

# UPL Information by State

State: Alabama

Website for further information:

<https://www.alabar.org/for-the-public/> and <https://www.alabar.org/office-of-general-counsel/>

State or Model Ethics Rule: UPL at generally Rule 5.5;

[http://judicial.alabama.gov/docs/library/rules/cond5\\_5.pdf](http://judicial.alabama.gov/docs/library/rules/cond5_5.pdf)

State Statute (if any): ALA CODE § 34-3-1 and § 34-3-7

Rule of Civil/Court Procedure:

State maintained list of UPL transgressors, if any:

n/a

Notes regarding Investigation/Prosecution procedures:

The committee will review all complaints alleging the unauthorized practice of law and, in cooperation with the Office of General Counsel of the Alabama State Bar, make recommendations to the Board of Bar Commissioners concerning such incidents.

The committee may also initiate on its own a review of situations where activities may questionably constitute an unauthorized practice. This committee is further charged with reviewing any proposed legislation that may encroach upon the practice of law. The committee is divided into geographical subcommittees to facilitate its work. It is anticipated that the chairperson and staff liaisons will meet with the geographical subcommittees in different areas of the state to handle problems occurring in those areas. Meetings of the whole committee should become less necessary but the committee as a whole should review and approve actions taken by the subcommittees. At the end of this year, the chairperson

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should evaluate this geographical means of conducting business and make a recommendation of whether or not to continue it. The committee should provide to the Board of Bar Commissioners a written plan for the enforcement of cease and desist agreements. Careful consideration should be given to ways to involve the assistance of the Attorney General's Office since, with the proliferation of home computers, a unique problem has arisen. The chair shall appoint a subcommittee to recommend how the state bar shall handle the many complaints it receives involving the use of the internet as a means of practicing law in Alabama and in other jurisdictions without a license.

The committee is encouraged to solicit the assistance of local UPL committees in cities where they exist, and to develop procedures whereby the local UPL committees can assist this committee in the investigation of UPL complaints.

The committee should increase its efforts to assist the various district attorneys' offices and the Attorney General's Office to pursue criminal charges against persistent offenders, and make their recommendations, as formulated, known to the Board of Bar Commissioners from time to time. The committee should look for ways to encourage or require the Attorney General to assign prosecutors statewide to handle these UPL claims. The committee, acting through the Board of Bar Commissioners, should look for ways to enforce the cease and desist orders issued by the Alabama State Bar.

**Additional Information, if any:**

**Additional Notes, if any (e.g., see, generally the Model Code of Ethics, may have slight revisions):**

Generally Model RPC; some revisions

# UPL Information by State

State: Arizona

Website for further information:

<https://www.azcourts.gov/attorneydiscipline> ;

<https://www.azcourts.gov/taskforcecreg>

State or Model Ethics Rule: UPL at Rule 5.5; non-lawyer svcs at 5.3;

<https://www.azbar.org/for-lawyers/ethics/rules-of-professional-conduct/>

State Statute (if any): Arizona Revised Statutes ("ARS")

Rule of Civil/Court Procedure: Ariz. R. Sup. Ct. Rule 50, 55;

State maintained list of UPL transgressors, if any:

<https://www.azcourts.gov/attorneydiscipline/DisciplinaryCasesMatrix.aspx>

Notes regarding Investigation/Prosecution procedures:

The Attorney Ethics Advisory Committee was created in accordance with Rule 42.1 and Administrative Order No. 2018-110. The committee may issue opinions on lawyer ethics, professionalism and the unauthorized practice of law.

## OVERVIEW

The purpose of attorney discipline is to protect the public and the administration of justice from attorneys who have not discharged their professional duties to clients, the public, the legal system, and the legal profession. The professional conduct of attorneys and the discipline process is governed by Rules 41-74, Arizona Rules of the Supreme Court.

## REPORTING ATTORNEY MISCONDUCT

To report attorney misconduct you must contact the State Bar of Arizona. Once a report of attorney misconduct is received, the State Bar of Arizona will make a determination if the conduct warrants the filing of a formal complaint. All formal

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complaints of misconduct are filed by the State Bar of Arizona with the  
Disciplinary Clerk, Office of the Presiding Disciplinary Judge.

**Additional Information, if any:**

**Attorney Discipline Probable Cause Committee**

The Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona was established in accordance with Rule 50, Ariz. R. Sup. Ct. The Committee reviews Arizona State Bar recommendations for attorney discipline and may take such actions as described in Rule 55, Ariz. R. Sup. Ct. The Committee typically meets once a month and the meetings are closed to the public, pursuant to Rule 50(f).

**General Inquires:**

**ProbableCauseComm@courts.az.gov**

**Additional Notes, if any (e.g., see, generally the Model Code of Ethics, may have slight revisions):**

**Generally Model RPC; some revisions**

# UPL Information by State

State: California

Website for further information:

<http://www.calbar.ca.gov/Public/Free-Legal-Information/Unauthorized-Practice-of-Law>

State or Model Ethics Rule: UPL at RPC 5.5, see also RPC 5.3;

<http://www.calbar.ca.gov/Attorneys/Conduct-Discipline/Rules/Rules-of-Professional-Conduct>

State Statute (if any): <http://www.calbar.ca.gov/Portals/0/documents/ethics/Selected-Statutes.pdf>

Rule of Civil/Court Procedure: Code of Civil Procedure ("CCP")

State maintained list of UPL transgressors, if any:

<http://www.calbar.ca.gov/Public/Discipline/Nonattorney-Actions>

Notes regarding Investigation/Prosecution procedures:

The State Bar of California works with law enforcement to investigate those who engage in UPL. The State Bar investigates complaints against individuals who engage in the unauthorized practice of law (UPL). If the investigation uncovers UPL, the Office of Chief Trial Counsel ("OCTC") sends a cease and desist notice to the individual or business. Complaints of the unauthorized practice of law (UPL) are reviewed by the State Bar's Office of Chief Trial Counsel (OCTC).

Complaints from outside parties and matters that the State Bar initiates itself that allege UPL by a nonattorney are then investigated by the State Bar's dedicated UPL team.

Where the investigation uncovers an isolated instance of UPL, OCTC sends a "Cease and Desist" (CND) letter. Recent CND letters appear in this section. The CND letter serves as a warning and puts the respondent on notice that certain

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services/actions may violate the law and constitute the unauthorized practice of law.

Complaints raising repeated or multiple violations do not receive a CND letter but may result in the State Bar taking action in Superior Court to obtain an order to shut down the unlawful law practice.

Complaints about repeated or multiple violations may result in the State Bar taking action in Superior Court to obtain orders to shut down the unlawful law practice.

## **Additional Information, if any:**

if State Bar investigators and attorneys find a basis for a complaint, and it is not resolved after discussions with the attorney, the case is referred to State Bar Court for a disciplinary hearing.

## **Additional Notes, if any (e.g., see, generally the Model Code of Ethics, may have slight revisions):**

Generally Model RPC; some revisions

# UPL Information by State

**State:** Connecticut

**Website for further information:**

CT Gen Stat § 51-88 (2020)

**State or Model Ethics Rule:** UPL at Rule 5.5

**State Statute (if any):** CT Gen Stat § 51-88 (2020)

**Rule of Civil/Court Procedure:** n/a

**State maintained list of UPL transgressors, if any:**

n/a

**Notes regarding Investigation/Prosecution procedures:**

– Criminal Statute; court agency or state bar has no authority to pursue action for UPL ; Under the CBA By-laws, the UPL Committee is authorized to issue both informal and formal opinions on matters brought before it. The UPL Committee provide guidance on UPL related issues to CBA Members; assists all branches of State government on matters involving the unauthorized practice of law; and provides a forum for attorneys on issues of concern within the purview of the Committee.

Prosecutorial authority generally rests with the attorney general or other jurisdictional prosecutorial agency.

