/court and witness fees

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				Committee is not bound by just one definition.					
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.	N/A
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	Case Law	Supreme Court Committee/Commission	Payment for UPL Enforcement comes from the budget of the Office of Attorney Regulation Counsel; the office receives its fees from attorney registration fees paid by Colorado attorneys.	\$135,000 (\$120,000 of which goes to one FTE lawyer).	Salaries and benefits, travel/education/training
CT	Yes; Practice Book 2-44A available at www.jud.ct.gov and CT	Rule; Statute(Conn. General	Yes.	Rule; Statute(Conn. General	Rule; Statute	Office of Disciplinary Counsel	The State or the Respondent	Not budgeted	N/A

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	Practice Book Sect. 2-44A	Statutes 51-88); Case Law		Statutes 51-88); Case Law					
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.dcappeals.gov/dc_courts/docs/rule49.pdf	Rule	Yes. www.dcappeals.gov/dc_courts/doc/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.	N/A
FL	No.	N/A	No.	N/A	Rule	State Bar Counsel, State Bar Committee	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.	\$1.8mil	Salaries and benefits, space, equipment and supplies, travel/education, training

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GA									
HI	No.	-	No.	-	Statute	Attorney General	General Funds	N/A	-
ID	Yes.	Case Law	Yes, IBCR 801 (i)	Rule	Rule, Statute, Case Law	State Bar Committee, State Bar Counsel, Attorney General, County Prosecutor	Idaho State Bar, Attorney General or Prosecutor.	\$100. The staff time is included in Bar Counsel's Office Budget.	Equipment and supplies, Travel/Education, training and Committee expenses, if any
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	N/A
IN	No.	N/A	No.	N/A	Rule	State Bar Committee, Supreme Court Committee/Commission, Attorney General, County Prosecutor	UPL enforcement is part of the annual disciplinary fee assessed against Iowa lawyers.	No dedicated budget.	N/A
IA	Yes; But not a definitive one.	Rule and Case Law	Yes.	Rule and Case Law	Rule, Case Law	Supreme Court Committee/Commission	Iowa Supreme Court	\$56,750	Salaries and benefits, space, equipment and supplies, travel/education, training
KS									
	Yes;	Rule, (See SCR	Yes.	Rule, Statute	Yes - Rule SCR	Other; County Prosecutor, KBA	UPL enforcement is	\$8,000	Space, equipment and supplies,

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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KY	http://www.kybar.org/documents/scr/scr3/scr_3_020.pdf	3.020)	http://www.kybar.org/documents/scr/scr3/scr_3_130_(5.5).pdf		3.130(5.5) & KRS 524.130	Executive Director and Office of Bar Counsel	paid for by the annual bar dues of the members of the KBA.		travel/education, training
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	N/A
ME	Sort of; Board of Bar Overseers v. Mangan, 2001 ME 7¶¶ 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	Salaries and benefits, space, travel/education/training
MA									
MI									
MN									

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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.	Space, equipment and supplies
MO	Yes; http://www.moga.mo.gov/mostatutes/stathtml/48400000101.html	Statute	No	N/A	Rule, Statute		Which ever entity pursues the enforcement.	No amount specifically allocated for UPL.	N/A
MT	Yes.	Statute and Case Law	Yes. www.montanabar.org	Case Law	Advisory Opinion, Other; Commission an UPL – Supreme Ct. appointee		State Bar of Montana, no Court funding, volunteers	\$1500	Travel/Education/ Training. Other; State Bar of Montana supports Commission with staff person, office and equipment
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	Salaries and benefits, space, equipment and supplies, travel/education/training, professional fees
NV									
NH	Yes.	Statute, NH RSA 311:2	No.	N/A	-	Attorney General	NH DOJ	No budget for this express enforcement activity	N/A
NJ	No.	N/A	No.	N/A	Statute - NJSA 2C:21-22	County Prosecutor	Enforced by local police; local government	Unknown	N/A

