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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**SENATE BILL**

No. **360**

Session of  
1961

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MESSRS. SHAFER, McMENAMIN AND BERGER, IN PLACE,  
MARCH 7, 1961.

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MR. SESLER, COMMITTEE ON JUDICIARY GENERAL,  
AS AMENDED, APRIL 18, 1961.

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**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. Underscoring 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 OF ANY  
2 COUNTY WHEREIN THE ALLEGED OFFENSE OCCURRED  
3 against any person who renders offers to render or holds himself out as  
4 rendering any service which constitutes the unauthorized practice of  
5 the law Any organized bar association in this State may intervene in  
6 the action at any stage of the proceeding for good cause shown

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

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

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

18 (c) If a person fails or refuses to obey a subpoena or to testify as  
19 to any material matter regarding which he may be interrogated the  
20 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