Connecticut Public Act No. 13-29 <http://www.cga.ct.gov/2013/act/pa/2013PA-00029-R00SB-00829-PA.htm>

Connecticut Rules of Professional Conduct Rule 5.5 UPL/Multijurisdictional practice Connecticut Rules of Professional Conduct; Rule 5.5(d)

**Additional Information, if any:**

**Additional Notes, if any (e.g., see, generally the Model Code of Ethics, may have slight revisions):**

# UPL Information by State

State: Florida

Website for further information:

<https://www.floridabar.org/rules/upl/upl001/>

and

[https://www-media.floridabar.org/uploads/2022/02/Ch-10-2022\\_06-FEB-RRTFB-2-17-2022.pdf](https://www-media.floridabar.org/uploads/2022/02/Ch-10-2022_06-FEB-RRTFB-2-17-2022.pdf)

State or Model Ethics Rule: RRFB 10

State Statute (if any): n/a

Rule of Civil/Court Procedure:

State maintained list of UPL transgressors, if any:

<https://www.flcourts.org/content/download/218046/file/Summary-UPL-Cases.pdf>

Notes regarding Investigation/Prosecution procedures:

The Supreme Court of Florida has given The Florida Bar the duty to investigate and take action against the unlicensed practice of law (UPL).

UPL circuit committees within the state bar association may investigate, approve civil injunctive proceedings and indirect criminal contempt; issue cease and desist letters, and accept cease and desist affidavits to the close matter. If the cease and desist letter is violated, that failure is the committee's first count against the respondent in a formal complaint. The Committee may also work with other enforcement agencies and issue formal advisory opinions on the issue of UPL.

<https://www-media.floridabar.org/uploads/2021/05/2021-UPL-Complaint-Form.pdf>



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**Additional Information, if any:**

**Additional Notes, if any (e.g., see, generally the Model Code of Ethics, may have slight revisions):**

# UPL Information by State

State: Hawaii

Website for further information:

[https://www.courts.state.hi.us/legal\\_references/attorneys/hlffcp/office\\_of\\_disciplinary\\_counsel](https://www.courts.state.hi.us/legal_references/attorneys/hlffcp/office_of_disciplinary_counsel)

State or Model Ethics Rule: UPL at RPC 5.5, see also RPC 5.3;

[https://www.courts.state.hi.us/docs/court\\_rules/rules/hrpcond.htm](https://www.courts.state.hi.us/docs/court_rules/rules/hrpcond.htm)

State Statute (if any): n/a

Rule of Civil/Court Procedure: RSCH Rules 2.1 - 2.7

Gerald H. Kibe, Overview of the Hawai'i Attorney Discipline System, 22 Haw. B.J. 83 (1990)

State maintained list of UPL transgressors, if any:

n/a

Notes regarding Investigation/Prosecution procedures:

The Office of Disciplinary Counsel (ODC) was formed by the Hawai'i Supreme Court to investigate complaints against Hawai'i lawyers as part of the Disciplinary Board of the Hawai'i Supreme Court. The ODC also provides investigative and administrative support to the Lawyers' Fund.

Clients whose complaints about lawyers are not covered by the Lawyers' Fund can contact the ODC for information about how to proceed with a complaint. Ethical issues and violations of the various rules applying to lawyers are the complaints most often pursued by the ODC.

Hawai'i's lawyer discipline system consists of four parts: the ODC; Hearing Officers/Committees; a Disciplinary Board appointed by the Hawai'i Supreme Court; and the Court itself.[3] The ODC investigates and prosecutes ethical misconduct claims against attorneys[4]; Hearing Officers/Committees adjudicate

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the cases and make recommendations for attorney discipline[5]; the Disciplinary Board reviews the matters and, depending on their deliberative disposition, either imposes lesser sanctions or recommends more serious sanctions to the Supreme Court[6]; the Supreme Court considers the recommendations of the Disciplinary Board for public censure, suspension and disbarment. The system is designed to protect the public and preserve the integrity of the judicial process and legal profession[8]. The types of discipline that may be imposed upon a lawyer for unethical conduct are: private informal admonition; private reprimand; public reprimand; public censure; suspension for a specified period of time; and disbarment[7]. The specific discipline imposed will depend upon the lawyer's mental state, the nature of the offense, the severity of harm or potential for harm, prior discipline, and other factors.

ODC carries out two main functions: (1) disciplinary investigations and prosecutions[1]; and (2) professional ethics education.

ODC's primary function is handling complaints concerning alleged unethical conduct by Hawai'i attorneys and attorneys admitted pro hac vice (out-of-state attorneys admitted for a limited purpose)[2]. Ethics investigations may lead to determinations ranging from a finding of no unethical conduct (resulting in a dismissal of the complaint) to institution of formal disciplinary proceedings (leading to possible imposition of serious disciplinary sanctions including suspension or disbarment)[3].

As part of its educational outreach, ODC spends time answering questions on ethical matters regarding prospective conduct. ODC attorneys provide informal

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guidance to Hawai`i-licensed attorneys, however, as described in more detail in this website, the informal guidance is not binding against ODC.

Other educational activities include submitting articles for publication in the Hawai`i Bar Journal, preparation of ethics-related materials for various continuing legal education programs, and speaking to groups of lawyers and non-lawyers about attorney ethics and discipline issues locally and nationally.

## Additional Information, if any:

**Fought & Co., Inc. v. Steel Engineering and Erection, Inc., 951 P.2d 487 (Hawaii 1998)** In drafting the statutes, the legislature expressly declined to adopt a formal definition of the term "practice of law," noting that "[a]ttempts to define the practice of law in terms of enumerating the specific types of services that come within the phrase are fruitless because new developments in society, whether legislative, social, or scientific in nature, continually create new concepts and new legal problems." Sen. Stand. Comm. Rep. No. 700, in 1955 Senate Journal, at 661; Hse. Stand. Comm. Rep. No. 612, in 1955 House Journal at 783. The legislature recognized that the practice of law is not limited to appearing before the courts. It consists, among other things of the giving of advice, the preparation of any document or the rendition of any service to a third party affecting the legal rights ... of such party, where such advice, drafting or rendition of service requires the use of any degree of legal knowledge, skill or advocacy. Sen. Stand. Comm. Rep. No. 700, in 1955 Senate Journal. at 661 (emphasis added); see also Hse. Stand. Comm. Rep. No. 612, in 1955 House Journal, at 783. Similarly, while it has explored the concept's dimensions, this court has never formally defined the term "practice of law."

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**Additional Notes, if any (e.g., see, generally the Model Code of Ethics, may have slight revisions):**

**Generally Model RPC; some revisions**

# UPL Information by State

State: Illinois

Website for further information:

ISBA Task Force on UPL website

<https://www.isba.org/resources/upl>

State or Model Ethics Rule:

State Statute (if any):

Rule of Civil/Court Procedure: 735 ILCS 5/2-101 et seq. &

Ill. Sup. Ct. R. 753 - Inquiry, Hearing, & Review Boards

Rule 779, Illinois Supreme Court Rules

[http://www.state.il.us/court/SupremeCourt/Rules/Art\\_VII/artVII.htm#Rule779](http://www.state.il.us/court/SupremeCourt/Rules/Art_VII/artVII.htm#Rule779)

State maintained list of UPL transgressors, if any:

Notes regarding Investigation/Prosecution procedures:

**(a) Proceedings against Suspended Illinois Lawyers and Out of State Lawyers.**

Unauthorized practice of law proceedings authorized by the Inquiry Board against an Illinois attorney who is suspended or against a lawyer licensed in another jurisdiction in the United States shall be instituted by the Administrator by the filing of a disciplinary complaint before the Hearing Board, and the hearing and review procedure shall be governed by Rule 753.

