

2019 -- H 5744

LC001752

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

A N A C T

RELATING TO CRIMINAL OFFENSES - LAW PRACTICE

Introduced By: Representatives Millea, Phillips, Hawkins, Solomon, and Shanley

Date Introduced: February 27, 2019

Referred To: House Judiciary

(Judiciary)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-27-19 of the General Laws in Chapter 11-27 entitled "Law  
2 Practice" is hereby amended to read as follows:

3 **11-27-19. Unauthorized practice of law committee -- Powers and duties -- Duties of**  
4 **attorney general.**

5 (a) There is established an unauthorized practice of law committee to be appointed by the  
6 supreme court consisting of any number that shall be determined by the supreme court.

7 (b) It shall be the duty of the attorney general and the unauthorized practice of law  
8 committee to enforce the provisions of this chapter and to investigate and prosecute all violations.  
9 It shall be the duty of the attorney general to prosecute all criminal violations. The superior court  
10 shall have jurisdiction to restrain and enjoin any of the acts prohibited in this chapter upon a  
11 complaint brought by the attorney general, by any member of the bar of this state whose authority  
12 as a member to practice law is in full force and effect or by the unauthorized practice of law  
13 committee.

14 (c) The unauthorized practice of law committee may sue in its own name for the purpose  
15 of civil litigation as provided by this section.

16 (d) The unauthorized practice of law committee shall have the following duties and  
17 powers:

18 (1) To adopt, amend, and rescind any rules and regulations that it deems necessary to  
19 carry out the provisions of this section, ~~a copy of which rules and regulations shall be filed with~~

1 ~~the secretary of state and available for public inspection~~ which shall be approved and  
2 promulgated by the supreme court.

3 (2) To investigate all reports of activities which may constitute unauthorized practice of  
4 law and to hold hearings to determine whether the charges are substantiated or unsubstantiated;

5 (3) To appoint legal counsel and any assistants that the committee deems necessary to act  
6 for the committee in investigating complaints brought before it;

7 (4) To make contracts and arrangements for the performance of administrative and  
8 similar services required or appropriate in the performance of the committee's duties;

9 (5) To issue subpoenas and administer oaths in connection with any investigations,  
10 hearings, or other proceedings held under the authority of this chapter;

11 (6) To take or cause depositions to be taken as needed in any investigation, hearing, or  
12 proceeding;

13 (7) To summon and examine witnesses during any investigation, hearing, or proceeding  
14 conducted by the committee;

15 (e) There shall be no liability on the part of, and no cause of action of any nature shall  
16 arise against, the unauthorized practice of law committee, its agents, or its employees, or its  
17 members or against any organization or its members or other witnesses and parties to the  
18 committee's proceedings for any statements made by them in documents, reports,  
19 communications, or testimony concerning any investigation of the conduct of any person, firm,  
20 corporation, or other entity alleged to be engaged in the unauthorized practice of law.

21 (f) Subpoenas may be issued by the committee on its own motion to compel the  
22 production of documents or other written records or the attendance of witnesses at any  
23 investigation or hearing. The committee may issue subpoenas at the request and on behalf of the  
24 accused. In the event that any person contumaciously refuses to obey a subpoena or answer any  
25 proper question put to that person during a hearing or proceeding, the superior court shall have  
26 jurisdiction upon application by the committee to issue that person an order requiring the person  
27 to appear before the committee, there to produce evidence if so ordered, or there to give  
28 testimony concerning the matter under investigation. The committee shall have the power to  
29 request the superior court to punish all intentional disregard of the court orders as contempt.

30 (g) Within thirty (30) days, if practical, after holding a hearing, the committee shall make  
31 a written report of its findings of fact and its recommendation, and the report shall be  
32 immediately transmitted to the chief justice of the supreme court with a transcript of the evidence.  
33 A copy of the report shall be furnished to the accused.

34 (h) The administration of the committee shall be funded from annual fees to be

1 determined by the supreme court. These fees shall be charged to and apportioned among the  
2 licensed attorneys and counselors of the supreme court of this state, the payment of which shall  
3 be a condition to practicing in the state of Rhode Island. Monies shall be received by the supreme  
4 court in the same manner as lawyers' registration fees and credited to a fund known as the  
5 unauthorized practice of law committee administration fund. All monies in the fund shall be  
6 utilized only for the purpose of maintaining, managing, operating, and administering the  
7 unauthorized practice of law committee in carrying out its functions. The committee shall make  
8 an annual financial report to the supreme court of Rhode Island.

9 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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1           This act would provide that the rules and regulations pertaining to the unauthorized  
2 practice of law committee would be approved and promulgated by the supreme court.

3           This act would take effect upon passage.

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