

1 HB89
2 189120-1
3 By Representative England
4 RFD: Judiciary
5 First Read: 09-JAN-18
6 PFD: 01/08/2018

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8 SYNOPSIS: Under existing law, an attorney who holds a
9 special law license may not engage in the private
10 practice of law.

11 This bill would provide that an attorney who
12 holds a special law license may provide pro bono
13 legal service organized through or recognized by
14 the Alabama State Bar Association unless prohibited
15 by the employer of the attorney.

16
17 A BILL
18 TO BE ENTITLED
19 AN ACT

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21 To amend Section 34-3-6, Code of Alabama 1975,
22 relating to the practice of law, to provide that an attorney
23 who holds a special law license may provide pro bono legal
24 services organized through or recognized by the Alabama State
25 Bar Association unless prohibited by the employer of the
26 attorney.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Section 34-3-6, Code of Alabama 1975, is
2 amended to read as follows:

3 "§34-3-6.

4 "(a) Only such persons as are regularly licensed
5 have authority to practice law.

6 "(b) For the purposes of this chapter, the practice
7 of law is defined as follows:

8 "Whoever,

9 "(1) In a representative capacity appears as an
10 advocate or draws papers, pleadings, or documents, or performs
11 any act in connection with proceedings pending or prospective
12 before a court or a body, board, committee, commission, or
13 officer constituted by law or having authority to take
14 evidence in or settle or determine controversies in the
15 exercise of the judicial power of the state or any subdivision
16 thereof; or

17 "(2) For a consideration, reward, or pecuniary
18 benefit, present or anticipated, direct or indirect, advises
19 or counsels another as to secular law, or draws or procures or
20 assists in the drawing of a paper, document, or instrument
21 affecting or relating to secular rights; or

22 "(3) For a consideration, reward, or pecuniary
23 benefit, present or anticipated, direct or indirect, does any
24 act in a representative capacity in behalf of another tending
25 to obtain or secure for such other the prevention or the
26 redress of a wrong or the enforcement or establishment of a
27 right; or

1 "(4) As a vocation, enforces, secures, settles,
2 adjusts, or compromises defaulted, controverted, or disputed
3 accounts, claims or demands between persons with neither of
4 whom he or she is in privity or in the relation of employer
5 and employee in the ordinary sense;

6 "is practicing law.

7 "(c) Nothing in this section shall be construed to
8 prohibit any person, firm, or corporation from attending to
9 and caring for his, her, or its own business, claims, or
10 demands, nor from preparing abstracts of title, certifying,
11 guaranteeing, or insuring titles to property, real or
12 personal, or an interest therein, or a lien or encumbrance
13 thereon, but any such person, firm, or corporation engaged in
14 preparing abstracts of title, certifying, guaranteeing, or
15 insuring titles to real or personal property are prohibited
16 from preparing or drawing or procuring or assisting in the
17 drawing or preparation of deeds, conveyances, mortgages, and
18 any paper, document, or instrument affecting or relating to
19 secular rights, which acts are hereby defined to be an act of
20 practicing law, unless such person, firm, or corporation shall
21 have a proprietary interest in such property; however, any
22 such person, firm, or corporation so engaged in preparing
23 abstracts of title, certifying, guaranteeing, or insuring
24 titles shall be permitted to prepare or draw or procure or
25 assist in the drawing or preparation of simple affidavits or
26 statements of fact to be used by such person, firm, or

1 corporation in support of its title policies, to be retained
2 in its files and not to be recorded.

3 "(d) Only a person who is a citizen of the United
4 States or, if not a citizen of the United States, a person who
5 is legally present in the United States with appropriate
6 documentation from the federal government, may be licensed to
7 practice law in this state.

8 "(e) Each attorney licensed to practice law in the
9 State of Alabama, whether the license is a special or a
10 regular license, may provide pro bono legal services organized
11 through or recognized by the Alabama State Bar Association
12 unless otherwise prohibited by his or her employer, which
13 participation may not be considered the private practice law."

14 Section 2. This act shall become effective on the
15 first day of the third month following its passage and
16 approval by the Governor, or its otherwise becoming law.