
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. **360** Session of
1961

INTRODUCED BY MESSRS. SHAFER, McMENAMIN AND
BERGER, MARCH 7, 1961.

REFERRED TO COMMITTEE ON JUDICIARY GENERAL,
MARCH 7, 1961.

AN ACT

Providing for injunctions against persons to prohibit and restrain the
unauthorized practice of the law authorizing the investigation
thereof and prescribing the procedure therefor

The General Assembly of the Commonwealth of Pennsylvania
hereby enacts as follows

- 1 Section 1 Action for Injunction (a) Upon his own information or
- 2 upon complaint of any person including any judge or any organized
- 3 bar association in this State the Attorney General may maintain an

EXPLANATION—CAPITAL LETTERS indicate new matter added to bill. Matter stricken through
is to be omitted from bill.
Underlining indicates new matter added to existing law. [Brackets] indicate matter
stricken from existing law.

1 action for injunctive relief in the court of common pleas against any
2 person who renders offers to render or holds himself out as rendering
3 any service which constitutes the unauthorized practice of the law
4 Any organized bar association in this State may intervene in the action
5 at any stage of the proceeding for good cause shown

6 (b) The action may also be maintained by any organized bar as-
7 sociation in this State

8 Section 2 Investigation by Attorney General (a) The Attorney
9 General may investigate any complaint of unauthorized practice of the
10 law and the Attorney General his deputy assistant special assistant or
11 other officer designated by him may subpoena witnesses compel their
12 attendance examine them under oath and require the production of any
13 relevant documentary evidence

14 (b) The laws relating to the attendance of witnesses in civil actions
15 and the payment of their fees and expenses to those witnesses shall
16 apply to investigations made by the Attorney General under this act

17 (c) If a person fails or refuses to obey a subpoena or to testify as
18 to any material matter regarding which he may be interrogated the
19 court of common pleas upon application by the Attorney General may

1 issue to the person an order requiring him to appear before the At-
2 torney General or the officer designated by him to produce documentary
3 evidence or testify Failure to obey the order of the court may be
4 punished by the court as a contempt of court

5 (d) When requested public officers their deputies assistants subor-
6 dinates clerks or employes shall furnish to the Attorney General his
7 deputy or other designated officer all information and assistance

8 (e) Investigations under this section shall be confidential Any per-
9 son participating in the investigation who except as required in the
10 discharge of his official duties discloses to any person other than to a
11 person under investigation the name of any person under investigation
12 or of any witness examined or any other information obtained in the
13 investigation is guilty of a misdemeanor and upon conviction thereof
14 shall be sentenced to imprisonment not exceeding one year or to pay
15 a fine not exceeding five hundred dollars (\$500) or both

16 (f) Every person whose conduct is investigated under this section
17 shall be furnished with a written specification of the issues which are
18 to be considered and shall be given an opportunity to present evidence
19 and be heard upon the specified issues

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1 Section 3 Remedies and Procedures Additional to Those Now
2 Existing The remedies and procedures provided in this act are in addition
3 to and not in substitution for other available remedies and procedures

4 Section 4 Short Title This act may be cited as the "Model Act
5 Providing Remedies for the Unauthorized Practice of Law"

6 Section 5 Severability If any provision of this act or the applica-
7 tion thereof to any person or circumstances is held invalid such invalidity
8 shall not affect other provisions or applications of the act which can
9 be given effect without the invalid provision or application and to this
10 end the provisions of this act are severable

11 Section 6 Effective Date This act shall take effect in sixty days

We certify that this bill has passed the Senate and the House of Representatives.

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Chief Clerk, Senate

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President pro tempore, Senate

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Speaker, House of Representatives

Approved The day of A. D. 1961.

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Governor