

**Testimony in Support of HB 2573 A-Engrossed
Helen Hirschbiel, Oregon State Bar
Before the Senate Judiciary Committee**

April 25, 2013

I am appearing on behalf of the Oregon State Bar Board of Governors in support of HB 2573A, a bill that provides a remedy under the Unlawful Trade Practices Act (UTPA) for the unauthorized practice of law in immigration cases.

The bar is charged with enforcing the prohibition against the unlawful practice of law, but has limited resources to do so and limited sanction authority even in those cases it does pursue. The unlawful practice of law often causes significant harm to victims. Non-lawyers may charge thousands of dollars to provide substandard services; victims may lose cases or waive important claims because of poor work by non-lawyers.

Immigration law is an area in which unlicensed individuals frequently provide ill-advised legal services to clients, often with far-reaching negative results. ORS 9.280 currently prohibits a person from acting as an immigration consultant for compensation unless the person is an active member of the bar or is otherwise authorized by federal law to do so.

The bill would amend the Unlawful Trade Practices Act explicitly to make the unlawful practice of law as an immigration consultant an unlawful trade practice. Amending the UTPA would provide a private right of action to a large group of consumers that currently has none. The remedy for private enforcement action includes recovery of attorney fees and the right to seek punitive damages. This bill would also enable the Department of Justice to prosecute individuals who engage in the unlawful practice of law in the immigration context. Remedies available to the Department of Justice that are not available to the bar include the assessment of significant civil penalties. Moreover, the Department of Justice has greater resources for the investigation and prosecution of these cases.

I urge you to send HB 2573A-Engrossed to the floor with a do-pass recommendation.