

P.L.2011, CHAPTER 209, *approved January 17, 2012*  
Assembly, No. 1050 (*Second Reprint*)

1 AN ACT concerning the unauthorized practice of law and  
2 <sup>1</sup>[amending P.L.1994, c.47] amending various parts of the  
3 statutory law and supplementing Title 2C of the New Jersey  
4 Statutes<sup>1</sup>.

5  
6 **BE IT ENACTED** by the Senate and General Assembly of the State  
7 of New Jersey:

8  
9 1. Section 1 of P.L.1994, c.47 (C.2C:21-22) is amended to read  
10 as follows:

11 1. a. A person is guilty of a **[disorderly persons offense]** crime  
12 of the fourth degree if the person knowingly engages in the  
13 unauthorized practice of law.

14 b. A person is guilty of a crime of the **[fourth]** third degree if  
15 the person knowingly engages in the unauthorized practice of law  
16 and:

17 (1) Creates or reinforces a false impression that the person is  
18 licensed to engage in the practice of law; or

19 (2) Derives a benefit; or

20 (3) In fact causes injury to another.

21 c. For the purposes of this section, the phrase "in fact"  
22 indicates strict liability.

23 (cf: P.L.1994,c.47,s.1)

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25 <sup>2</sup>2. (New section) a. Any person who suffers any ascertainable  
26 loss of moneys or property, real or personal, as a result of any  
27 action or inaction by a person who knowingly engaged in the  
28 unauthorized practice of law in violation of section 1 of P.L.1994,  
29 c.47 (C.2C:21-22) may bring a civil action in any court of  
30 competent jurisdiction.

31 b. In any civil action under this section the court shall, in  
32 addition to any other appropriate legal or equitable relief, award  
33 damages in an amount that constitutes the greater of:

34 (1) \$1,000, or

35 (2) Three times the value of all costs incurred by the victim as a  
36 result of the defendant's criminal activity, including any fees paid  
37 to the defendant for services, costs incurred for attorneys' fees,  
38 court costs and any out-of-pocket losses.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly floor amendments adopted March 15, 2010.

<sup>2</sup>Assembly floor amendments adopted March 22, 2010.

1 c. The standard of proof in civil actions brought under this  
 2 section is a preponderance of the evidence, and the fact that a  
 3 prosecution for a violation of section 1 of P.L.1994, c.47 (C.2C:21-  
 4 22) is not instituted or, where instituted, terminates without a  
 5 conviction shall not preclude a civil action pursuant to this section.  
 6 A final judgment rendered in favor of the State in any criminal  
 7 proceeding shall estop the defendant from denying the same  
 8 conduct in any civil action brought pursuant to this section.

9 d. A civil action under this section shall not preclude the  
 10 application of any other civil, administrative, or criminal remedy  
 11 under any other provision of law.<sup>1</sup>

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 13 <sup>1</sup>3. Section 1 of P.L.1997, c.1 (C.2C:21-31) is amended to read  
 14 as follows:

15 1. a. As used in this section:

16 (1) "Immigration consultant" means any person rendering  
 17 services for a fee, including the completion of forms and  
 18 applications, to another person in furtherance of that person's desire  
 19 to determine or modify his status in an immigration or  
 20 naturalization matter under federal law.

21 (2) "Immigration or naturalization matter" means any matter  
 22 which involves any law, action, filing or proceeding related to a  
 23 person's immigration or citizenship status in the United States.

24 (3) "Immigration-related document" means any birth certificate  
 25 or marriage certificate; any document issued by the government of  
 26 the United States, any foreign country, any state, or any other public  
 27 entity relating to a person's immigration or naturalization status.

