

By Mr. Nourse of Medfield, petition of William F. Nourse for regulating further banks, trust companies and similar corporations with reference to the unlawful practice of law. Banks and Banking.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-Nine.

AN ACT TO FURTHER REGULATE BANKS, TRUST COMPANIES AND SIMILAR CORPORATIONS WITH REFERENCE TO THE UNLAWFUL PRACTICE OF LAW.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 221 of the General Laws is hereby amended by in-
2 serting after section 46C the following section:—
3 *Section 46D.* No bank, trust company or similar corpora-
4 tion, foreign or domestic, or any national bank duly author-
5 ized and located within the commonwealth of Massachusetts,
6 shall advertise or solicit its employment or use in a fiduciary
7 capacity, or advertise or solicit or by any other means induce
8 the public to bring legal problems to such institution so quali-
9 fied, or by any of the aforesaid means induce the public to
10 believe that it is qualified to render legal services, draw agree-
11 ments, or draw legal documents, nor shall such institution so
12 qualified suggest, recommend or employ any lawyer to pre-
13 pare any legal instrument in which it is named to act in a
14 fiduciary capacity. It is hereby declared to be the public
15 policy of this commonwealth that no such institution shall be
16 qualified to act under an instrument in which it is named as
17 a fiduciary unless it shall first affirmatively appear that such
18 instrument was prepared either by the party creating such
19 instrument in his own right or with the independent legal
20 advice of a duly qualified attorney admitted to the practice

21 of law, in no way connected with the fiduciary by employ-
22 ment, suggestion or recommendation.

23 Nothing in this section shall interfere with or prevent any
24 person from preparing his own legal documents; and nothing
25 in this section shall prohibit or restrict any institution herein
26 described from advertising that it is by law qualified to act
27 as executor of a will, codicil or writing testamentary, adminis-
28 trator with the will annexed, administrator of the estate of
29 any person, receiver, assignee, guardian, conservator or trustee
30 under a will or instrument creating a trust for the care and
31 management of property, under a fiduciary account, under
32 the same circumstances or in the same manner and subject
33 to the same control by the court having jurisdiction of the
34 same as a legally qualified individual, or in any other capacity
35 for which it has in fact qualified.

36 Any violation of this section may be brought to the atten-
37 tion of the supreme judicial court or superior court by an in-
38 formation or other appropriate procedure in the name of the
39 attorney general. Upon such information or other appropri-
40 ate proceedings, the court may issue an injunction restraining
41 such violation and make such other orders and decrees as
42 equity and justice may require.