

SENATE BILL NO. 203

BY SENATOR WARD

1 AN ACT

2 To enact R.S. 37:213.1, relative to the unauthorized practice of law; to provide certain terms,
3 conditions, requirements, definitions and procedures; to provide for prescriptive
4 periods; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 37:213.1 is hereby enacted to read as follows:

7 **§213.1. Unauthorized practice of law; civil damages; prescription**

8 **A. In addition to any criminal proceedings and criminal penalties set**
9 **forth in R.S. 37:213, the provisions of this Section shall apply to civil**
10 **proceedings against persons engaged in, or who have engaged in, the**
11 **unauthorized practice of law.**

12 **B. As used in this Section, the following terms shall be defined as follows:**

13 **(1) "Actor" means a natural or juridical person who is engaged in or has**
14 **engaged in the unauthorized practice of law. The term "actor" shall not include**
15 **a Louisiana attorney licensed to practice law or a Louisiana attorney who is**
16 **suspended or disbarred from the practice of law. The term "actor" may include**
17 **a Louisiana attorney who has been permanently disbarred or who has**
18 **permanently resigned from the practice of law.**

19 **(2) "Aggrieved party" means a natural or juridical person who has**
20 **sustained any damage or harm as a result of an actor engaged in the**

1 unauthorized practice of law. The term "aggrieved party" shall not include an
2 attorney or a law firm.

3 (3) "Unauthorized practice of law" means any of the prohibited activities
4 set forth in R.S. 37:213.

5 C. An aggrieved party, the attorney general of the state of Louisiana, the
6 Louisiana State Bar Association, or any district attorney may file a petition to
7 enjoin an actor from engaging in the unauthorized practice of law. If an actor
8 is enjoined from engaging in the unauthorized practice of law as provided in
9 this Section, the court may also award costs and attorney fees to the petitioner.

10 D. An aggrieved party may sue an actor who is engaging in, or who has
11 engaged in, the unauthorized practice of law for general damages, special
12 damages, and all other damages suffered by the aggrieved party. The court may
13 award the prevailing party all reasonable costs and reasonable attorney fees in
14 connection with the suit.

15 E. Venue for any action commenced under Subsections C or D of this
16 Section shall be in any parish where any of the following pertain:

17 (1) The actor is engaging or has engaged in the unauthorized practice of
18 law.

19 (2) The offense of the unauthorized practice of law has occurred.

20 (3) Any damages were sustained.

21 (4) The aggrieved party resides.

22 F. An action by an aggrieved party under the provisions of Subsection
23 D of this Section shall be subject to the following prescriptive periods:

24 (1) Except as provided by Paragraph (2) of this Subsection, the action
25 shall be brought within either one year from the date of the act constituting the
26 alleged unauthorized practice of law, or one year from the date that the act
27 constituting the alleged unauthorized practice of law is discovered or should
28 have been discovered, but in all events such action shall be filed at the latest
29 within three years from the date of the act constituting the alleged unauthorized
30 practice of law.

1 (2) If the alleged unauthorized practice of law consists of continuous
2 conduct causing continuous damage, the prescriptive periods provided by
3 Paragraph (1) of this Subsection shall not begin to run until the conduct is
4 abated, and recovery may be obtained for all such conduct.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____