28 b. <sup>2</sup>(1)<sup>2</sup> Any immigration consultant not licensed as an attorney  
 29 or counselor at law who<sup>2</sup> [:

30 (1) Engages] engages<sup>2</sup> in this State in the practice of law<sup>2</sup> [; or]  
 31 is guilty of a crime of the fourth degree.<sup>2</sup>

32 (2) <sup>2</sup>[Holds] Any immigration consultant not licensed as an  
 33 attorney or counselor at law who holds<sup>2</sup> himself out to the public,  
 34 either alone or together with, by or through another person, whether  
 35 such other person is licensed as an attorney or counselor at law or  
 36 not, as engaging in or entitled to engage in the practice of law, or as  
 37 rendering legal service or advice, or as furnishing attorneys or  
 38 counsel, in any immigration or naturalization matter <sup>2</sup>[; or] is  
 39 guilty of a crime of the third degree.<sup>2</sup>

40 (3) <sup>2</sup>[Assumes,] Any immigration consultant not licensed as an  
 41 attorney or counselor at law who assumes,<sup>2</sup> uses or advertises the  
 42 title of lawyer or attorney at law, or equivalent terms, in the English  
 43 language or any other language, is guilty of a crime of the [fourth]  
 44 third degree.

45 c. Any person who knowingly retains possession of another  
 46 person's immigration-related document for more than a reasonable

1 time after the person who owns the document has submitted a  
2 written request for the document's return is guilty of a crime of the  
3 fourth degree.

4 d. Nothing in this section shall be construed to prohibit a  
5 person accredited as a representative by federal law pursuant to 8  
6 CFR 292.2 from providing immigration services.<sup>1</sup>  
7 (cf: P.L.1997, c.1, s.1)

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9 <sup>1</sup>4. (New section) a. Any person who suffers any ascertainable  
10 loss of moneys or property, real or personal, as a result of any  
11 action or inaction by a person who knowingly engaged in the  
12 unauthorized practice of law in violation of section 1 of P.L.1997,  
13 c.1 (C.2C:21-31) may bring a civil action in any court of competent  
14 jurisdiction.

15 b. In any civil action under this section the court shall, in  
16 addition to any other appropriate legal or equitable relief, award  
17 damages in an amount that constitutes the greater of:

18 (1) \$1,000, or

19 (2) Three times the value of all costs incurred by the victim as a  
20 result of the defendant's criminal activity, including any fees paid  
21 to the defendant for services, costs incurred for attorneys' fees,  
22 court costs and any out-of-pocket losses.

23 c. The standard of proof in civil actions brought under this  
24 section is a preponderance of the evidence, and the fact that a  
25 prosecution for a violation of section 1 of P.L.1997, c.1 (C.2C:21-  
26 31) is not instituted or, where instituted, terminates without a  
27 conviction shall not preclude a civil action pursuant to this section.  
28 A final judgment rendered in favor of the State in any criminal  
29 proceeding shall estop the defendant from denying the same  
30 conduct in any civil action brought pursuant to this section.

31 d. A civil action under this section shall not preclude the  
32 application of any other civil, administrative, or criminal remedy  
33 under any other provision of law.<sup>1</sup>

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35 <sup>1</sup>5. Section 1 of P.L.1981, c.487 (C.52:7-20) is amended to read  
36 as follows:

37 1. No person shall be appointed or reappointed a notary public  
38 if he has been convicted under the laws of this State of an offense  
39 involving dishonesty, including but not limited to a violation of  
40 section 1 of P.L.1997, c.1 (C.2C:21-31) or section 1 of P.L.1994,  
41 c.47 (C.2C:21-22), or of a crime of the second degree or above, but  
42 nothing in this section shall be deemed to supersede P.L.1968, c.  
43 282 (C. 2A:168A-1 et seq.).<sup>1</sup>

44 (cf: P.L.1981, c.487, s.1)

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46 <sup>1</sup>[2.] 6.<sup>1</sup> This act shall take effect immediately.

**A1050 [2R]**

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Upgrades offenses of engaging in unauthorized practice of law;  
creates civil action; provides that persons convicted of the offenses  
are barred from appointment as a notary public.