

TITLE 6: CRIMES AND CRIMINAL PROCEDURES
DIVISION 3: MISCELLANEOUS OFFENSES

§ 3115. Unauthorized Practice of Law.

(a) Except as otherwise permitted by law or rule, no person or association of persons, except active members of the NMI Bar Association, admitted and licensed to practice as attorneys-at-law, shall:

(1) Appear as attorney, representative or counselor at law in any action, for or on behalf of any other person, or any firm, partnership, association or corporation in any action or proceeding in or before the Commonwealth Supreme or Superior Court, or any other court of record or in any administrative hearing or adjudication;

(2) Whether in or out of court or any other adjudication, for compensation of any kind or pecuniary reward, give professional legal advice not incidental to his or her usual or ordinary business;

(3) Render any legal service for any other person, or any firm, partnership, association or corporation; or

(4) Purport to be licensed to practice law as an attorney in the Commonwealth.

(b) Every person who uses the words “attorney at law,” “lawyer,” “solicitor,” “counselor,” “attorney” “counselor,” “proctor,” “law,” “law office,” or other equivalent words in connection with his or her name or any sign, advertisement, business card, letterhead, circular, notice, or other writing, document or design, the evident purpose of which is to induce others to believe or understand the person to be authorized to practice law or who in any other manner represents himself or herself either verbally or in writing, directly or indirectly, as authorized to practice law in this Commonwealth, shall be deemed to be purporting to be licensed to practice law as an attorney within the meaning of subsection (a)(4).

(c) Any person convicted of the unauthorized practice of law for violating subsection (a) may be punished by not more than one year imprisonment or a fine of not more than \$2,000 or both. Upon a second or subsequent conviction, the person may be fined not more than \$5,000 and incarcerated for not more than two years, or both. The penalties provided in this subsection are cumulative to any other remedies or penalties provided by rule or law.

Source: PL 15-18 § 2.

Commission Comment: PL 15-18 was enacted on June 20, 2006, and contained the following findings, in addition to severability and savings clause provisions. Moreover, the Governor’s cover letter enacting PL 15-18 stated, “. . . Although I have signed this measure into law, I note that the Attorney General has major concerns as to the vagueness and ambiguity of this bill as it lacks the definitions of ‘professional legal advice’ and ‘legal service.’ . . .”

Section 1. Findings. The Legislature finds that the practice of law is a highly specialized profession which requires years of study, and that those practicing law in the Commonwealth impact the lives of the Commonwealth’s citizens greatly. The Legislature finds that, dispensed com-

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petently, legal advice and services greatly benefit society. The Legislature further finds that, dispensed by unauthorized individuals, legal advice and services may harm people by resulting in a loss of liberty, resident status or property. The Legislature also finds that those who would engage in the unauthorized provision of legal advice and services are more likely to prey upon those in society who do not enjoy the advantages of wealth, education or citizenship.

The Legislature finds that the Commonwealth Supreme Court may, by rule, determine who may practice before the Courts of the Commonwealth and dispense legal advice in the Commonwealth, as well as punish by contempt or sanction by other means those who engage in the unauthorized practice of law. The Legislature finds that, to deter those from preying on the Commonwealth's residents, the unauthorized provision of legal advice and services must also be criminalized in addition to any other available remedy, and such criminalization is a necessary and proper exercise of Legislative power.