

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

As Engrossed: S2/22/11 H3/21/11

A Bill

SENATE BILL 300

5 By: Senator R. Thompson
6 *By: Representatives J. Edwards, Powers*
7

For An Act To Be Entitled

9 AN ACT TO ALLOW NON-PROFIT AND PUBLIC INTEREST
10 CORPORATIONS AND ASSOCIATIONS TO REPRESENT INDIVIDUAL
11 *PERSONS; TO DECLARE AN EMERGENCY; AND FOR OTHER*
12 *PURPOSES.*
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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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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code 16-22-211 amended to read as follows:

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

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



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

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

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

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

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

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

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

30 (2) Nonprofit corporation or voluntary association lawfully
31 engaged in representing or assisting an indigent, poor, or disadvantaged
32 person as a client in a civil or criminal matter, provided that any legal
33 services rendered by a nonprofit corporation or voluntary association are
34 furnished through duly licensed attorneys in accordance with rules governing
35 the practice of law in Arkansas.

36 (e)(1) Nothing contained in this section shall be construed to prevent

1 a corporation from furnishing to any person lawfully engaged in the practice
2 of law such information or such clerical services in and about his or her
3 professional work as may be lawful, except for the provisions of this
4 section, ~~may be lawful~~ if at all times the lawyer receiving such information
5 or such services shall maintain full professional and direct responsibility
6 to his or her clients for the information and services so received.

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

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

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

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

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

33 *(2) If the bill is neither approved nor vetoed by the Governor,*
34 *the expiration of the period of time during which the Governor may veto the*
35 *bill; or*

36 *(3) If the bill is vetoed by the Governor and the veto is*

1 overridden, the date the last house overrides the veto.

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/s/R. Thompson

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