

BILL ANALYSIS

Senate Research Center

S.B. 764
By: Duncan
Jurisprudence
4/23/1999
As Filed

DIGEST

Texas law prohibits the unauthorized practice of law. A federal court in Dallas has held that the sale of a software product constitutes the unauthorized practice of law, the creation, publication, sale, or distribution of books, Internet sites, computer software, or other certain media if the item clearly indicates that it was not prepared by a person licensed to practice law. S.B. 764 would expand the definition of the practice of law.

PURPOSE

As proposed, S.B. 764 expands the definition of the practice of law.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 81.101, Government Code, by amending Subsection (b) and adding Subsection (c), to establish the definition in Subsection (a), rather than this section is not exclusive. Provides that in this chapter and in Chapter 83, the practice of law does not include the design, creation, publication, distribution, or sale of written materials, books, printed forms, Internet sites, computer software, or similar media if such items clearly indicate that they were not prepared by a person licensed to practice law in this state.

SECTION 2. Amends Section 83.001(b), Government Code, to provide that this section does not apply to an act described in Section 81.101(c). Makes conforming changes.

SECTION 3. Effective date: September 1, 1999.

SECTION 4. Emergency clause.