**(b) Proceedings Against Disbarred Illinois Lawyers and Unlicensed Persons.**

Unauthorized practice of law proceedings authorized by the Inquiry Board against an Illinois attorney who is disbarred or disbarred on consent or against a person, entity or association that is not licensed to practice law in any other United States' jurisdiction may be brought by the Administrator as civil and/or contempt actions pursuant to the rules of this court, its inherent authority over the practice of law,

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or other laws of the State related to the unauthorized practice of law. Proceedings shall be commenced in the circuit court for the circuit in which venue would be proper under the Code of Civil Procedure (735 ILCS 5/2-101 et seq.), unless venue is fixed by a specific law governing the proceedings, in which case that venue provision controls. The circuit court is authorized to enter a final judgment disposing of the case. Appeals from that judgment are governed by Rule 301 of this court.

## **Additional Information, if any:**

The ISBA has a longstanding tradition of reviewing complaints made against nonlawyers for providing legal services and, where appropriate, has prosecuted instances of UPL on its own or referred UPL matters to other entities with the authority to investigate and prosecute it. As a not-for-profit voluntary association of lawyers, the ISBA does not seek monetary relief for individuals or seek sanctions under the criminal statutes prohibiting UPL.

Request for Investigation of UPL: <https://www.isba.org/resources/upl/request>

If you believe you have been the victim of UPL or would otherwise like to alert the ISBA about persons engaged in UPL, please complete the Request for Investigation of Unauthorized Practice of Law form. When received and reviewed, the ISBA's UPL Task Force will take whatever action it believes is warranted or necessary.

Typically, the Task Force will communicate with the person alleged to be engaging in UPL and determine if in fact UPL is occurring. If it is, the Task Force will seek to end the inappropriate conduct or refer the matter to other prosecutorial entities. If the matter cannot be satisfactorily resolved, the ISBA may initiate formal legal

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action. Your Request for Investigation may be anonymous, but that may hamper any Task Force investigation. You will be notified of the Task Force's actions.

**Additional Notes, if any (e.g., see, generally the Model Code of Ethics, may have slight revisions):**

Generally Model RPC; some revisions



# UPL Information by State

**State:** Iowa

**Website for further information:**

<https://www.iowacourts.gov/opr/about-opr/commission-on-unauthorized-practice-of-law>

**State or Model Ethics Rule:** Iowa R. Prof. Cond. 32:8.3

Iowa R. Prof. Cond. 32:5.7

**State Statute (if any):**

**Rule of Civil/Court Procedure:** IA Rules of Court, Ch 37-38

**State maintained list of UPL transgressors, if any:**

n/a

**Notes regarding Investigation/Prosecution procedures:**

Iowans may suffer loss of money, property, or liberty as a result of the practice of law by persons who are not authorized to do so. To help prevent these losses and protect Iowa citizens, the Commission on the Unauthorized Practice of Law was established by the Supreme Court of Iowa. The Commission is charged with considering, investigating, and seeking the prohibition of the unauthorized practice of law.

Complaints are confidential pursuant to Iowa Court Rule 38.8.

**UPL Complaint Form in PDF format (PDF):**

[https://www.iowacourts.gov/static/media/cms/UPL\\_Complaint\\_Form\\_in\\_PDF\\_format\\_68799A9625ADA.pdf](https://www.iowacourts.gov/static/media/cms/UPL_Complaint_Form_in_PDF_format_68799A9625ADA.pdf)

**UPL Complaint Form in Word format (Word Doc):**

[https://www.iowacourts.gov/media/cms/UPL\\_Complaint\\_Form\\_in\\_Word\\_Format\\_C333B9A243D84.doc](https://www.iowacourts.gov/media/cms/UPL_Complaint_Form_in_Word_Format_C333B9A243D84.doc)

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**Additional Information, if any:**

Iowa's court rules leave the determination of whether a person is practicing law to the Iowa Supreme Court. In *Commission on the Unauthorized Practice of Law v. Sullins*, \_\_\_ N.W.2d \_\_\_, \_\_\_ (Iowa 2017), the Iowa Supreme Court noted that it has not fashioned an all-inclusive definition of what constitutes the practice of law, but did say that it includes:

representing another before the courts; giving legal advice and counsel to other relating to their rights and obligations under the law; and preparation or approval of the use of legal instruments by which legal rights of others are either obtained, secured, or transferred even if such matters never become the subject of court proceedings.

(quoting *Comm. on Prof'l Ethics & Conduct v. Baker*, 492, N.W.2d 695, 701 Iowa 1992)). In *Sullins*, the court emphasized that the practice of law centers around the exercise of professional judgment and that when a person "engages in analysis of legal information, he or she practices law." *Id.*

**Additional Notes, if any (e.g., see, generally the Model Code of Ethics, may have slight revisions):**

# UPL Information by State

**State:** Kentucky

**Website for further information:**

<http://www.kybar.org> and <https://www.kybar.org/page/unauthpracoflaw>

**State or Model Ethics Rule:**

**State Statute (if any):** KRS 524.130

**Rule of Civil/Court Procedure:** SCR 3.460

**State maintained list of UPL transgressors, if any:**

The Kentucky Bar Association Office of Bar Counsel has worked to make sure this set of unauthorized practice of law opinions is the most complete, accurate and reliable set available to the members of the bar or general public. As new opinions are issued

**Notes regarding Investigation/Prosecution procedures:**

The Kentucky Bar Association, under the authority of the Supreme Court, is responsible for investigating complaints against lawyers licensed by the KBA or practicing in this Commonwealth and for prosecuting charges of professional misconduct issued by the Inquiry Commission. The Inquiry Commission is an independent body appointed by the Court to receive and process complaints from any source which allege professional misconduct by lawyers. The Office of Bar Counsel provides administrative support to the Inquiry Commission, investigates complaints and prosecutes charges as outlined by the Inquiry Commission Regulations.

Filing a Complaint can be done online, or you may also call the office at 502.564.3795 ext. 723 to request the form be mailed to you.

**ONLINE COMPLAINT FORM:** <https://www.kybar.org/page/unauthcmplt>

**Additional Information, if any:**

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**Bar UPL Enforcement, SCR 3.460**

**[http://www.kybar.org/documents/scr/scr3/scr\\_3.460.pdf](http://www.kybar.org/documents/scr/scr3/scr_3.460.pdf)**

**Practice of Law Defined SCR 3.020**

**<https://govt.westlaw.com/kyrules/Document/NC9EE5870A91C11DA8F5EE32367A250AE?view>**

**[wType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/kyrules/Document/NC9EE5870A91C11DA8F5EE32367A250AE?view=wType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))**

**Additional Notes, if any (e.g., see, generally the Model Code of Ethics, may have slight revisions):**

**Generally Model RPC; some revisions**

# UPL Information by State

**State:** Maine

**Website for further information:**

**Maine Board of Bar Overseers**

[https://mebaroverseers.org/contact\\_us.html](https://mebaroverseers.org/contact_us.html)

**Multijurisdictional Practice of Law**

[https://mebaroverseers.org/regulation/bar\\_rules.html?id=88251](https://mebaroverseers.org/regulation/bar_rules.html?id=88251)

**Office of the Attorney General, Consumer Protection**

<https://www.maine.gov/ag/consum>

**State or Model Ethics Rule:** UPL at Rule 5.5

**State Statute (if any):** Class E Crime, M.R.S.A., Title 4, §807: Unauthorized practice of law

<https://www.mainelegislature.org/legis/statutes/4/title4sec807.html>

**Rule of Civil/Court Procedure:**

**State maintained list of UPL transgressors, if any:**

n/a

**Notes regarding Investigation/Prosecution procedures:**

Maine – Statute; court agency or state bar association has no authority to pursue action for UPL;

prosecutorial authority generally rests with the attorney general or other prosecutorial agency.