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							budget for law enforcement		
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	N/A
NY	No.	-	No.	-	Statute	Attorney General	It is one of the functions of the Attorney General, and is, therefore, included in his overall budget.	There is no specific amount within the Attorney General's budget.	N/A
NC	Yes; NC Gen. Statute 84-2.1	Statute, Case Law	No.	N/A	-	State Bar Committee, County Prosecutor	The North Carolina State Bar	Undefined, part of the office of counsel	N/A
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)	It is not a budgeted item.	N/A

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							county taxpayers would pay.		
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	Equipment and supplies, travel/education/training, books and subscriptions, reimbursements of board members, reimbursement of bar association expenses related to prosecution of UPL cases
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.	N/A
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	Other: Bylaws	Statute	State Bar Counsel	Oregon State Bar	\$5,000	Equipment and supplies, travel/ education / training; Prosecution but typically pro bono

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PA	Yes; Various court opinions.	Case Law, Advisory Opinion	Yes. 42 Pa.C.S.A. Sec 2524, etc	Statute; Case Law	Statute	Attorney General; County Prosecutor	The PBA UPL committee has been very successful in issuing Cease and Desist letters to persons against whom complaints have been filed. However, the committee has no enforcement powers other than to initiate a law suit under the applicable state statutes. If enforcement is necessary, the mater is referred to the AG's off or the local district attorney.	Minimal	Equipment and supplies, research
RI									
SC									
SD	No.	N/A	No.	N/A	Statute	State Bar Committee, Attorney General, County Prosecutor,	State Bar	-	-

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						any citizen			
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.		N/A
TX	Yes; Texas Government Code § 81.101	Statute	Yes, Texas Government Code § 81.102	Statute	Statute, Section 81.104(2) of the Texas Government Code	Supreme Court Committee/Commission	The Texas Unauthorized Practice of Law Committee is funded by the State Bar of Texas and appointed by the Supreme Court of Texas.	\$170,000	Equipment and supplies, Travel/Education/ Training, State Committee Quarterly Meetings, day to day expenses for conducting UPL investigations on the subcommittee level. All Committee members are volunteers.
UT	Yes; http://www.utcourts.gov/resources/rules/ucja/ch14/08%20Special%20Practice/USB14-802.html	Rule	No.	N/A	Statute	State Bar Committee	Utah State Bar	\$35,000. This figure is included in the budget for the General Counsel. The UPL Committee members are all volunteers.	Salaries and benefits, space, equipment and supplies, travel/education/training

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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.	N/A
VA	Yes; Part 6 §I (B) Rules of the Virginia Supreme Court http://www.vsb.org/pro-guidelines/index.php/authorized-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.	Salaries and benefits, Travel/education/training
WA	Yes; http://www.courts.wa.gov/court_rules/?fa=court_rules.display&group=ga&set=GR&ruleid=gr24	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	The POL Board's annual budget for 2009 is \$173,846. The state and county expenditures are from their general funds.	Salaries and benefits, space, equipment and supplies, travel/education/training

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							for 2009 is \$173,846. The state and county enforcement are funded by the state and county.		
WV	Yes.	Rule; Other: by order of the WV Supreme Court of Appeals	No.	N/A	Rule; Statute	State Bar Committee, Attorney General	West Virginia State Bar for committee efforts Each county pays PA	None set.	Funding obtained 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	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	Entirely volunteer

	Responding in 2015
	Responding in 2012
	Responding in 2009

2015 SURVEY OF UNLICENSED PRACTICE OF LAW COMMITTEES CHART II

STATE	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	Civil injunction , civil contempt, and Criminal fine	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
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	Civil injunction, civil contempt, civil fine, restitution	Active	Yes; Legal assistants/paralegals under the supervision of an attorney, document preparers. In addition, we have a constitutional provision allowing real-estate agents to engage in what would constitute the practice of law, and also have a myriad of other exceptions allowing others to engage in limited conduct.	Yes; State Bar and Supreme Court, other Regulatory Entity/Board	Prepare pleadings/wills/other legal documents, Attend administrative proceedings, 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)

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*.

