

GENERAL INFORMATION FORM

Submitting Entity: Task Force on the Model Definition of the Practice of Law

Submitted By: Lish Whitson, Chair

1. Summary of Recommendation(s).

That every jurisdiction adopt a definition of the practice of law that should include the basic premise that the practice of law is the application of legal principles and judgment to the circumstances or objectives of another person or entity and that each jurisdiction should determine who may provide services that are included within its definition and under what circumstances, based upon such factors as: competence, accountability, access to justice, and potential harm or benefit to the public.

2. Approval by Submitting Entity.

The Recommendation as submitted was approved by the Task Force via email on March 31, 2003, following its March 15 meeting.

3. Has this or a similar recommendation been submitted to the House or Board previously?

No.

4. What existing Association policies are relevant to this recommendation and how would they be affected by its adoption?

The adoption of definitions of the practice of law would help jurisdictions to effectively implement the recommendations of the Commission on Multijurisdictional Practice adopted by the House of Delegates in August 2002.

5. What urgency exists which requires action at this meeting of the House?

There are an increasing number of situations where nonlawyers are providing services that are difficult to categorize under current statutes and case law as being, or not being, the delivery of legal services. In addition, the adoption of definitions of the practice of law would help jurisdictions to effectively implement the recommendations of the Commission on Multijurisdictional Practice adopted by the House of Delegates in August 2002. The issue has recently been looked at by several states and the ABA resolution and report may be of help to states that decide a definition is something they want to consider drafting for the first time or revisit.

6. Status of Legislation. (If applicable.)

N/A

7. Cost to the Association. (Both direct and indirect costs.)
None
8. Disclosure of Interest. (If applicable.)
N/A
9. Referrals.
The Report with Recommendation will be distributed to the Chairs and Staff Directors of ABA Sections, Divisions, Forums, Committees and Commissions, as well as state disciplinary counsel and supreme courts.
10. Contact Person. (Prior to the meeting.)
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11. Contact Person. (Who will present the report to the House.)
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