12

By Evan Gutman CPA, JD (2002)

THE INVERSE RELATIONSHIP BETWEEN UPL AND STATE BAR ADMISSION STANDARDS

Imagine your spouse, son, daughter, close relative or good friend has just been arrested for a crime they did not commit. You go to visit them in jail and they ask you what to do. You ask them whether they committed the crime for which they are accused. They say "No," and you believe them. You tell them when they appear in front of the Judge, to enter a plea of "Not Guilty." As you exit the County jail in which they are being held, a state official comes up to you, hands you court documents and says you will have to appear before a Judge to defend yourself against the charge of engaging in the unauthorized practice of law for providing legal advice without a license which carries a possible prison term of two years. Sound farfetched ? It's not as much as you think.

It's called the Unauthorized Practice of Law (UPL) and generally speaking, what it means is that if you perform legal services which includes the rendering of legal advice without having a law license you are subject to applicable penalties. Those penalties vary from one state to another, as will the manner in which the State proceeds against you in its' discretion. UPL is almost always enforced on a selective rather than uniform basis, and can be characterized by an improper use of discretion. It is normally enforced only against those who represent an economic threat to the monetary earnings of lawyers. This being the case, there is no competitive advantage to the State Bar to charge an individual in the foregoing hypothetical. Notwithstanding, if UPL rules were applied uniformly, the foregoing scenario would result in charges being imposed against literally millions of caring family members and friends. It is therefore obvious that if UPL rules and laws were applied uniformly, the general public would be absolutely outraged and the prohibitions would be unsustainable. For this reason, they are the profession's weakness. Its' Achilles Heel, since they are only sustainable when selectively enforced. This is notwithstanding the fact that States are purportedly duty bound to enforce laws on a uniform basis, regardless of who violates them.

Let's now change the hypothetical. The same basic fact set with the following change. In addition, to advising your loved one to plead Not Guilty, you tell them you will attend the arraignment (the court appearance where they enter their plea), for moral support. You sit in the back of the courtroom which is relatively empty. The Judge asks the Defendant what their plea is. The Defendant turns around to you and asks, "Is this when I say Not Guilty?" You nod your head, “Yes.” Your chances of being charged with UPL have now dramatically increased.

Let's change the hypothetical again. Your family member or friend has called you because they know you are an attorney. The problem is that you are a lawyer in a neighboring State (we'll call it State #2) and the person you care about has been arrested and charged in State #1. You provide the exact same legal advice at the county jail, and the same nod of the head in the courtroom. Your chances of being charged with UPL have now increased, to the point where if the Judge informs the State Bar of what occurred, you would probably be charged with UPL. This is notwithstanding the fact that as a licensed Attorney in State #2, you supposedly have more legal knowledge than in the hypothetical where you were a Nonattorney. This is because as a lawyer in State #2, you represent a substantial economic threat to lawyers in State #1. They have lost legal fees to the extent of the advice you rendered. Stated

simply, the higher the probability is that a person is competent to render legal services, the greater is their chance of being charged with UPL.

In all three hypotheticals, you engaged in conduct that probably constitutes a UPL violation. It is only in the third fact set however, where you represent a substantial economic threat to attorneys. As a result, that is probably the only situation where you would be charged. The incredible irony, is that the third fact set is where you can probably offer the most competent and valuable assistance to your loved one or friend. Here are some additional examples of conduct that probably meets the ambiguous definition of UPL, even though due to selective enforcement you might not be charged :

1. Your loved one is being arrested, and you yell out, "tell the police officer you're exercising your right to remain silent."

2. Your loved one has charges pending against them and has been released pending trial. You write them a letter describing a similar case where the Defendant was acquitted and enclose a copy of the published court opinion.

3. Your loved one is buying a house and you explain how the courts have interpreted certain mortgage and financing laws.

4. You inform a loved one how to fight a parking ticket in court. Who hasn't done that ? In fact, if you do such a good job that you decide to help out everyone in your neighborhood and then charge $ 1.00 for each person you assist, it's almost guaranteed the State Bar will come after you if they find out.

5. You explain to your 78 year old grandmother about the tax law ramifications of accepting a lump sum distribution from a pension plan, in exchange for her baking you a dozen cookies.

6. You write up a contract for your brother to buy your sister's house.

7. You draft a letter on behalf of your invalid mother to send to the credit card company that is harassing her for payment, and your letter states that the credit card company is in violation of the Fair Debt Collection Practices act.

8. You explain to a loved one or friend how any aspect of the law functions because you want to help them out in dealing with some type of legal situation.

The problem with selective enforcement of UPL prohibitions is that when any law is selectively enforced, it results in a general loss of public faith and confidence in the legal system. Once selective enforcement becomes the norm, the determinative issue shifts from whether one violated the law, to whether they should be prosecuted for violating it. The general argument made by the violator is that they should receive the benefit of an exception, since someone else got an exception. There are then no longer any rules we can rely on to govern our conduct. This problem is further exacerbated in the case of UPL, because most Courts and State Bars prefer to leave the definition of precisely what constitutes UPL as ambiguous, vague and uncertain. That way they can let anyone off the hook who does not pose an economic threat to the Bar and attack with vehemence anyone who does. Essentially the diabolical brilliance of the UPL schema creates a situation where discretion and selective enforcement is exercised based on unconstitutional motivations. It results in promoting the self-serving economic and political interests of attorneys, which effectively compromises the legitimacy of the justice system. It is a dual problem. The mere existence of too much discretion promotes a lack of fairness in applying the law,

and the problem is exacerbated by the improper manner in which discretion is exercised. Implementation of the UPL weapon has therefore contributed significantly to creating a general public perception of inequality and unfairness in the law.

