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1. [\*Anti-Soliciting Bill Dies, But Governor Signs Unauthorized Practice Upgrade\*](#)

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## [Anti-Soliciting Bill Dies, But Governor Signs Unauthorized Practice Upgrade](#)

New Jersey Law Journal (Online)

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### **New Jersey Law Journal**

**Length:** 822 words

**Byline:** Michael Booth, Special to the new jersey law journal

### **Body**

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Gov. Chris Christie has pocket-vetoed a bill that would have made it a crime for attorneys and other licensed professionals to solicit business from victims within 30 days of an accident.

But on Tuesday he signed legislation upgrading the unauthorized practice of law from a fourth-degree to a third-degree crime.

The Legislature gave final approval to the measures on Jan. 8, the last day of the previous legislative session. Christie was required under the state Constitution to sign them before noon on Tuesday for them to become law.

While Christie signed 70 bills passed on the last day of the session, he pocket-vetoed 42 others.

Michael Drewniak, a spokesman for the governor, criticized the Legislature for giving final passage to hundreds of bills on the last day of its session and leaving the administration only a week to review them. "This is not a productive or efficient way to handle legislation, pushing dozens of bills at the 11th hour and expecting a rubber stamp on them," Drewniak said.

The anti-solicitation measure, S-2316/A-4430, said "no person shall solicit professional employment from, or contact, a person whose name, address or other personal information was obtained from a public record of a motor vehicle accident for a period of 30 days" after an accident. It passed without opposition.

Violations would have constituted a third-degree crime.

The state already has a law banning in-person, telephonic or electronic solicitations of accident and disaster victims for 30 days. The bill would have expanded that to include written solicitations and - more drastically - impose criminal penalties.

Excluded from the bill were solicitations from a professional who already had a relationship with the victim and cases in which the victim initiated the contact.

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The New Jersey State Bar Association had backed off its previous opposition and said it supported the idea in concept. But it did continue to have problems with making a violation of the ban a criminal act.

The New Jersey Association for Justice, formerly ATLA-NJ, also supported the bill. Its president, Joseph Grassi, says he is disappointed the governor did not sign it.

"I don't know what the governor's reasons were. Maybe it was simply the deluge of bills put on his desk that prevented it from getting the careful consideration it deserved. We'll be looking to move it again," says Grassi, of Wildwood's Barry, Corrado, Grassi & Gibson.

### Targeting Notarios

A-1050/S-184, the law upgrading criminal and potential civil penalties for the unauthorized practice of law, goes into effect immediately. It passed both houses of the Legislature without opposition.

Before Christie signed it, a person who practiced law without a license and created or reinforced a false impression he was licensed was guilty of a fourth-degree crime under [N.J.S.A. 2C:21-22](#).

Now, it is a third-degree crime and violations carry a potential term of three to five years and a \$15,000 fine.

The Assembly sponsor, Annette Quijano, D-Union, said the bill is aimed largely at notaries public who offer legal services to Latino immigrants. In some Latin American and Caribbean countries, the term "notario" or "notario publico" signifies an attorney.

Another statute, [N.J.S.A. 2C:21-31](#), had made it a disorderly persons offense or a fourth-degree crime for an immigration consultant not licensed as a lawyer to hold himself out as one or to engage in the practice of law. The new law applies to those consultants as well.

Quijano said a disorderly persons offense, carrying a potential six-month jail sentence and a \$1,000 fine, was not a stiff enough punishment. "A thousand-dollar fine is just the cost of doing business," she said.

The new law also bars a person convicted of violating [N.J.S.A. 2C:21-22](#) or [2C:21-31](#) from appointment or reappointment as a notary public.

Lastly, the law creates a civil action for anyone who suffers an ascertainable loss of money or property, real or personal, as a result of action or inaction by a person in violating either statute.

A court can now award damages of \$1,000, or three times the value of costs incurred by the victim as a result of the defendant's criminal activity, whichever is greater, and could award counsel fees and costs.

### License Retention

Christie also pocket-vetoed a bill supported by the Administrative Office of the Courts that would have allowed parents behind in their child-support payments to keep their professional and driver's licenses.

Under S-1531/A-2257, which passed both houses without opposition, judges could waive the revocation, if the obligor could show he or she is employed and is trying to pay arrearages on an accelerated schedule.

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Daniel Phillips, the AOC's legislative liaison, testified for the bill last year. "The goal is to get people to pay," he said. "This will allow judges to look at each individual case and craft a payment plan."

Sponsors of the pocket-vetoed bills were unavailable for comment.

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