- 1 HB89
- 2 189120-2
- 3 By Representative England
- 4 RFD: Judiciary
- 5 First Read: 09-JAN-18
- 6 PFD: 01/08/2018

1	ENGROSSED
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4	A BILL
5	TO BE ENTITLED
6	AN ACT
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8	To amend Section 34-3-6, Code of Alabama 1975,
9	relating to the practice of law, to provide that an attorney
10	who holds a special law license may provide pro bono legal
11	services organized through or recognized by the Alabama State
12	Bar Association.
13	BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
14	Section 1. Section 34-3-6, Code of Alabama 1975, is
15	amended to read as follows:
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
26	officer constituted by law or having authority to take
27	evidence in or settle or determine controversies in the

exercise of the judicial power of the state or any subdivision
 thereof; or

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

8 "(3) For a consideration, reward, or pecuniary 9 benefit, present or anticipated, direct or indirect, does any 10 act in a representative capacity in behalf of another tending 11 to obtain or secure for such other the prevention or the 12 redress of a wrong or the enforcement or establishment of a 13 right; or

14 "(4) As a vocation, enforces, secures, settles, 15 adjusts, or compromises defaulted, controverted, or disputed 16 accounts, claims or demands between persons with neither of 17 whom he or she is in privity or in the relation of employer 18 and employee in the ordinary sense;

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"is practicing law.

20 "(c) Nothing in this section shall be construed to 21 prohibit any person, firm, or corporation from attending to 22 and caring for his, her, or its own business, claims, or 23 demands, nor from preparing abstracts of title, certifying, 24 guaranteeing, or insuring titles to property, real or 25 personal, or an interest therein, or a lien or encumbrance thereon, but any such person, firm, or corporation engaged in 26 preparing abstracts of title, certifying, guaranteeing, or 27

Page 2

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

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

"(e) Each attorney licensed to practice law in the
 State of Alabama, whether the license is a special or a
 regular license, may provide pro bono legal services organized
 through or recognized by the Alabama State Bar Association
 unless otherwise prohibited by his or her employer, which
 participation may not be considered the private practice law."

Page 3

Section 2. This act shall become effective on the
 first day of the third month following its passage and
 approval by the Governor, or its otherwise becoming law.

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3	House of Representatives	
4 5 6 7	Read for the first time and re- ferred to the House of Representa- tives committee on Judiciary	09-JAN-18
8 9 10	Read for the second time and placed on the calendar 1 amendment	01-FEB-18
11 12 13	Read for the third time and passed as amendedYeas 97, Nays 0, Abstains 0	15-MAR-18
14 15 16	Jeff Woodard Clerk	

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