1 State of Arkansas As Engrossed: S2/27/97 H3/14/97 H4/1/97 A Rill 2 81st General Assembly SENATE BILL 433 3 Regular Session, 1997 4 5 By: Senators Gordon, Beebe, and Harriman 6 7 For An Act To Be Entitled 8 "AN ACT TO DEFINE THE UNAUTHORIZED PRACTICE OF LAW AND SET 9 10 PENALTIES; AND FOR OTHER PURPOSES." 11 Subtitle 12 13 "TO DEFINE THE UNAUTHORIZED PRACTICE OF 14 LAW AND SET PENALTIES" 15 16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS: 17 18 SECTION 1. Unauthorized practice of law. (a) A person commits an offense if, with intent to obtain a direct 19 20 economic benefit for himself or herself, the person: 21 (1) contracts with any person to represent that person with regard to personal causes of action for property damages or personal injury; 2.2 23 (2) advises any person as to the persons rights and the 24 advisability of making claims for personal injuries or property damages; 25 (3) advises any person as to whether or not to accept an offered 26 sum of money in settlement of claims for personal injuries or property 27 damages; 28 (4) enters into any contract with another person to represent that person in personal injury or property damage matters on a contingent fee 29 30 basis with an attempted assignment of a portion of the persons cause of 31 action; 32 (5) enters into any contract, except a contract of insurance, with a third person which purports to grant the exclusive right to select and 33 34 retain legal counsel to represent the individual in any legal proceeding; or 35 (6) contacts any person by telephone or in person for the purpose 36 of soliciting business which is legal in nature, as set forth above.

Stricken language would be deleted from present law. Underlined language would be added to present law.

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1	(b) This section does not apply to a person currently licensed to
2	practice law in this state, another state, or a foreign country and in good
3	standing with the State Bar of Arkansas and the state bar or licensing
4	authority of any and all other states and foreign countries where licensed.
5	(c) Except as provided by subsection (d) of this section, an offense
6	under subsection (a) of this section is a Class A misdemeanor.
7	(d) An offense under subsection (a) of this section is a Class D felony
8	if it is shown on the trial of the offense that the defendant has previously
9	been convicted under subsection (a) of this section.
10	(e) This section shall not apply to a person who is licensed as an
11	adjuster or employed as an adjuster by an insurer as authorized by Arkansas
12	Code Annotated ⁸ 23-64-101.
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14	SECTION 2. All provisions of this act of a general and permanent nature
15	are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
16	Revision Commission shall incorporate the same in the Code.
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18	SECTION 3. If any provision of this act or the application thereof to
19	any person or circumstance is held invalid, such invalidity shall not affect
20	other provisions or applications of the act which can be given effect without
21	the invalid provision or application, and to this end the provisions of this
22	act are declared to be severable.
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24	SECTION 4. All laws and parts of laws in conflict with this act are
25	hereby repealed.
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27	/s/Gordon et al
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