

I see advertising for legal forms, documents preparation services, and typing services. What can I expect from these companies?

Under a Michigan court decision, a nonlawyer may sell forms, general instructions, and typing services. It is not proper, however, for a nonlawyer to tell a customer how to handle a case, predict the result, make decisions for the customer, choose a legal form, decide where to place particular information on a form, draft documents, or give advice. A nonlawyer may not tell a customer what to say in court, whether to accept a settlement offer, or whether something is “legal.”

Remember that although companies can sell forms that the customer can complete, the companies cannot handle the legal matter for the customer or tailor forms or interpret instructions for the particular legal matter.

What can I do if I believe someone is practicing law without a Michigan law license?

If you have been directly harmed by the unauthorized practice activities of another person, you may have legal rights that can be pursued. If the unauthorized practice activity occurred before a court, the court may dismiss the case, strike the pleadings, or hold the person engaging in the activity in contempt of court. Finally, if you suspect the unauthorized practice of law has occurred, the matter may be reported to the State Bar of Michigan for investigation and possible legal action.

State Bar of Michigan Lawyer Referral Service

(800) 968-0738

<http://www.michbar.org/programs/lawyerreferral.cfm>

The State Bar of Michigan Lawyer Referral and Information Service (LRIS) is designed to assist anyone who wants to hire an attorney and can afford to pay for legal services.

State Bar of Michigan Unauthorized Practice of Law

(517) 346-6333

<http://www.michbar.org/professional/upl.cfm>

It is the unauthorized practice of law for a person to exercise legal discretion on behalf of another person, or practice law for another person, when he or she is not legally authorized to do so.

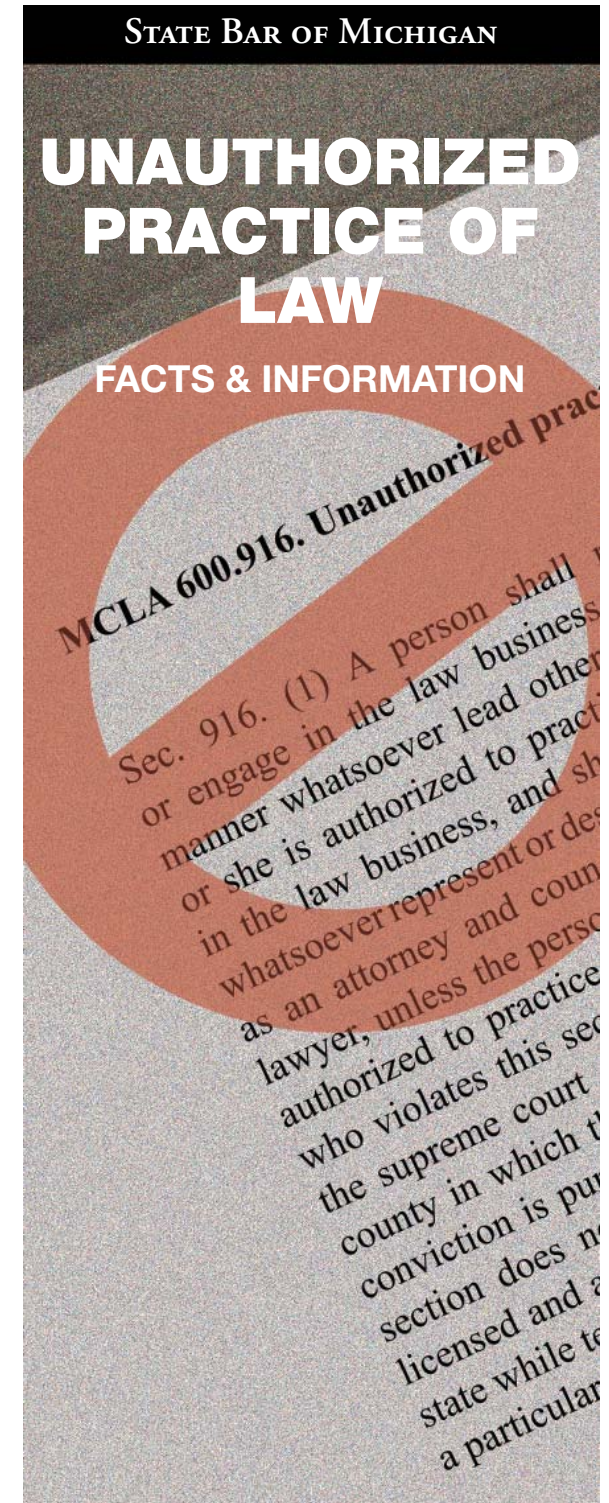


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This pamphlet may be purchased individually or in bulk from the State Bar of Michigan Membership Services Department
306 Townsend Street
Lansing, Michigan 48933-2012
www.michbar.org

You may call
1-800-948-1442 ext. 6326
to obtain price information.

