

UNAUTHORIZED PRACTICE OF LAW (UPL) – EDUCATIONAL ACTIVITIES

Issue

Should the following proposed resolution on the Unauthorized Practice of Law – Educational Activities be adopted by the Representative Assembly?

WHEREAS, the Representative Assembly acknowledges the breadth and complexity of issues associated with the unauthorized practice of law across many fields of practice; and

WHEREAS, the Representative Assembly recognizes the significant and at times tragic impact on unsuspecting consumers of the acts and omissions of unlicensed and uneducated persons purporting to provide legal service in a myriad of areas; and

WHEREAS, the Representative Assembly believes that public education about the hazards of securing legal work from nonlawyers is key to stemming the tide of consumer harm, which has a disparate impact on middle and lower income households;

NOW, THEREFORE, the Representative Assembly expresses support for the State Bar of Michigan’s exploration of opportunities to educate the public as to the unauthorized practice of law and the harm it causes, by partnering with sections, specialty bars, and other interested groups.

Synopsis

The proposed policy resolution is a step towards empowering the State Bar of Michigan to advance an educational component about UPL. It is generally thought the Bar and its members as a whole have a concern about public protection and the injury that can be caused by UPL.

Background

Issues related to UPL continue to arise within certain practice fields and with the public. The proposed resolution is one-prong of an approach to address UPL. The UPL Committee continues to evaluate other possible remedies or actions to be taken with respect to UPL. It is evident the issues are complex and the SBM and its members must carefully approach such matters to avoid complications of competing interests (i.e., other professions or commercial activities).

Opposition

None known.

Prior Action by Representative Assembly

None known.

Fiscal and Staffing Impact on State Bar of Michigan

It is likely that the SBM will need to devote some form of additional fiscal or personnel resources to implement the proposed policy resolution. It is anticipated the actual

cost of the resources can be determined and developed through the SBM annual budget process.

STATE BAR OF MICHIGAN POSITION
By vote of the Representative Assembly on April 12, 2008

Should the Representative Assembly adopt the above resolution on the Unauthorized Practice of Law (UPL) – Educational Activities?

(a) Yes

or

(b) No