**Additional Information, if any:**

**Additional Notes, if any (e.g., see, generally the Model Code of Ethics, may have slight revisions):**

Generally Model RPC; some revisions

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**State:** Massachusetts

**Website for further information:**

**Massachusetts Office of Bar Counsel**

**<https://www.massbbo.org/>**

**Attorney General's Consumer Advocacy and Response Division**

**<https://www.mass.gov/how-to/file-a-consumer-complaint>**

**State or Model Ethics Rule:** UPL at Rule 5.3 and 5.5

**State Statute (if any):** Mass. Gen. Laws Ann. ch. 221, § 46B;

**Rule of Civil/Court Procedure:**

**State maintained list of UPL transgressors, if any:**

n/a

**Notes regarding Investigation/Prosecution procedures:**

The court agency or state bar association has no authority to pursue action for UPL; prosecutorial authority generally rests with the attorney general or other prosecutorial agency.

Mass. Gen. Laws Ann. ch. 221, § 41, 46B

**Section 41: Unauthorized practice of law; solicitation of business; penalty: Section 41. Whoever has been so removed and continues thereafter to practice law or to receive any fee for his services as an attorney at law rendered after such removal, or who holds himself out, or who represents or advertises himself as an attorney or counsellor at law, or whoever, not having been lawfully admitted to practice as an attorney at law, represents himself to be an attorney or counsellor at law, or to be lawfully qualified to practice in the courts of the commonwealth, by means of a sign, business card, letter head or otherwise, or holds himself out or represents or**

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advertises himself as having authority or power in behalf of persons who have claims for damages to procure settlements of such claims for damages either to person or property, or whoever, not being an attorney at law, solicits or procures from any such person or his representative, either for himself or another, the management or control of any such claim, or authority to adjust or bring suit to recover for the same, or solicits for himself or another from a person accused of crime or his representative the right to defend the accused person, shall be punished for a first offence by a fine of not more than one hundred dollars or by imprisonment for not more than six months, and for a subsequent offence by a fine of not more than five hundred dollars or by imprisonment for not more than one year. and,

Section 46B: "The supreme judicial court and the superior court shall have concurrent jurisdiction in equity, upon petition of any bar association within the commonwealth, or of three or more members of the bar of the commonwealth, or of the attorney general, or of the district attorney within his district, to restrain ..."

<https://malegislature.gov/Laws/GeneralLaws/PartIII/TitleI/Chapter221/Section46>

B

Additional Information, if any:

Practice of law, persons authorized, Mass. Gen. Laws Ann., Ch. 221, § 46A

<https://malegislature.gov/Laws/GeneralLaws/PartIII/TitleI/Chapter221/Section46>

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Additional Notes, if any (e.g., see, generally the Model Code of Ethics, may have slight revisions):

Generally Model RPC; some revisions

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**State:** Minnesota

**Website for further information:**

**Lawyers Professional Responsibility Board, Office of Lawyers Professional  
Responsibility**

**<http://lprb.mncourts.gov/Pages/Default.aspx>**

**Attorney General's Office, Consumer Information**

**<https://www.ag.state.mn.us/Consumer/>**

**State or Model Ethics Rule:** UPL at Rule 5.5

**State Statute (if any):** Minnesota Statutes 481.02: Unauthorized Practice of Law

**<https://www.revisor.mn.gov/statutes/cite/481.02>**

**Rule of Civil/Court Procedure:**

**State maintained list of UPL transgressors, if any:**

**Notes regarding Investigation/Prosecution procedures:**

**Statute; court agency or state bar association has no authority to pursue action for  
UPL; prosecutorial authority generally rests with the attorney general or other  
prosecutorial  
agency.**

**Additional Information, if any:**

**Additional Notes, if any (e.g., see, generally the Model Code of Ethics, may have slight revisions):**



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**State:** Missouri

**Website for further information:**

**The Missouri Bar**

<https://mobar.org/>

**Attorney General, Consumer Protection**

<https://www.ago.mo.gov/civil-division/consum>

**State or Model Ethics Rule:** UPL at Rule 4-5.5

**State Statute (if any):** RSMo 484.020

**Rule of Civil/Court Procedure:** n/a

**State maintained list of UPL transgressors, if any:**

n/a

**Notes regarding Investigation/Prosecution procedures:**

Statute; court agency or state bar association has no authority to pursue action for UPL; prosecutorial authority generally rests with the attorney general or other prosecutorial agency.

**Additional Information, if any:**

**Additional Notes, if any (e.g., see, generally the Model Code of Ethics, may have slight revisions):**

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**State:** Nebraska

**Website for further information:**

**Nebraska Supreme Court**

**<https://supremecourt.nebraska.gov/supreme-court-rules/chapter-3-attorneys-and-practice-law/article-10-unauthorized-practice-law>**

**State or Model Ethics Rule:** NE RPC Article 10

**State Statute (if any):** Nebraska Revised Statute 7-101;

**<https://nebraskalegislature.gov/laws/statutes.php?statute=7-101>**

**Rule of Civil/Court Procedure:**

**State maintained list of UPL transgressors, if any:**

**Notes regarding Investigation/Prosecution procedures:**

The “practice of law” is the application of legal principles and judgments to specific circumstances to resolve a problem or decide how to proceed under the law. Practicing law requires special skill and knowledge. The Nebraska Supreme Court sets the standards and authorizes a person who possesses these special skills and knowledge to practice law. The Supreme Court defines the practice of law in its Rules Governing the Unauthorized Practice of Law.

The Supreme Court authorizes lawyers to provide legal services. It also authorizes certain nonlawyers to provide limited legal services. In addition to court rules there are state and federal laws that authorize nonlawyers to provide certain legal and lawrelated services. There are also court decisions that have held that certain legal and lawrelated activities by nonlawyers are not the practice of law. The Commission, through its Counsel on UPL, reviews every complaint to see if it has the authority to investigate the problem. If it does, the Commission will begin to

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investigate your complaint. In an investigation, you and the person you are complaining about will be interviewed and asked to provide information or documents related to the complaint. The Commission may also investigate in other ways as appropriate to completely understand the problem.

**Contact:**

**Mark Weber**

**Commission on Unauthorized Practice of Law**

**Nebraska Supreme Court Counsel for Discipline**

**3808 Normal Blvd.**

**Lincoln, NE 68506**

**P: (402) 471-1040 or email: [nsc.cfdcomplaints@nebraska.gov](mailto:nsc.cfdcomplaints@nebraska.gov)**

**Additional Information, if any:**

**Neb. Sup. Ct. R. A: Complaint form**

**<https://artifacts.casetext.com/artifacts/2022ch3art10appa>**

**Additional Notes, if any (e.g., see, generally the Model Code of Ethics, may have slight revisions):**

# UPL Information by State

**State:** New Hampshire

**Website for further information:**

**Supreme Court of New Hampshire Attorney Discipline System**

**<https://nhattyreg.org/>**

**Office of the Attorney General**

**<https://www.doj.nh.gov/>**

**State or Model Ethics Rule:** UPL at 5.5

**State Statute (if any):** RSA § 311.7

**Rule of Civil/Court Procedure:** NHR Sup. Ct. Rule 35

**State maintained list of UPL transgressors, if any:**

**Notes regarding Investigation/Prosecution procedures:**

**Statute; attorney general or disciplinary counsel may bring action**

**Unauthorized Practice of Law**

**311:7-a Petition for Injunction. –**

**I. Upon the attorney general's own information or upon complaint of any person, including any judge or any organized bar association in this state, the attorney general may maintain an action for injunctive relief in the supreme or superior court against any person who renders, offers to render, or holds himself or herself out as rendering any service which constitutes the unauthorized practice of the law. Any organized bar association in this state may intervene in the action, at any stage of the proceeding, for good cause shown.**