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UNAUTHORIZED PRACTICE OF LAW

FACTS AND INFORMATION

Who has authority to regulate the practice of law?

The Michigan Supreme Court governs the practice of law and lawyers and has delegated the investigation and prosecution of unauthorized practice of law complaints to the State Bar of Michigan.

How can I protect myself from the unauthorized practice of law?

Whenever you have a legal problem, decide whether it is something you want to handle yourself, or whether you will need help. You may have enough knowledge to handle the legal matter yourself, or you may plan on educating and training yourself to handle it directly. If you think you will need help, or you do not have the time or the desire to handle it yourself, then consult with a licensed lawyer. To find out whether someone is properly licensed, call the State Bar of Michigan at (517) 346-6300, or look him/her up in the State Bar of Michigan's member directory, <http://www.michbar.org/memberdirectory/>.

What activities constitute the “practice of law” or the “unauthorized practice of law”?

Generally, the rules against the unauthorized practice of law prohibit the following types of activity by unlicensed persons:

- Nonlawyers may not hold themselves out as a “lawyer,” “legal counselor,” or “attorney.”
- Nonlawyers may not draft documents that require legal judgment for another person.
- Nonlawyers may not give advice tailored to the particular legal situation of another person.
- Nonlawyers may not appear before courts

or act as intermediaries on behalf of another person regarding the other person's legal matter.

- Nonlawyers may not represent the interests of others, or interpret and apply laws and legal theories to give advice to other persons about the legal implications and consequences of alternative courses of action.
- Nonlawyers may not represent other people in court, even if the nonlawyer has a power of attorney or is a notary public.

May I represent myself and handle my own legal work?

Anyone has the right to represent himself or herself in legal matters at his or her risk. You may read laws, interpret laws, draft documents, and proceed in legal matters for yourself. The right to represent yourself, however, does not give you the power to delegate the authority to a person who is not an attorney.

May I represent my business partnership or my corporation in legal matters?

Michigan law does not allow a nonlawyer to represent the interests of a partnership, corporation, or other organization in court, even when the nonlawyer is a partner or shareholder of the business. There is a special rule allowing a nonlawyer agent to appear on behalf of a business in small claims court, and some administrative agencies allow nonlawyers to represent the interests of other people or businesses.

May a person who has graduated from a paralegal/legal assistant program or who works as a paralegal/legal assistant give me legal advice?

A legal assistant or paralegal is a person, qualified by education, training or work experience, who is employed or retained by a

lawyer, law office, corporation, governmental agency, or other entity and who performs specifically delegated substantive legal work for which a lawyer is responsible. However, a legal assistant or paralegal may not give legal advice. Only a licensed attorney may give legal advice. In addition, a legal assistant or paralegal may not represent clients in court, establish an attorney's relationship with a client, or sign legal pleadings. These tasks must be completed by a licensed attorney.

May a person who has graduated from law school give me legal advice and help me with my legal problem?

Attending law school is only the first step in becoming a lawyer. Until a law graduate has passed the bar examination, passed a rigorous background investigation assessing the person's moral character and fitness, and satisfied all of the requirements of the State Bar, the graduate may not be held out as a “lawyer” or assist other people in their legal matters. Designations such as “J.D.” or “law clerk” may indicate the person has a law degree but not necessarily that he or she is licensed as a lawyer.

May I get help on my Michigan legal problem from a lawyer licensed in another state and not licensed in Michigan?

The Supreme Court of each state has exclusive authority to determine who is authorized to practice law. If the out-of-state lawyer is not licensed to practice law in Michigan, he is not authorized to practice in the courts of Michigan unless special permission is applied for and obtained. While lawyers from other states are not forbidden from giving legal advice regarding Michigan law, you have no assurance that a lawyer unlicensed in Michigan is qualified to dispense that advice.