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AR	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	Civil injunction, civil contempt, prison	ⁱⁱⁱ Active	Yes; Legal technicians, legal assistants/paralegals under the supervision of an attorney, ^{iv} document preparers, and unlawful detainer assistant. Neither these persons nor document preparers may practice law.	No.	Completing legal documents in a ministerial manner and providing published factual information approved by an attorney
CO	Civil injunction, civil contempt, civil fine, criminal fine, prison, restitution	Active	Yes; Legal assistants/paralegals under the supervision of an attorney, real estate brokers, to a limited extent, other non-lawyers based on authorization of the relevant	Yes; Other Regulatory Entity / Board	Attend administrative proceedings, attend real estate closings, participate in state administrative proceedings

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.

^{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.

2015 SURVEY OF UNLICENSED PRACTICE OF LAW COMMITTEES

CHART II

STATE	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:
			federal or state authority.		
CT	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	Civil injunction, civil contempt, criminal fine, prison, restitution	Active	Yes; Legal assistants/ paralegals under the supervision of an attorney; Other: 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.	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 (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	Civil injunction, civil contempt, civil fine, criminal fine, felony conviction, prison, and restitution	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	Civil injunction, civil contempt, civil fine, prison, and restitution	Active; More of the UPL prosecution is from the Attorney General, Consumer Protection division under Consumer Protection Act. Occasional County Prosecutions. Idaho State Bar more active with attorney UPL than non-attorney.	Yes; Legal assistants/paralegals under the supervision of an attorney, if they are not licensed, so no independent non-lawyer practice.	Yes; Rule	Yes. They are prohibited from practicing law and from maintaining a presence or occupying a law office, not much activity is permitted. I.B.C.R. 516.

2015 SURVEY OF UNLICENSED PRACTICE OF LAW COMMITTEES

CHART II

STATE	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:
IL	Civil injunction, civil contempt, civil fine, restitution	Active	No	No.	N/A
IN	Civil injunction, restitution	Active	Yes; Legal assistants / paralegals under the supervision of an attorney	No	Attend real estate closings
IA	Civil injunction, civil contempt	Active	Yes; Legal assistants/paralegals under the supervision of an attorney, Limited Domestic Violence Counselors, Limited Real Estate (see Rules 37.4 and 37.5)	No.	Participate in administrative proceedings if allowed by Rule.
KS					
KY	Civil injunction, civil contempt, civil fine and criminal fine	Active	Yes; Legal assistants/paralegals under the supervision of an attorney	N/A	N/A
LA	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	Civil injunction, civil contempt	Active	No.	Yes.	Case Law
MA					
MI					
MN					

2015 SURVEY OF UNLICENSED PRACTICE OF LAW COMMITTEES

CHART II

STATE	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:
MS	Civil injunction, prison	Active	No.	Yes, Miss. Code Am § 73-3-55 (1972 as amended)	Attend real estate closings
MO	Civil injunction, criminal fine	Not Active	Yes; Legal assistants/paralegals under the supervision of an attorney, document preparers	No.	Attend real estate closings, and participate in alternative dispute resolution proceedings
MT	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	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	Civil injunction	Active	Yes; Any citizen of good moral character may represent another as long as the person is not commonly practicing as an attorney.	Yes; Supreme Court	-
NJ	Prison, 4th degree crime, not a felony	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.	N/A
NM	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	Civil injunction, civil fine, criminal fine, felony conviction	Not Active; AG brings cases occasionally	No.	Yes; Other Regulatory Entity/Board - There is a court	Since there are no definitions, much of this is unclear.

2015 SURVEY OF UNLICENSED PRACTICE OF LAW COMMITTEES

CHART II

STATE	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:
				sponsored "Navigator's" program in New York City Housing Court and debt collection in the New York City Civil Court	
NC	Civil injunction, criminal fine, prison	Active	No.	N/A	Participate in state administrative proceedings
ND	Criminal fine, prison	Not Active	No.	N/A	Attend real estate closings, participate in state administrative proceedings, participate in alternative dispute resolution proceedings
OH	Civil injunction, civil contempt, civil fine	Active	No.	N/A	
OK	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	Civil injunction, civil fine, prison, restitution	^v Active; Committee investigates and makes decisions on whether to ask for prosecution	Yes; Legal assistants/paralegals under the supervision of an attorney	No.	Attend real estate closings
PA	Civil injunction, Civil Fine, criminal fine, prison, restitution.	Active	Yes; Legal assistants/paralegals under the supervision of an attorney, document preparers	No.	-
RI					
SC					
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	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

^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.

