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HOUSE BILL 1451

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State of Washington

55th Legislature

1997 Regular Session

By Representatives Sheahan, Costa, Constantine, Lantz, Sterk, Skinner, Appelwick, Sullivan, Mason and Kenney

Read first time 01/27/97. Referred to Committee on Law & Justice.

1 AN ACT Relating to making the unauthorized practice of law, as  
2 determined by the supreme court, a violation of the consumer protection  
3 act; adding new sections to chapter 2.48 RCW; and providing an  
4 effective date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 2.48 RCW  
7 to read as follows:

8 The legislature finds that the unauthorized practice of law, as  
9 determined by the supreme court, undermines the public's confidence and  
10 respect in the legal system when legal services are delivered by  
11 persons who lack professional training and knowledge of the law and the  
12 legal processes, thereby jeopardizing the legal rights of individuals  
13 who have relied to their detriment upon such advice. It is the intent  
14 of chapter . . ., Laws of 1997 (this act) that enforcement of chapter  
15 . . ., Laws of 1997 (this act) shall be accomplished primarily through  
16 private actions brought on behalf of individuals, but nothing in  
17 chapter . . ., Laws of 1997 (this act) precludes the attorney general  
18 from initiating and maintaining an action or intervening in an action  
19 brought under chapter . . ., Laws of 1997 (this act). The legislature

1 further finds that by providing better access to the equitable and  
2 legal remedies available under the consumer protection act, chapter  
3 19.86 RCW, the options for citizens suffering economic harm are  
4 expanded and the public interest in ensuring that those who practice  
5 law are subject to judicial oversight and accountability is further  
6 protected.

7 NEW SECTION. **Sec. 2.** A new section is added to chapter 2.48 RCW  
8 to read as follows:

9 The legislature finds that practices covered by RCW 2.48.170,  
10 2.48.180, and 2.48.190, and the unauthorized practice of law prohibited  
11 in these sections, are matters vitally affecting the public interest  
12 for purposes of applying the consumer protection act, chapter 19.86  
13 RCW. A violation of these sections is not reasonable in relation to  
14 the development and preservation of business. A violation of these  
15 sections is an unfair or deceptive act in trade or commerce and an  
16 unfair method of competition for the purpose of applying the consumer  
17 protection act, chapter 19.86 RCW. This section is cumulative and  
18 nonexclusive and does not affect any other remedy available at law or  
19 in equity.

20 NEW SECTION. **Sec. 3.** This act takes effect January 1, 1998.

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