**II. The action may also be maintained by the bar association of the state of New Hampshire.**

# UPL Information by State

**Additional Information, if any:**

**Additional Notes, if any (e.g., see, generally the Model Code of Ethics, may have slight revisions):**

# UPL Information by State

**State:** New Mexico

**Website for further information:**

**State Bar of New Mexico**

[https://www.nmbar.org/Nmstatebar/For\\_Members/N.M.\\_Supreme\\_Court\\_Agencies\\_and\\_Court\\_](https://www.nmbar.org/Nmstatebar/For_Members/N.M._Supreme_Court_Agencies_and_Court_)

[Regulated\\_Programs.aspx](https://www.nmbar.org/Nmstatebar/For_Members/N.M._Supreme_Court_Agencies_and_Court_Regulated_Programs.aspx)

**Attorney General, Consumer Protection**

<https://www.nmag.gov/consumer-protection-1.aspx>

<https://nmdisboard.org/for-the-publ>

**State or Model Ethics Rule:** UPL at Rule 16-505 NMRA,

<https://nmonesource.com/nmos/nmra/en/item/5699/index.do#!b/16-505> Full Rules at

<https://tinyurl.com/NMRPC>

**State Statute (if any):** NM Stat § 36-2-28.1

**Rule of Civil/Court Procedure:**

**State maintained list of UPL transgressors, if any:**

<https://nmdisboard.org/about-2/quarterly-reports/>

**Notes regarding Investigation/Prosecution procedures:**

New Mexico state statutes and New Mexico Supreme Court rules prohibit the unauthorized practice of law by persons who have not been granted a law license by the New Mexico Supreme Court. Complaints regarding the unauthorized practice of law may be referred to the Disciplinary Board for investigation.

Concerns about the unauthorized practice of law may also be referred to the State Bar of New Mexico or the Office of the Attorney General. Please visit the Disciplinary Board website for more information. The New Mexico Supreme Court

# UPL Information by State

has the inherent power and duty to prescribe the qualifications that shall be required for admission to practice law; to admit persons to practice law; to prescribe standards of conduct for lawyers, and to determine the grounds for and to discipline lawyers for misconduct. The Supreme Court also has the authority to define the practice of law and to prohibit the unauthorized practice of law within the State of New Mexico.

Pursuant to its authority and jurisdiction, the Court has established the New Mexico Disciplinary Board and the rules and procedures regarding the investigation of alleged unethical conduct and the unauthorized practice of law. The procedures are designed to provide a thorough and objective review of the complaint of conduct and to resolve the matter in a way that is fair to those involved. Daily operations of the Board and investigations and prosecution of allegations of attorney misconduct and the unauthorized practice of law are performed by the Office of Disciplinary Counsel.

## **INSTRUCTIONS:**

This form is designed to provide the Disciplinary Board with the information required to make an initial evaluation of your complaint and to begin any needed inquiry or investigation into your allegations. Form: <https://nmdisboard.org/for-the-public/file-a-complaint/unauthorized-practice-of-law-complaint-form/>

Please complete this form online, or download and print a PDF of this form. If you are asserting allegations about more than one attorney, please complete a separate complaint form for each attorney. All materials that you file with the Disciplinary Board will become part of the Disciplinary Board's confidential files and will not be returned or copied to you. Therefore, please provide only copies of

# UPL Information by State

your supporting documents with your original, signed complaint form. You will be advised in writing of receipt of your complaint and advised of the outcome of your complaint, subject to the limits of confidentiality.

## **IMPORTANT NOTICE:**

The Disciplinary Board's jurisdiction is strictly limited. It cannot stop or delay any pending Court proceedings nor prevent the running of appeal time or statute of limitations. It is not allowed to provide you legal services or advice. It will, however, investigate and prosecute any person it believes may have violated the Rules concerning the Unauthorized Practice of Law or Rules 16-505 and 17B-001 NMRA.

## **Additional Information, if any:**

The 2015 amendment, approved by Supreme Court Order No. 15-8300-007, effective December 31, 2015, made technical changes to the ABA Comment.

The 2013 amendment, approved by Supreme Court Order No. 13-8300-040, effective December 31, 2013, provided for the practice of law in New Mexico by a non-admitted lawyer with and without compliance with Rule 24-106 NMRA; in Paragraph E, after "temporary basis in this jurisdiction", deleted "that" and added the remainder of the sentence; in Paragraph F, added the introductory sentence; in Subparagraph (2), deleted "are not within Subparagraph (2) or (3) of Paragraph E and"; in Subparagraph (3), after "organizational affiliates", added "as in-house counsel subject to any registration requirements"; and deleted the former introductory sentence in Paragraph F, which provided for the practice of law in New Mexico of a non-admitted lawyer who was in compliance with applicable registration requirements.



# UPL Information by State

Unauthorized practice of law supported by substantial evidence. — Where the founder and benefactor of two organizations died; respondent was a board member and officer of the organizations; respondent solicited a relative of the personal representative of the founder's estate to retain respondent to pursue a lawsuit against the personal representative for mishandling of the probate of the estate; respondent represented to the personal representative that the statute of limitations had not yet run on claims respondent threatened to bring against the personal representative for breach of fiduciary duty; and at the time respondent solicited the personal representative's relative to be respondent's client and made the representations to the personal representative, respondent was not admitted to practice law in New Mexico and was on inactive statute in Virginia, substantial evidence supported the hearing committee's findings that respondent engaged in the unauthorized practice of law. In the Matter of Convisser, 2010-NMSC-037, 148 N.M. 732, 242 P.3d 299.

**Additional Notes, if any (e.g., see, generally the Model Code of Ethics, may have slight revisions):**

**Generally Model RPC; some revisions**

# UPL Information by State

**State:** North Carolina

**Website for further information:**

North Carolina State Bar

<https://www.ncbar.gov/bar-programs/unauthorized-practice-of-law/>

North Carolina Consumer Protection Division

<https://ncdoj.gov/protecting-consumers/>

**State or Model Ethics Rule:** UPL at Rule 5.5

**State Statute (if any):** Unauthorized Practice of Law, N.C. Gen. Stat § 84

**Rule of Civil/Court Procedure:**

**State maintained list of UPL transgressors, if any:**

**Notes regarding Investigation/Prosecution procedures:**

Statute; state bar association authorized practice committee as “agency of state government” may investigate and recommend an injunction. UPL is also a misdemeanor.

[https://www.ncleg.net/enactedlegislation/statutes/html/bychapter/chapter\\_84.html](https://www.ncleg.net/enactedlegislation/statutes/html/bychapter/chapter_84.html)

html

**Additional Information, if any:**

Purpose and scope of authorized practice committee, 27 NCAC 01D.0201-0208

<http://reports.oah.state.nc.us/ncac.asp?folderName=%5CTitle%2027%20-%20State%20Bar%5CChapter%2001%20-%20Rules%20and%20Regulations%20for%20the%20North%20Carolina%20State%20Bar>

%20State%20Bar%5CChapter%2001%20-

%20Rules%20and%20Regulations%20for%20the%20North%20Carolina%20State%

20Bar

**Additional Notes, if any (e.g., see, generally the Model Code of Ethics, may have slight revisions):**

# UPL Information by State

**State:** Ohio

**Website for further information:**

**Ohio Supreme Court Board on the Unauthorized Practice of Law**

**<http://www.supremecourt.ohio.gov/Boards/UPL/>**

**State or Model Ethics Rule:** UPL at 5.5

**State Statute (if any):** Ohio R.C. 4705.01

**R.C. 4705.07**

**R.C. 4705.99**

**Rule of Civil/Court Procedure:** Ohio Sup. R VII

**State maintained list of UPL transgressors, if any:**

**Notes regarding Investigation/Prosecution procedures:**

The Board on the Unauthorized Practice of Law of the Supreme Court of Ohio is established by Rule VII of the Supreme Court Rules for the Government of the Bar of Ohio. The Board conducts hearings, preserves the record, and makes findings and recommendations to the Supreme Court in cases involving the alleged unauthorized practice of law. The Board is also authorized to issue informal nonbinding advisory opinions on matters concerning the unauthorized practice of law.

