

Kansas Consumer Protection Act and Membership of the Kansas Commission on Interstate Cooperation and the Joint Committee on Special Claims Against the State; SB 50

SB 50 creates an unconscionable act or practice under the Kansas Consumer Protection Act related to the unauthorized practice of law and amends law regarding membership of the Advisory Committee to the Kansas Commission on Interstate Cooperation and the Joint Committee on Special Claims Against the State (Joint Committee), as follows.

Unauthorized Practice of Law

The bill makes it an unconscionable act or practice under the Kansas Consumer Protection Act, regardless of whether it involves a consumer, consumer transaction, or supplier, for a person who is not licensed or otherwise authorized by the Kansas Supreme Court to practice law in Kansas to do any of the following:

- Commit any act or omission prohibited by the Kansas Supreme Court, by court rule, or by common law, as being the unauthorized practice of law;
- Hold out to the public or otherwise represent, expressly or by implication, that such person is admitted to practice law in Kansas;
- Solicit payment or other consideration, whether in case or in-kind, for services that would constitute the unauthorized practice of law in Kansas if performed at or about the time of such solicitation; or
- Offer or attempt to do any act prohibited by the above provisions.

The bill defines “person” to mean an individual, corporation, agency, partnership, association, or other legal entity that knowingly commits (or aids or abets a person to commit) acts or omissions that violate the above provisions, and a person subject to the bill’s provisions is deemed a “supplier” as defined in the Consumer Protection Act. An individual, sole proprietor, partnership, corporation, limited liability company, the State, or a subdivision or agency of the State aggrieved by a violation of the above provisions is deemed a “consumer” as defined in the Consumer Protection Act.

Any remedies or penalties imposed pursuant to the above provisions are in addition to, not instead of, any remedies or penalties available under the contempt power of any court. The above provisions do not apply to statewide, judicial district, or municipal court supervised public assistance offices and programs, victims assistance programs operated by a county or district attorney, court clerk, county law library, legal aid services providers, legal outreach programs operated by a state or local bar association, or an employee of any such entity acting within the scope of employment.

Membership of the Advisory Committee to the Kansas Commission on Interstate Cooperation and the Joint Committee on Special Claims Against the State

The bill amends the law concerning the members of the Advisory Committee to the Kansas Commission on Interstate Cooperation (Commission) and the Joint Committee. The bill specifies the Commission is composed of the chairpersons of the House and Senate Committees on Judiciary, if such chairpersons are members of the Kansas Bar. If the chairperson of the House Committee on Judiciary or the chairperson of the Senate Committee on Judiciary is not a member of the Kansas Bar and there is not another member of the respective Committee on Judiciary who is a member of the Kansas Bar (and could therefore fill this position under current law), the bill allows the Speaker of the House (in the case of the House Committee) or the President of the Senate (in the case of the Senate Committee) to designate the Revisor of Statutes to serve on the Commission in lieu of a House or Senate member, respectively, for the Speaker's or President's then-current term as a legislator. The Revisor could designate an assistant revisor to serve in lieu of the Revisor.

Additionally, the bill removes the requirement that at least one representative member and one senator member of the Joint Committee be attorneys licensed to practice law in the state of Kansas.