The original instrument was prepared by Benjamin A. Huxen, II. The following digest, which does not constitute a part of the legislative instrument, was prepared by Mary Dozier O'Brien.

DIGEST

SB 203 Reengrossed

2016 Regular Session

Ward

Proposed law allows an aggrieved party, the attorney general of the state of Louisiana, the Louisiana State Bar Association, or any district attorney to file a petition to enjoin an actor from engaging in the unauthorized practice of law. Proposed law further provides that any aggrieved party may sue an actor who is engaging in or has engaged in the unauthorized practice of law for general damages, special damages, and all other damages suffered by the aggrieved party. Proposed law further provides for the award of costs and attorney's fees to the petitioner and a liberative prescriptive period of three years. Prohibits attorney fees being awarded to the attorney general or a district attorney.

Effective August 1, 2016.

(Adds R.S. 37:213.1)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the original bill

1. Adds "an aggrieved party" to the persons eligible to file a petition to enjoin an actor from engaging in the unauthorized practice of law.

Senate Floor Amendments to engrossed bill

- 1. Provides that no attorney fees shall be awarded to the attorney general or a district attorney when prevailing in a request to enjoin a person from the unauthorized practice of law.
- 2. Provides that the prevailing party in an action seeking damages for the unauthorized practice of law may be awarded reasonable costs and attorney fees, however no attorney fees shall be awarded to the attorney general or a district attorney in such an action.
- 3. Adds provisions for prescriptive periods of actions seeking damages as follows:
 - Any action seeking damages resulting from an act constituting the (1)

unauthorized practice of law shall be brought within one year of the act constituting the unauthorized practice, one year of discovery of said act or one year of when the act should have been discovered, whichever is later.

or

(2) For action seeking damages resulting from the unauthorized practice of law that consists of continuous conduct causing continuous damage, the prescriptive period shall not begin until the damaging conduct is halted and damages may be recovered for all the continuous harm.