2015 SURVEY OF UNLICENSED PRACTICE OF LAW COMMITTEES

CHART II

STATE	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:
		limited circumstances and is in discretion of local prosecuting attorney.			
TN	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	Civil injunction, civil contempt, prison	Active; The UPLC is very active. In the 2014 calendar year, the UPLC received 410 filed complaints. The State Committee granted suit authority for 8 cases, 13 cease and desist agreements were obtained, and 3 permanent injunctions were ordered. There are 247 members State-wide serving on the Committee.	Yes; Legal assistants/paralegals under the supervision of an attorney	No.	Attend administrative proceedings, appear in court, participate in state administrative proceedings, and participate in alternative dispute resolution proceedings
UT	Civil injunction, civil contempt, civil fine	N/A	Yes; Legal assistants/ paralegals under the supervision of an attorney, if allowed by Federal law.	No.	Nonlawyers can act as mediators
VT	Criminal fine, prison	Not Active	No.	N/A	Participate in alternative dispute resolution proceedings
VA	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	Civil injunction, criminal fine, prison, restitution; Other: There is no specific civil injunction available for UPL.	Not 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 Court approves the Legal Technician proposal ^{vi} , these

^{vi} Effective September 1, 2012, the Washington Supreme Court adopted Rule 28 of the Washington Admission to Practice Rules allowing for Limited Legal License Technicians.

2015 SURVEY OF UNLICENSED PRACTICE OF LAW COMMITTEES

CHART II

STATE	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:
					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.
WV	Civil injunction; criminal fine	Active	Yes; Legal assistants/paralegals under the supervision of an attorney, document preparers, if under the supervision of a licensed attorney	Yes; State Bar, Supreme Court	Attend administrative proceedings; participate in state administrative proceedings, where statute of regulation allows.
WI	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	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

2015 SURVEY OF UNLICENSED PRACTICE OF LAW COMMITTEES CHART III

	Responding in 2015
	Responding in 2012
	Responding in 2009

STATE	Jurisdiction is contemplating expanding the limits of authorized nonlawyer service providers	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	No.	Yes; Postings on Facebook, Craigslist, national section in local newspapers, court clerks reports people preparing & filing documents for other individual, etc.	No.	No.	Rule	Yes; Lawyers not admitted pro hac vice.
AK				Yes, but limited by Bar Rule 15(6)	Rule	
AZ	No	Yes; When we receive such complaints, we send them to the appropriate agency.	No	Yes; They must be supervised by a lawyer.	Rule 31(c) and Rule 31(d)(18), Arizona Rules of Supreme Court.	Typical lawyer issues.
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

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.

2015 SURVEY OF UNLICENSED PRACTICE OF LAW COMMITTEES

CHART III

STATE	Jurisdiction is contemplating expanding the limits of authorized nonlawyer service providers	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)
						pursuant to California Rules of Court, rule 9.40(f).
CO	Yes; Supreme Court	Yes; Document preparers, websites as described above.	No.	Yes. ⁱⁱ	Rule; Per Colo. RPC 5.5 (b) and (c)	Yes; Complaints alleging violations of the Colorado Rule of Professional Conduct, pursuant to our jurisdiction involving lawyer misconduct.
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	Other; The D.C. Office of Bar Counsel and the Board on Professional Responsibility enforce	No.

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.

2015 SURVEY OF UNLICENSED PRACTICE OF LAW COMMITTEES CHART III

STATE	Jurisdiction is contemplating expanding the limits of authorized nonlawyer service providers	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)
				activity by disbarred or suspended lawyers.	restrictions on activity by disbarred or suspended lawyers.	
FL	Yes; Other Regulatory Board. Florida has a commission studying the future of the practice of law. Nonlawyer legal service providers is included in the study.	Yes; The complaints range from holding out as a lawyer to giving legal advice when assisting in filling out forms.	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 lawyer must provide quarterly reports of employment to The Florida Bar.	Rule, Case Law	Yes.
GA				-	-	
HI				Yes; Could work as a paralegal.	-	
ID	No.	Yes; Some from form shops and websites, but not very many.	No.	Yes; They are prohibited from practicing law and from maintaining a presence or occupying a law office, not much activity is permitted. I.B.C.R. 516.	Rule.	Yes; Jurisdiction in state, practice without proper temporary admission and other violations of the professional conduct rules
IL		Yes.	No.	No.	Rule, Case Law	N/A
IN	No	Yes; Document preparers, independent paralegals, legal "support," notario publico	No.	No.	Rule	Yes; Solicitation, ethical misconduct, UPL
IA	No.	Yes.	No.	No.	Rule, Case Law	Yes; Unauthorized practice in Iowa

