

1 HB27  
2 180413-1  
3 By Representative England  
4 RFD: Judiciary  
5 First Read: 07-FEB-17  
6 PFD: 12/01/2016

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8 SYNOPSIS: Under existing law, an attorney who holds a  
9 special law license may not engage in the private  
10 practice of law.

11 This bill would provide that an attorney who  
12 holds a special law license may provide pro bono  
13 legal service organized through or recognized by  
14 the Alabama State Bar Association unless prohibited  
15 by the employer of the attorney.

16  
17 A BILL  
18 TO BE ENTITLED  
19 AN ACT

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21 To amend Section 34-3-6, Code of Alabama 1975,  
22 relating to the practice of law, to provide that an attorney  
23 who holds a special law license may provide pro bono legal  
24 services organized through or recognized by the Alabama State  
25 Bar Association unless prohibited by the employer of the  
26 attorney.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1           Section 1. Section 34-3-6, Code of Alabama 1975, is  
2 amended to read as follows:

3           "§34-3-6.

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

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

8           "Whoever,

9           "(1) In a representative capacity appears as an  
10 advocate or draws papers, pleadings, or documents, or performs  
11 any act in connection with proceedings pending or prospective  
12 before a court or a body, board, committee, commission, or  
13 officer constituted by law or having authority to take  
14 evidence in or settle or determine controversies in the  
15 exercise of the judicial power of the state or any subdivision  
16 thereof; or

17           "(2) For a consideration, reward, or pecuniary  
18 benefit, present or anticipated, direct or indirect, advises  
19 or counsels another as to secular law, or draws or procures or  
20 assists in the drawing of a paper, document, or instrument  
21 affecting or relating to secular rights; or

22           "(3) For a consideration, reward, or pecuniary  
23 benefit, present or anticipated, direct or indirect, does any  
24 act in a representative capacity in behalf of another tending  
25 to obtain or secure for such other the prevention or the  
26 redress of a wrong or the enforcement or establishment of a  
27 right; or

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

6           "is practicing law.

7           "(c) Nothing in this section shall be construed to  
8           prohibit any person, firm, or corporation from attending to  
9           and caring for his, her, or its own business, claims, or  
10          demands, nor from preparing abstracts of title, certifying,  
11          guaranteeing, or insuring titles to property, real or  
12          personal, or an interest therein, or a lien or encumbrance  
13          thereon, but any such person, firm, or corporation engaged in  
14          preparing abstracts of title, certifying, guaranteeing, or  
15          insuring titles to real or personal property are prohibited  
16          from preparing or drawing or procuring or assisting in the  
17          drawing or preparation of deeds, conveyances, mortgages, and  
18          any paper, document, or instrument affecting or relating to  
19          secular rights, which acts are hereby defined to be an act of  
20          practicing law, unless such person, firm, or corporation shall  
21          have a proprietary interest in such property; however, any  
22          such person, firm, or corporation so engaged in preparing  
23          abstracts of title, certifying, guaranteeing, or insuring  
24          titles shall be permitted to prepare or draw or procure or  
25          assist in the drawing or preparation of simple affidavits or  
26          statements of fact to be used by such person, firm, or

1 corporation in support of its title policies, to be retained  
2 in its files and not to be recorded.

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

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

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