**Board on the Unauthorized Practice of Law**

**Supreme Court of Ohio**

**65 South Front Street, 5th Floor**

**Columbus, Ohio 43215-3431**

**Phone: 614.387.9318**

**Fax: 614.387.9529**

# UPL Information by State

**Additional Information, if any:**

**Additional Notes, if any (e.g., see, generally the Model Code of Ethics, may have slight revisions):**

**Generally Model RPC; some revisions**

# UPL Information by State

State: Oregon

Website for further information:

Oregon Bar UPL Enforcement Website

<https://www.osbar.org/upl>

State or Model Ethics Rule: UPL at Oregon RPC 5.5

State Statute (if any): Oregon Revised Statutes 9.160 et seq

<https://www.oregonlaws.org/ors/9.160>

Rule of Civil/Court Procedure:

State maintained list of UPL transgressors, if any:

<https://www.osbar.org/UPL/courtorders.html>

Notes regarding Investigation/Prosecution procedures:

Statute; state bar association committee may investigate, pursue civil action or refer to the attorney general.

**ORS 9.164 - Investigation of alleged violation of ORS 9.160: Upon written complaint of any person or upon its own initiative, the Board of Governors of the Oregon State Bar shall investigate any alleged violation of ORS 9.160 (Bar membership required to practice law). [1987 c.860 §3] and ORS 9.166 Enjoining practicing law without a license restitution to victim: If the board has reason to believe that a person is practicing law without a license, the board may maintain a suit for injunctive relief in the name of the Oregon State Bar against any person violating ORS 9.160 (Bar membership required to practice law). The court shall enjoin any person violating ORS 9.160 (Bar membership required to practice law) from practicing law without a license. Any person who has been so enjoined may be punished for contempt by the court issuing the injunction. An injunction may**

# UPL Information by State

be issued without proof of actual damage sustained by any person. The court shall order restitution to any victim of any person violating ORS 9.160 (Bar membership required to practice law). The prevailing party may recover its costs and attorney fees in any suit for injunctive relief brought under this section in which the board is the plaintiff. [1987 c.860 §4; 2001 c.300 §57; 2003 c.260 §3; 2003 c.670 §6]

A person who is not an active member of the Oregon State Bar, but (1) appears in court on behalf of others; (2) drafts or selects legal documents; (3) advises others of legal rights, acts as an immigration consultant; (4) holds him or herself out to be a lawyer; or (4) has a law office in Oregon, regardless of where his or her clients are located, may be engaged in the Unlawful Practice of Law. Please refer to the UPL FAQ for additional information. <https://www.osbar.org/UPL/faq.html>

If you are concerned that someone may be practicing law without a license, please submit a complaint form describing your concerns. If you have any questions about what information you should provide, please call 503-620-0222, ext.388.

Please note that a completed complaint form is REQUIRED and that all materials received by the Bar are considered public record. A copy of your complaint will be provided to the UPL Investigator and a copy will be retained by the bar in accordance with current OSB records retention policy. Retained records are available for public inspection through the OSB public records clerk.

Please send your complaint form and any related material to [gc@osbar.org](mailto:gc@osbar.org) with subject line "Unlawful Practice of Law" or by mail to P.O. Box 231935, Tigard, OR 97281 Attn: Unlawful Practice of Law. Complaint form:

[https://www.osbar.org/\\_docs/resources/UPLComplaintForm.pdf](https://www.osbar.org/_docs/resources/UPLComplaintForm.pdf)

**Additional Information, if any:**

# UPL Information by State

Oregon courts broadly define what constitutes the practice of law to include “any exercise of an intelligent choice, or any informed discretion in advising another of his legal rights and duties.” *Oregon State Bar v. Security Escrows, Inc.*, 233 Or 80, 89 (1962).

**Additional Notes, if any (e.g., see, generally the Model Code of Ethics, may have slight revisions):**

# UPL Information by State

**State:** Rhode Island

**Website for further information:**

<https://www.courts.ri.gov/PublicResources/unauthorizedpracticeoflaw/Pages/default.aspx>

**State or Model Ethics Rule:** UPL at RI RPC 5.5

**State Statute (if any):** R.I. Gen. Laws 11-27-2; 11-27-5; 11-27-14; 11-27-19;

**Rule of Civil/Court Procedure:** Ct Rules: Art IV

**State maintained list of UPL transgressors, if any:**

**Notes regarding Investigation/Prosecution procedures:**

Rhode Island– Statute and Supreme Court Rule; Court appointed committee may investigate, issue subpoenas, and refer to Supreme Court for further action.

## **The Unauthorized Practice of Law**

In Rhode Island, the prosecution of the unauthorized practice of law is under the purview of the Unauthorized Practice of Law Committee. The Unauthorized Practice of Law Committee is appointed by the Supreme Court of Rhode Island.

The duties of the Committee entail investigating all reports of activities which may constitute the unauthorized practice of law. After the fact finding process, the committee has the ability to hold hearings to determine whether or not the charges are valid. The Committee has broad authority to enforce the rules and regulations deemed necessary in the execution of its duties.

The process begins when a complaint is filed. More than likely a party has been harmed as a result of the actions of the individual unlawfully practicing law and is now seeking retribution for his or her losses. The Committee must determine that there is enough evidence to support a claim of unauthorized practice of law before



# UPL Information by State

it that a person has allegedly violated the statutes governing the unauthorized practice of law by holding himself/herself out as authorized to practice law, by profiting from the services performed by attorneys by soliciting business, acting as an agent for attorneys, and by agreeing to furnish legal services that you are unqualified to provide in the absence of a license to practice law in the state.

If the Committee finds that you have violated the statutes against the unauthorized practice of law, the claim is forwarded to the Department of the Attorney General for civil and criminal prosecution. Civil prosecution would entail lawsuits from all of your clients who want their money back or for fines they suffered as a result of the work you performed on their behalf, in addition to various other monetary penalties. Maximum criminal prosecution entails imprisonment for a term not exceeding one year, or fined not exceeding \$5,000.00. There is a fine line between providing legal information and practicing law. The factor that weighs most heavily in favor of an unauthorized practice of law claim is the collection of a fee.

## **Additional Information, if any:**

The consequences for practicing law on behalf of another without a law license can lead to a criminal conviction and jail time. R.I. Gen. Laws 11-27-14. Practicing law is limited to attorneys who are members in good standing of the Rhode Island bar. R.I. Gen. Laws 11-27-5. The Supreme Court alone has “the ultimate and exclusive authority to determine what does and does not constitute the practice of law within the state and to regulate those people qualified to engage in the practice.” In re Town of Little Compton, 37 A.3d 85, 88 (R.I. 2012). In the Committee’s view, the Supreme Court’s prerogative is so strong that while the

# UPL Information by State

Legislature can “declare acts of unauthorized practice illegal . . . the Legislature cannot unilaterally declare that certain conduct does not constitute the practice of law and it cannot authorize attorneys to practice law in contravention of Supreme Court Rules.” The Legislature, for criminal law purposes, has defined the practice of law in R.I Gen. Laws 11-27-2 as “including” the following:

The appearance or acting as the attorney before any court or similar body to determine any question of law or fact or to exercise any judicial power;

The preparation of pleadings or other legal papers incident to any action or other proceeding of any kind before or to be brought before the court or other body;

The giving or tendering to another person for a consideration, direct or indirect, of any advice or counsel pertaining to a law question or a court action or judicial proceeding brought or to be brought;

The undertaking or acting as a representative or on behalf of another person to commence, settle, compromise, adjust, or dispose of any civil or criminal case or cause of action;

Preparation or drafting for another person of a will, codicil, corporation organization, amendment, or qualification papers, or any instrument which requires legal knowledge and capacity and is usually prepared by attorneys at law.

