

2016 Regular Session

SENATE BILL NO. 203

BY SENATOR WARD

ATTORNEYS. Provides for certain penalties regarding the unauthorized practice of law.  
(8/1/16)

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; and to provide for related  
4 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**

1 permanently resigned from the practice of law.

2 (2) "Aggrieved party" means a natural or juridical person who has  
3 sustained any damage or harm as a result of an actor engaged in the  
4 unauthorized practice of law. The term "aggrieved party" shall not include an  
5 attorney or a law firm.

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

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

13 D. An aggrieved party may sue an actor who is engaging in, or who has  
14 engaged in, the unauthorized practice of law for general damages, special  
15 damages, and all other damages suffered by the aggrieved party. The court may  
16 also award the aggrieved party all costs and attorney's fees in connection with  
17 this suit.

18 E. Venue for any action commenced under Subsections C or D of this  
19 Section shall be in any parish where:

20 (1) the actor is engaging or has engaged in the unauthorized practice of  
21 law;

22 (2) the offense of the unauthorized practice of law has occurred;

23 (3) any damages were sustained; or

24 (4) the aggrieved party resides.

25 F. Any action commenced by an aggrieved party under the provisions of  
26 Subsection D of this Section is subject to a liberative prescriptive period of three  
27 years.

