

HOUSE No. 1383

Bill accompanying the petition of John H. Lynch and another for the regulation of collection agencies. Legal Affairs. January 20.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Sixteen.

AN ACT

To prohibit the Practice of Law by Persons and Corporations not regularly licensed.

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

1 SECTION 1. It shall be unlawful for any person to
2 practice or appear as an attorney-at-law or as attorney
3 and counselor-at-law for another in a court of record in
4 this commonwealth or in any court in the county of
5 Suffolk, or to make it a business to practice as an at-
6 torney-at-law or as an attorney and counselor-at-law for
7 another in any of said courts, or to hold himself out to
8 the public as being entitled to practice law as aforesaid,
9 or in any other manner, or to assume to be an attorney
10 or counselor-at-law, or to assume, use or advertise the
11 title of lawyer or attorney and counselor-at-law or at-
12 torney-at-law, or counselor-at-law or attorney, or coun-

13 selor or attorney and counselor or equivalent terms in
14 any language, in such manner as to convey the impres-
15 sion that he is a legal practitioner of law, or in any
16 manner to advertise that he either alone or together with
17 any other persons or person has, owns, conducts or main-
18 tains a law office or law and collection office, or office of
19 any kind for the practice of law, without having first
20 been duly and regularly licensed and admitted to practice
21 law in the courts of record of this commonwealth. Any
22 person violating the provisions of this section is guilty of
23 a misdemeanor, and it shall be the duty of the district
24 attorneys to enforce the provisions of this section and to
25 prosecute all violations thereof.

1 SECTION 2. If an attorney knowingly permits any
2 person, not being his general law partner or a clerk in his
3 office, to sue out any process or to prosecute or defend
4 any action in his name, except as authorized by this
5 section, such attorney, and every person who shall so use
6 his name, is guilty of a misdemeanor. Whenever an
7 action or proceeding is authorized by law to be prosecuted
8 or defended in the name of the people, or of any public
9 officer, board of officers or municipal corporation, on be-
10 half of another party, the attorney general or district
11 attorney, or attorney of such public officer or board or
12 corporation may permit any proceeding therein to be
13 taken in his name by an attorney to be chosen by the
14 party in interest.

1 SECTION 3. It shall be unlawful for any corporation to
2 practice or appear as an attorney-at-law for any person
3 other than itself in any court in this state or before any
4 judicial body, or to make it a business to practice as an
5 attorney-at-law for any person other than itself in any of

6 said courts, or to hold itself out to the public as being
7 entitled to practice law, or to render or furnish legal
8 services or advice, or to furnish attorneys or counsel, or
9 to render legal services of any kind in actions or proceed-
10 ings of any nature, or in any other way or manner, or in
11 any other manner to assume to be entitled to practice
12 law, or to assume, use or advertise the title of lawyer or
13 attorney, attorney-at-law, or equivalent terms in any
14 language in such manner as to convey the impression
15 that it is entitled to practice law, or to furnish legal
16 advice, services or counsel, or to advertise that either
17 alone or together with, or by or through any person,
18 whether a duly and regularly admitted attorney-at-law or
19 not, it has, owns, conducts or maintains a law office or
20 an office for the practice of law, or for furnishing legal
21 advice, services or counsel. It shall be unlawful, further,
22 for any corporation to solicit itself or by or through its
23 officers, agents or employees, any claim or demand for
24 the purpose of bringing an action thereon, or of represent-
25 ing as attorney-at-law, or for furnishing legal advice,
26 services or counsel to, a person sued or about to be sued in
27 any action or proceeding, or against whom an action or
28 proceeding has been or is about to be brought, or who
29 may be affected by any action or proceeding which has
30 been or may be instituted in any court or before any
31 judicial body, or for the purpose of so representing any
32 person in the pursuit of any civil remedy. Any corpora-
33 tion violating the provisions of this section shall be liable
34 to a fine of not more than five thousand dollars; and
35 every officer, trustee, director, agent or employee of such
36 corporation who directly or indirectly engages in any of
37 the acts herein prohibited, or assists such corporation to
38 do such prohibited acts is guilty of a misdemeanor. The
39 fact that any such officer, trustee, director, agent or

40 employee shall be a duly and regularly admitted attor-
41 ney-at-law shall not be held to permit or allow any such
42 corporation to do the acts prohibited herein, nor shall
43 such fact be a defense upon the trial of any of the per-
44 sons mentioned herein for a violation of the provisions
45 of this section. This section shall not apply to any
46 corporation lawfully engaged in a business authorized by
47 the provisions of any existing statute nor to a corporation
48 lawfully engaged in the examination and insuring of
49 titles to real property; nor shall it prohibit a corpora-
50 tion from employing an attorney or attorneys in and
51 about its own immediate affairs, or in any litigation to
52 which it is or may be a party, nor shall it apply to
53 organizations organized for benevolent or charitable
54 purposes, or for the purpose of assisting persons without
55 means in the pursuit of any civil remedy, whose existence,
56 organization or incorporation may be approved by the
57 legislature.