**Additional Notes, if any (e.g., see, generally the Model Code of Ethics, may have slight revisions):**

# UPL Information by State

**State:** South Dakota

**Website for further information:**

<https://www.statebarofsouthdakota.com/page/lawyer-discipline>

**State or Model Ethics Rule:** UPL at Rule 5.5

**State Statute (if any):** SDCL § 16-16-1

**Rule of Civil/Court Procedure:**

**State maintained list of UPL transgressors, if any:**

**Notes regarding Investigation/Prosecution procedures:**

**SDCL 16-18-1. License and bar membership required to practice law--Injunction to restrain violations.**

**Excepting as provided by § 16-18-2, no person shall engage in any manner in the practice of law in the State of South Dakota unless such person be duly licensed as an attorney at law, and be an active member of the State Bar in good standing.**

**Any person engaging in any manner in the practice of law in violation of this section may be restrained by permanent injunction in any court of competent jurisdiction, at the suit of the attorney general or any citizen of the state.**

**Source: SL 1931, ch 84, § 11; SDC 1939, § 32.1121; SL 1945, ch 143; SL 1959, ch 229.**

**Additional Information, if any:**

**SD. Stat. §16-16-1. License from Supreme Court required to practice law**

**“License from Supreme Court required to practice law--Active membership in state bar--Violation as misdemeanor. No person, except as provided in § 16-18-2, may practice as an attorney and counselor at law in any court of record within this state, either by using or subscribing his or her own name or the name of any other**

# UPL Information by State

person, without having previously obtained a license for that purpose from the Supreme Court of this state and having become an active member in good standing of the State Bar of South Dakota. A violation of this section is a Class 1 misdemeanor.

Source: SDC 1939 & Supp 1960, §§ 13.1255, 32.1101; SDCL, § 16-18-30, SL 1979, ch 150, § 14; SL 2001, ch 102, § 1.

**Additional Notes, if any (e.g., see, generally the Model Code of Ethics, may have slight revisions):**

Generally Model RPC; some revisions

# UPL Information by State

**State:** Texas

**Website for further information:**

**Texas Committee on Professional Ethics ("PEC")**

**<https://www.texasbar.com/AM/Template.cfm?Section=pec&Template=/pec/home.cfm>**

**Texas UPL Committee:**

**<http://www.txuplc.org/Home/applaw>**

**State or Model Ethics Rule:** UPL at TRDP 5.05

**State Statute (if any):** TX Penal Code §38.122-123; TX Govt Code § 81.102, 83.001(a)

**Rule of Civil/Court Procedure:**

**State maintained list of UPL transgressors, if any:**

**<http://www.txuplc.org/Home/news>**

**Notes regarding Investigation/Prosecution procedures:**

**Statute and Supreme Court Rule; The Texas UPL Committee may investigate UPL complaints, and if warranted, pursue separate civil remedies.**

**The UPLC is charged with eliminating the UPL and reporting to the Texas Supreme Court and the State Bar of Texas about its actions and UPL in Texas by non-lawyers and the activities of lawyers to aid UPL. The UPLC delegates the investigation of UPL complaints to investigators who are members of local subcommittees appointed by the UPLC. The UPLC meets at least twice a year to receive reports from its regional and district chairpersons and votes whether to authorize civil court lawsuits to enjoin the unauthorized practice of law. If suit is authorized, the**

# UPL Information by State

suit is prosecuted for the UPLC by volunteer attorneys. The UPLC cannot give advisory opinions about whether a certain activity is UPL.

You can make a complaint online by choosing the "Complaint Form" button on the main menu of this website. Otherwise, you can obtain a complaint form by calling (512) 427-1341, or by requesting a complaint form at [info@txuplc.org](mailto:info@txuplc.org), and following the instructions on the complaint form. Complaint form:

<http://www.txuplc.org/complaints>

## Additional Information, if any:

(a) In this chapter the "practice of law" means the preparation of a pleading or other document incident to an action or special proceeding or the management of the action or proceeding on behalf of a client before a judge in court as well as a service rendered out of court, including the giving of advice or the rendering of any service requiring the use of legal skill or knowledge, such as preparing a will, contract, or other instrument, the legal effect of which under the facts and conclusions involved must be carefully determined.

(b) The definition in this section is not exclusive and does not deprive the judicial branch of the power and authority under both this chapter and the adjudicated cases to determine whether other services and acts not enumerated may constitute the practice of law.

(c) In this chapter, the "practice of law" does not include the design, creation, publication, distribution, display, or sale, including publication, distribution, display, or sale by means of an Internet web site, of written materials, books, forms, computer software, or similar products if the products clearly and conspicuously state that the products are not a substitute for the advice of an

# UPL Information by State

attorney. This subsection does not authorize the use of the products or similar media in violation of Chapter 83 and does not affect the applicability or enforceability of that chapter.

The above statute does not provide an exhaustive list of what constitutes the practice of law. The Texas Supreme Court has held that the courts ultimately decide what is the practice of law.

**Additional Notes, if any (e.g., see, generally the Model Code of Ethics, may have slight revisions):**

# UPL Information by State

**State:** Vermont

**Website for further information:**

**Vermont Bar:**

<https://www.vtbar.org/>

**VT Professional Responsibility Board:**

<https://www.vermontjudiciary.org/about-vermont-judiciary/boards-and-committees/professional-responsibility>

**State or Model Ethics Rule:** UPL at VRPC 5.5

**State Statute (if any):**

**Rule of Civil/Court Procedure:** VT Judiciary:

**State maintained list of UPL transgressors, if any:**

**Notes regarding Investigation/Prosecution procedures:**

Statute; court agency or state bar association has no authority to pursue action for UPL; prosecutorial authority generally rests with the attorney general or other prosecutorial agency.

**Professional Responsibility Board:** The Vermont Supreme Court has the power under the Vermont Constitution to oversee the professional conduct of all attorneys practicing in Vermont. The court formed the Vermont Professional Responsibility Board to administer the professional responsibility program, which regulates the legal profession. The board employs disciplinary counsel to:  
**Administer the disciplinary program; Investigate and litigate disciplinary and disability matters; Select and recommend investigative staff; Confer with the**



# UPL Information by State

board to review operations. If alleged misconduct may require disciplinary sanctions, the complaint is referred to disciplinary counsel.

**\*Discipline may be imposed for: Violation of professional conduct rules; Violation of a rule or order of a hearing panel, the board, or the court; Failure to give information or respond to a request for information from disciplinary counsel, a hearing panel, or the court.**

**\*Disciplinary counsel investigates and can: Dismiss the complaint; Refer it to an assistance panel; Commence formal disciplinary proceedings; Commence disability proceedings.**

**\*If disciplinary counsel dismisses a complaint after investigation, the complainant is notified of the reasons for the dismissal. There is no further review of that decision.**

**Office of Disciplinary Counsel**

**Sarah Katz, Esq.**

**Costello Courthouse**

**32 Cherry Street, Suite 213**

**Burlington, VT 05401**

**Phone: 802-859-3000**

**Professional Responsibility Board**

**Merrick Grutchfield, Program Administrator**

**Vermont Supreme Court**

**Professional Responsibility Program**

**109 State Street**

**Montpelier, VT 05609**

# UPL Information by State

Phone: 802-828-3204

Complaints can be emailed to [JUD.PRPComplaints@vermont.gov](mailto:JUD.PRPComplaints@vermont.gov)

**Additional Information, if any:**

**Additional Notes, if any (e.g., see, generally the Model Code of Ethics, may have slight revisions):**

# UPL Information by State

**State:** Washington, D.C.

**Website for further information:**

<https://www.dcbart.org/For-Lawyers/Legal-Ethics/Rules-of-Professional-Conduct/Law-Firms-and-Associations/Unauthorized-Practice> and  
<https://www.dccourts.gov/court-of-appeals/committee-unauthorized-practice-of-law>

**State or Model Ethics Rule:** UPL by non-lawyers at 5.3

**State Statute (if any):**

**Rule of Civil/Court Procedure:** DC App. R. 49

**State maintained list of UPL transgressors, if any:**

n/a

**Notes regarding Investigation/Prosecution procedures:**

The Committee on Unauthorized Practice of Law investigates complaints against persons who are engaging in the unauthorized practice of law. See DC App. R. 49. It also monitors motions made by attorneys from other jurisdictions for permission to appear pro hac vice in the District of Columbia Courts. The Committee has twelve members, eleven of whom are members of the District of Columbia Bar. One member of the committee is a non-attorney, as required by Rule 49.