2015 SURVEY OF UNLICENSED PRACTICE OF LAW COMMITTEES CHART III

STATE	Jurisdiction is contemplating expanding the limits of authorized nonlawyer service providers	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)
KS				-	-	
KY	No.	Yes; Document preparers, legal guidance, document managers	No.	Yes; A disbarred or suspended attorney may work in a law firm in a clerical capacity as long as he or she does not engage in the practice of law as defined by SCR 3.020.	Advisory Opinion	Yes; Debt collection, legal advice, client solicitation
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				-	-	
MN				-	-	
MS		Yes.	No.	No.	Rule, Statute	Yes.
MO	No.	Yes; That the preparer has gone beyond preparing the	No.	Yes; To not engage in the practice of law. They,	N/A	Yes; That an out of state of attorney is practicing in the

2015 SURVEY OF UNLICENSED PRACTICE OF LAW COMMITTEES CHART III

STATE	Jurisdiction is contemplating expanding the limits of authorized nonlawyer service providers	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)
		documents and is providing legal advice.		however, can act as paralegals or legal assistants.		state.
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	No.	Yes.	No.	-	Statute	Yes.
NJ	No.	Yes; Unlawful practice by notarios publico, preparing pro se documents, is a perennial problem	No.	No.	Rule, Court Rule 1:20-20	Yes; Occasional - out-of-state lawyers overreaching
NM		No.	No.	No.	Rule.	Yes; UPL and abuse of pro hac vice
NY	Yes - There is consideration of possibly introducing legislation to this effect.	Yes; Don't know. Complaints go to the AG	No.	N/A	Statute	N/A
NC	No.	Yes; Specifically online document preparers	Yes; N.C. State Bar v. Lienguard, Inc., 2014 NCBC 11, ¶¶ 70-73, 2014 WL 1365418	Yes; May be employed as paralegal or legal assistant in a firm other than one where s/he was employed at the time of the misconduct.	Rule	Yes; Foreign lawyers offering debt relief services
ND		Yes; Complaints about accountants, real estate agents, and life insurance	No.	No; Depends whether acting as a paralegal for a licensed lawyer constitutes	N/A	Yes.

2015 SURVEY OF UNLICENSED PRACTICE OF LAW COMMITTEES

CHART III

STATE	Jurisdiction is contemplating expanding the limits of authorized nonlawyer service providers	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)
		salespersons.		a "law-related activity." No restrictions on that.		
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	Yes; Independent paralegal document preparers, in house counsel, entity representation, professional crossover, foreclosures, bankruptcy, state agencies, friend or relatives	No.	Yes; A disbarred or suspended lawyer can engage in the same activities as a nonlawyer. They are outlined in OSB Formal Ethics Opinions 2005-25 and 2005-24.	Advisory Opinion	Yes; In house counsel not signed up with OSB, debt negotiation, immigration consultant, and websites that offer legal advice to many states
PA	No.	Yes; Not enough space.	No.	Yes; Only in a law office under supervision of an attorney. Recently both the suspended attorney and his supervising attorney were both permanently disbarred because the supervising attorney permitted the suspended attorney to	Rule, Case Law	Yes; Too numerous to itemize.

