

1 HB48
2 128659-3
3 By Representative Sanderford
4 RFD: Boards, Agencies and Commissions
5 First Read: 01-MAR-11
6 PFD: 02/25/2011

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ENROLLED, An Act,

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners on Admission to the State Bar with certain modifications; to amend Sections 34-3-2 and 34-3-6, Code of Alabama 1975, so as to require that board members be citizens of this state; and to require that any person who applies for licensure to practice law in this state be a United States citizen or legally present in the United States.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Pursuant to the Alabama Sunset Law, the Sunset Committee recommends the continuance of the Board of Examiners on Admission to the State Bar, with the additional recommendations for statutory change as set out in Section 3.

Section 2. The existence and functioning of the Board of Examiners on Admission to the State Bar, created and functioning pursuant to Section 34-3-2, Code of Alabama 1975, is continued, and that code section is expressly preserved.

Section 3. Sections 34-3-2 and 34-3-6 of the Code of Alabama 1975, are amended to read as follows:

"§34-3-2.

"The Board of Commissioners of the State Bar shall have the following powers and authority in addition to the

1 powers and authority heretofore conferred upon or vested in
2 the board:

3 "The board shall provide for a Board of Examiners on
4 Admission to the State Bar and may prescribe rules and
5 regulations governing the selection of examiners, their
6 number, tenure, compensation, and authority, the subjects upon
7 which candidates for admission shall be examined, the conduct
8 of examiners, the time and place of meetings, and the
9 certification of persons found to be qualified. The board
10 shall prescribe necessary rules and regulations to ensure that
11 the membership of the Board of Examiners on Admission to the
12 State Bar is inclusive and reflects the racial, gender,
13 geographic, urban/rural, and economic diversity of the state
14 and that each member of the board of examiners is a citizen of
15 this state.

16 "§34-3-6.

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

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

21 "Whoever,

22 "(1) In a representative capacity appears as an
23 advocate or draws papers, pleadings, or documents, or performs
24 any act in connection with proceedings pending or prospective
25 before a court or a body, board, committee, commission, or

1 officer constituted by law or having authority to take
2 evidence in or settle or determine controversies in the
3 exercise of the judicial power of the state or any subdivision
4 thereof; or

5 "(2) For a consideration, reward, or pecuniary
6 benefit, present or anticipated, direct or indirect, advises
7 or counsels another as to secular law, or draws or procures or
8 assists in the drawing of a paper, document, or instrument
9 affecting or relating to secular rights; or

10 "(3) For a consideration, reward, or pecuniary
11 benefit, present or anticipated, direct or indirect, does any
12 act in a representative capacity in behalf of another tending
13 to obtain or secure for such other the prevention or the
14 redress of a wrong or the enforcement or establishment of a
15 right; or

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

21 is practicing law.

22 "(c) Nothing in this section shall be construed to
23 prohibit any person, firm, or corporation from attending to
24 and caring for his, her, or its own business, claims, or
25 demands, nor from preparing abstracts of title, certifying,

1 guaranteeing, or insuring titles to property, real or
2 personal, or an interest therein, or a lien or encumbrance
3 thereon, but any such person, firm, or corporation engaged in
4 preparing abstracts of title, certifying, guaranteeing, or
5 insuring titles to real or personal property are prohibited
6 from preparing or drawing or procuring or assisting in the
7 drawing or preparation of deeds, conveyances, mortgages, and
8 any paper, document, or instrument affecting or relating to
9 secular rights, which acts are hereby defined to be an act of
10 practicing law, unless such person, firm, or corporation shall
11 have a proprietary interest in such property; however, any
12 such person, firm, or corporation so engaged in preparing
13 abstracts of title, certifying, guaranteeing, or insuring
14 titles shall be permitted to prepare or draw or procure or
15 assist in the drawing or preparation of simple affidavits or
16 statements of fact to be used by such person, firm, or
17 corporation in support of its title policies, to be retained
18 in its files and not to be recorded.

19 "(d) Only a person who is a citizen of the United
20 States or, if not a citizen of the United States, a person who
21 is legally present in the United States with appropriate
22 documentation from the federal government, may be licensed to
23 practice law in this state."

1 Section 4. The Legislature concurs in the
2 recommendations of the Sunset Committee as provided in
3 Sections 1, 2, and 3.

4 Section 5. This act shall become effective
5 immediately upon its passage and approval by the Governor, or
6 its otherwise becoming law.

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 29-MAR-11.

Greg Pappas
Clerk

Senate	14-APR-11	Amended and Passed
House	21-APR-11	Concurred in Senate Amendment