

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

As Engrossed: S2/22/11
A Bill

SENATE BILL 300

5 By: Senator R. Thompson
6

7 **For An Act To Be Entitled**

8 AN ACT TO ALLOW NON-PROFIT AND PUBLIC INTEREST
9 CORPORATIONS AND ASSOCIATIONS TO REPRESENT INDIVIDUAL
10 *PERSONS; TO DECLARE AN EMERGENCY; AND FOR OTHER*
11 *PURPOSES.*
12
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14 **Subtitle**

15 *TO ALLOW NON-PROFIT AND PUBLIC INTEREST*
16 *CORPORATIONS AND ASSOCIATIONS TO*
17 *REPRESENT INDIVIDUAL PERSONS AND TO*
18 *DECLARE AN EMERGENCY.*
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code 16-22-211 amended to read as follows:

24 16-22-211. Corporations or associations – Practice of law or
25 solicitation prohibited – Exceptions – Penalty.

26 (a) It shall be unlawful for any corporation or voluntary association
27 to practice or appear as an attorney at law for any person in any court in
28 this state or before any judicial body, to make it a business to practice as
29 an attorney at law for any person in any of the courts, to hold itself out to
30 the public as being entitled to practice law, to tender or furnish legal
31 services or advice, to furnish attorneys or counsel, to render legal services
32 of any kind in actions or proceedings of any nature or in any other way or
33 manner, or in any other manner to assume to be entitled to practice law or to
34 assume or advertise the title of lawyer or attorney, attorney at law, or
35 equivalent terms in any language in such a manner as to convey the impression
36 that it is entitled to practice law or to furnish legal advice, service, or



1 counsel or to advertise that either alone or together with or by or through
 2 any person, whether a duly and regularly admitted attorney at law or not, it
 3 has, owns, conducts, or maintains a law office or any office for the practice
 4 of law or for furnishing legal advice, services, or counsel.

5 (b) It also shall be unlawful for any corporation or voluntary
 6 association to solicit itself by or through its officers, agents, or
 7 employees any claim or demand for the purpose of bringing an action thereon
 8 or of representing as attorney at law or for furnishing legal advice,
 9 services, or counsel to a person sued or about to be sued in any action or
 10 proceeding or against whom an action or proceeding has been or is about to be
 11 brought, or who may be affected by any action or proceeding that has been or
 12 may be instituted in any court or before any judicial body, or for the
 13 purpose of so representing any person in the pursuit of any civil remedy.

14 (c) The fact that any officer, trustee, director, agent, or employee
 15 shall be a duly and regularly admitted attorney at law shall not be held to
 16 permit or allow any such corporation or voluntary association to do the acts
 17 prohibited in this section nor shall that fact be a defense upon the trial of
 18 any of the persons mentioned for a violation of the provisions of this
 19 section.

20 (d) This section shall not apply to a:

21 (1) For-profit corporation or voluntary association lawfully
 22 engaged in:

23 (A) the ~~The~~ examination and insuring of titles to real
 24 property; or

25 (B) ~~nor shall it prohibit a corporation or a voluntary~~
 26 ~~association from employing~~ Employing an attorney or attorneys in and about
 27 its own immediate affairs or in any litigation to which it is or may become a
 28 party; or

29 (2) A nonprofit corporation or voluntary association lawfully
 30 engaged in representing or assisting an indigent, poor, or disadvantaged
 31 person as a client in a civil or criminal matter.

32 (e)(1) Nothing contained in this section shall be construed to prevent
 33 a corporation from furnishing to any person lawfully engaged in the practice
 34 of law such information or such clerical services in and about his or her
 35 professional work as may be lawful, except for the provisions of this
 36 section, ~~may be lawful~~ if at all times the lawyer receiving such information

1 or such services shall maintain full professional and direct responsibility
2 to his or her clients for the information and services so received.

3 (2) However, no corporation shall be permitted to render any
4 services that cannot lawfully be rendered by a person not admitted to
5 practice law in this state nor to solicit directly or indirectly professional
6 employment for a lawyer.

7 (f)(1) Any corporation or voluntary association violating any of the
8 provisions of this section shall be guilty of a violation and punished by a
9 fine of not less than one hundred dollars (\$100) nor more than five thousand
10 dollars (\$5,000).

11 (2) Every officer, trustee, director, agent, or employee of the
12 corporation or voluntary association who directly or indirectly engages in
13 any of the acts prohibited in this section or assists such a corporation or
14 voluntary association to do such prohibited acts shall be guilty of a
15 violation and shall be punished by a fine of not less than one hundred
16 dollars (\$100) nor more than five thousand dollars (\$5,000).

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18 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
19 General Assembly of the State of Arkansas that there are many indigent, poor,
20 or disadvantaged persons in Arkansas who need legal representation; that
21 there are nonprofit corporations and voluntary associations that already are
22 authorized to provide legal assistance to those in need; and that this act is
23 immediately necessary to ensure that citizens in Arkansas have the
24 opportunity to receive legal services in a timely manner. Therefore, an
25 emergency is declared to exist and this act being immediately necessary for
26 the preservation of the public peace, health, and safety shall become
27 effective on:

28 (1) The date of its approval by the Governor;

29 (2) If the bill is neither approved nor vetoed by the Governor,
30 the expiration of the period of time during which the Governor may veto the
31 bill; or

32 (3) If the bill is vetoed by the Governor and the veto is
33 overridden, the date the last house overrides the veto.

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35 /s/R. Thompson
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