**Additional Information, if any:**

**Additional Notes, if any (e.g., see, generally the Model Code of Ethics, may have slight revisions):**

# UPL Information by State

State: West Virginia

Website for further information:

Article VII, Rules for Admission to Practice Law

<http://www.wvbar.org/public-information/unlawful-practice/>

State or Model Ethics Rule: UPL at Rule 5.5 (Non-lawyer at 5.3)

State Statute (if any): WV Const. Article VIII Section 3

Rule of Civil/Court Procedure:

State maintained list of UPL transgressors, if any:

Notes regarding Investigation/Prosecution procedures:

Supreme Court Rule; state bar association committee may investigate, enter into an agreement to desist from unlawful practices, and seek civil action. Pursuant to Article VIII Section 3 of the West Virginia Constitution, the Supreme Court of Appeals of West Virginia "shall have power to promulgate rules for all cases and proceedings, civil and criminal, for all the courts of the State relating to writs, warrants, process, practice and procedure, which shall have the force and effect of law." Article 8 Unlawful Practice Committee

Bylaw 8.01 Jurisdiction The Unlawful Practice Committee shall have jurisdiction over all matters and questions which may be considered as constituting the unlawful practice of law under the definition of the practice of law adopted by the Supreme Court of Appeals of West Virginia by rule effective May 1, 1947, and any amendments or changes thereto, and in accordance with other applicable principles of law governing and defining the practice of law in this and

# UPL Information by State

other jurisdictions. Bylaw 8.02 Powers (a) The Unlawful Practice Committee shall investigate on its own initiative or upon request of any court or judge, or the written complaint of any person, any matter involving the alleged unlawful practice of law. The Committee is empowered to dismiss any complaint. The Unlawful Practice Committee is authorized to present to the Supreme Court of Appeals for approval an agreement to desist from unlawful practices, or when the facts warrant, institute appropriate proceedings in the name of the West Virginia State Bar, or in the name of the Unlawful Practice Committee, for the purpose of securing appropriate relief. (b) The Committee may act as a whole, or through any subcommittee thereof, consisting of at least three members. (c) In addition to the provisions of these Bylaws, the procedures regarding matters before the Committee are governed by State Bar Administrative Rule 7. Reporting of Possible Unlawful Practice of Law

If you believe someone is unlawfully practicing law in the State of West Virginia download the complaint form and send to Anita Casey at [caseya@wvbar.org](mailto:caseya@wvbar.org) or 2000 Deitrick Blvd., Charleston, WV 25311 with the following information.

A brief summary of why you believe the individual or company is unlawfully practicing law.

The complete name of the individual or company.

All contact information available including mailing address, physical business address, email address and phone number.

Any documents which evidence the unlawful practice of law. Complaint Form: <https://wvbar.org/wp-content/uploads/2020/04/UPL-Complaint-uplcomplaintform1-1.pdf>

# UPL Information by State

## Additional Information, if any:

In general, one is deemed to be practicing law whenever they furnish to another advice or service under circumstances which imply the possession and use of legal knowledge and skill.

More specifically but without purporting to formulate a precise and completely comprehensive definition of the practice of law or to prescribe limits to the scope of that activity, one is deemed to be practicing law whenever (1) one undertakes, with or without compensation and whether or not in connection with another activity, to advise another in any matter involving the application of legal principles to facts, purposes or desires; (2) one undertakes, with or without compensation and whether or not in connection with another activity, to prepare for another legal instruments of any character; or (3) one undertakes, with or without compensation and whether or not in connection with another activity, to represent the interest of another before any judicial tribunal or officer, or to represent the interest of another before any executive or administrative tribunal, agency or officer otherwise than in the presentation of facts, figures or factual conclusions as distinguished from legal conclusions in respect to such facts and figures. Nothing in this paragraph shall be deemed to prohibit a lay person from appearing as agent before a magistrate or to prohibit a bona fide full-time lay employee from performing legal services for his regular employer (other than in connection with representation of his employer before any judicial, executive or administrative tribunal, agency or officer) in matters relating solely to the internal affairs of such employer, as distinguished from such services rendered to or for others.

# UPL Information by State

**Additional Notes, if any (e.g., see, generally the Model Code of Ethics, may have slight revisions):**

# UPL Information by State

**State:** Wyoming

**Website for further information:**

[www.wyomingbar.org](http://www.wyomingbar.org)

<https://www.wyomingbar.org/for-lawyers/lawyer-resources/ethics-help/>

<https://www.wyomingbar.org/for-the-public/attorney-complaints/>

**State or Model Ethics Rule:** UPL at Rule 5.5

**State Statute (if any):** WY Stat § 33-5-117 (2020)

**Rule of Civil/Court Procedure:** WY Rule 7

**State maintained list of UPL transgressors, if any:**

<https://www.wyomingbar.org/category/disciplinary/>

**Notes regarding Investigation/Prosecution procedures:**

**Board of Professional Responsibility “BPR”** The Board of Professional Responsibility, made up of six lawyers and three non-lawyers, serves as the hearing body for all attorney discipline matters. The board is required to approve any motions for stipulated discipline. The board may issue private reprimands and for cases of more serious misconduct warranting public censure, suspension or disbarment, make a written recommendation to the Wyoming Supreme Court, the only body empowered to order public discipline. Appointment: Wyoming Supreme Court. Term: Three years.

**The Unauthorized Practice of Law Committee**, made up of nine lawyers and four non-lawyers, serves as the hearing body for all proceedings relating to the unauthorized practice of law by non-lawyers. The committee may approve stipulated cease and desist agreements and, in cases where a hearing is necessary, may recommend that the Wyoming Supreme Court take appropriate action to



# UPL Information by State

protect the public, including issuing an injunction, ordering payment of restitution and assessing fines. Appointment: Wyoming Supreme Court. Term: Three years.

In Wyoming, only licensed lawyers or others with legal training may provide legal services. There are certain exceptions for authorized activities performed by financial institutions, landmen, licensed real estate brokers and agents, Certified Public Accountants and others. For the full text of the rule defining the practice of law and a complete list of exceptions, click here (refer to Rule 7).

The Wyoming State Bar is committed to protecting the public from the wide variety of threats posed by the unauthorized practice of law. If you have suspected the unauthorized practice of law has occurred, please report it. Return completed request via USPS or fax: P.O. Box 109, Cheyenne, WY 82003 (307) 632-9061 Fax: (307) 632-3737 Reporting form: [https://www.wyomingbar.org/wp-content/uploads/UPL\\_Report-2.pdf](https://www.wyomingbar.org/wp-content/uploads/UPL_Report-2.pdf)

## Additional Information, if any:

Rule 11. Attorney's right to practice law.

(a) "Practice of law" means advising others and taking action for them in matters connected with law. It includes preparation of legal instruments and acting or proceeding for another before judges, courts, tribunals, commissioners, boards or other governmental agencies.

## Additional Notes, if any (e.g., see, generally the Model Code of Ethics, may have slight revisions):

Generally Model RPC; some revisions