2015 SURVEY OF UNLICENSED PRACTICE OF LAW COMMITTEES CHART III

STATE	Jurisdiction is contemplating expanding the limits of authorized nonlawyer service providers	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)
				continue practicing law.		
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.
TX	No.	Yes; Complaints regarding document preparation websites/companies have been received by the UPLC. Additionally, complaints regarding nonlawyer websites providing legal advice and guidance are also received..	Yes; In re Nolo Press/Folk Law, 991 S.W.2d 768, 769-70 (Tex. 1999)	Yes; A disbarred lawyer must be supervised by a licensed attorney just as a legal assistant or paralegal must be.	Case Law	Yes; Out of state attorneys engaging in the practice of Texas law, foreign licensed attorneys engaging in the practice of law in Texas (including immigration law)
UT	Yes, Supreme Court - We are in very early stages of looking at Washington State's LLLT program. Supreme Court makes rules for our members.	Yes; Paralegals advertsing they can solve legal problems more cheaply and faster.	No.	Yes.	Rule	Yes; Practicing in many different areas of law.
VT		No.	No.	No.	Rule	No

2015 SURVEY OF UNLICENSED PRACTICE OF LAW COMMITTEES CHART III

STATE	Jurisdiction is contemplating expanding the limits of authorized nonlawyer service providers	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)
VA		N/A	Yes; http://www.vsb.org/site/regulation/upl-opinions-online-alpha-index	Yes. ⁱⁱⁱ	Rule	Yes; Lack of competence, diligence, failure to communicate.
WA				-	Rule	
WV	No.	Yes; Advocacy, document preparation, offering legal advice, doing real estate work	No.	Yes; May act as paralegal under proper supervision	Rule, Statute, Case Law	Yes; Not properly admitted failure to comply with the Rules of Professional Conduct
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.

	Responding in 2015
	Responding in 2012
	Responding in 2009

2015 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	State Bar Counsel	Yes; Make it a felony instead of a misdemeanor	http://www.azbar.org/ethics/unauthorizedpracticeoflaw
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	Attorney Regulation Counsel, enforcing the RPC against the out-of-state attorney.	Yes; We are considering making the "UPL Committee" the "Practice of Law Committee" and allowing LLLTs.	Yes; www.coloradosupremecourt.com
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.dccourts.gov/dccourts/appeals/cupl/index.jsp
FL	State Bar Counsel, State Bar Committee	Yes; Considering expanding scope of practice for foreign lawyers	Yes. www.floridabar.org
GA		-	
HI		Yes; Ongoing preparation on defining "practice of law" by court rule	
ID	State Bar Counsel, County Prosecutor	Yes; We are evaluating the impact of North Carolina State Board of Dental Examiners v. FTC on our UPL enforcement and authority.	Yes; www.isb.idaho.gov

2015 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)
IL	Supreme Court Committee/Commission	No.	Yes; http://www.isba.org/resources/upl
IN	Supreme Court Committee/Commission	No	No
IA	Attorney Disciplinary Board	Yes; Rules & Procedure Revision	Yes; http://www.iowacourts.gov/For Attorneys/Professional Regulation/Commission on Unauthorized Practice of Law/
KS		-	
KY	Kentucky Supreme Court delegates authority to the Executive Director of the KBA and Office of Bar Counsel conducts investigation. Criminal status is enforced by county attorneys	No.	Yes; http://kybar.org/244
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 filed with MT Supreme Court and currently with 60 day comment period.	

2015 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)
NE		No.	
NV		-	
NH	Attorney General	No.	No.
NJ	Ct Committee will refer matter to law enforcement or other jurisdiction bar counsel	No.	No.
NM	Supreme Court Committee/Commission	Yes; New Statute passed in 2011; Rule changes pending	No.
NY	Attorney General	No.	No.
NC	State Bar Committee, County Prosecutor	No.	No.
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	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	Supreme Court Committee/Commission, Attorney General	No.	Yes; www.pabar.org/public/committees/unautpra/
RI		-	
SC		-	
SD		No.	
TN	State Bar Committee, Attorney General, County Prosecutor	No.	Yes; http://www.tn.gov/attorneygeneral/upl/upl.html

2015 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)
TX	Supreme Court Committee/Commission	No.	Yes; www.txuple.org
UT	State Bar Counsel	No.	Yes; http://www.utahbar.org/public-services/unauthorized-practice-of-law/
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, County Prosecutor	Yes; Rules are in the process of being updated and amended.	Yes; www.wvbar.org/public-information/advisory-opinions
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