Now let's look at the issue from the other side. Selective enforcement can accomplish a public good in isolated cases. I'll provide an example. Every now and then there is an individual charged with some type of crime who has a great deal of public support. The public believes the person did nothing wrong from a moral perspective, even though technically they violated the law. In such situations, the public believes that Prosecutors are committing an injustice by pursuing a conviction. Prosecutors often respond to public outcries of injustice in such situations, by issuing a statement to the effect of, "the law is the law and must be enforced against anyone who violates it." When they do so, they are making a false representation to the public. The reason is as follows. It is irrefutable that our law provides prosecutors with discretion in deciding who to charge with a particular crime. They are under no legal obligation to proceed with prosecution in any instance. Every time I hear about a prosecutor issuing the statement "the law is the law and is enforced against everyone equally no matter who they are," I can not help but wonder whether they really expect members of the public to believe them.

Although the law provides discretion for prosecutors, judges and State Bars, it is critical that discretion be exercised fairly and justly. In accordance with such, the scope of discretion should be narrowly confined. Due to the danger caused by the unfair exercise of discretion, it should be kept narrow in scope. When the limits of discretion become too ambiguous or the scope of discretion too wide, the law becomes predicated on pure favoritism. For the most part, subject to few isolated exceptions, selective enforcement which is typically characterized by the improper use of discretion will result in a diminution of faith and confidence in the legal system by the public.

Regardless of how wide a person asserts the proper scope of discretion should be, and regardless of whether a person is in favor of, or against selective enforcement, two points are irrefutable. First, discretion is provided for in the law. Second, selective enforcement typified by the improper use of discretion, characterizes the current UPL framework of State Bars. UPL prohibitions would collapse in their entirety if they were enforced on a uniform basis. The unprosecuted commission of UPL in this nation, is probably exceeded in scope only by parking violations. Everybody helps out family members and friends when they can. UPL prohibitions are sustainable only in reliance on selective enforcement.

The scope of what constitutes UPL varies from state to state, but generally speaking it is defined as the provision of "legal services." That's not much help though, since it then has to be determined what constitutes a "legal service?" "Legal services" are generally defined as the rendering of "legal advice" or the preparation of "legal documents." That's not much help either though, because the next obvious question is what constitutes a "legal document" or "legal advice?" No clear cut answers exist. Courts have wrestled with this dilemma since the 1930s. Their inability to arrive at a universally accepted definition has been one of the greatest problems in UPL prosecutions.

Can you imagine if everyone who rendered the ambiguous unknown of "legal advice" were charged with UPL? It happens so many times in common everyday situations that the number of prosecutions would be absolutely unmanageable. From a moral perspective, what category of individuals should be charged? The question itself is unsettling to those who believe the "law is the law and should be applied equally to everyone." Consider the following four categories of people performing legal services:

1. People **without a knowledge of the law** who perform legal services **for free.**
2. People **without a knowledge of the law** who perform legal services **as a business.**
3. People **possessing knowledge of the law** who perform legal services **for free.**
4. People **possessing knowledge of the law** who perform legal services **as a business.**

Initially, I work from the premise that the distinction between those possessing knowledge and those without knowledge is not predicated on whether they have a law license. Stated simply, there are many licensed attorneys who are Dumb, and many Nonattorneys who are extremely knowledgeable and proficient in the law. The determinant factor is actual legal knowledge, not state recognition of legal skills by virtue of licensure. Now, which of the above categories from a moral perspective should result in a UPL prosecution?

The answer seems obvious initially, but is not as easy as it seems. The initial inclination is to suggest that society is best off, if people in categories (1) & (2) are charged with UPL, and those in (3) & (4) are not. After all, the people in (1) and (2) lack knowledge in the law. I raise no issue with charging those in category (2), but a significant dilemma exists regarding category (1). The problem is that most family member and close friend hypotheticals fall squarely into category (1). Prosecuting those in category (1) cuts directly into the moral importance our society places on helping those we love and care about it to the best of our ability. Essentially, we tend to believe that we should do the best we can to help friends and family even if we lack knowledge in a subject area. On the other hand, condoning the provision of legal services by those who are incompetent would also seem to be wrong, thereby suggesting that people in category (1) should be charged. Which of the two has a more detrimental impact? Prosecuting family members with UPL for helping those they love, or condoning the provision of legal services by individuals who are not skilled? Either way, it's a no win situation.

Categories (3) and (4) pose an entirely different problem. Assuming the people in categories (3) and (4) are honest, logic would suggest that they should not be charged with a UPL violation because they possess legal knowledge and can help people. The problem however, is that not all people in categories (3) and (4) are licensed attorneys. There are many people in categories (3) and (4) who technically are in violation of UPL prohibitions. Although logic suggests that people in categories (3) and (4) should not be charged with UPL violations since they possess legal knowledge, they are at the greatest risk of being charged.

The legal actuality therefore, does not promote the societal interest. Competent individuals providing valuable legal services are the specific targets of UPL prosecutions. The result is that the goal of reconciling society's best interest with the legal actuality is not achieved. Remember, any Nonattorney in any one of the above four categories has engaged in UPL. They will not all be pursued however. The State Bar will not focus on category (1) individuals since it would be a public relations nightmare. They will focus on category (3) and (4) individuals who are unlicensed, and yet those people are the ones who actually possess legal knowledge. The end result is that currently, UPL enforcement has been an abject failure in attaining the societal good. Competent Nonattorneys in categories (3) and (4) are pursued, while incompetent Nonattorneys in category (1) are allowed to continue. I raise the category (1) dilemma primarily for the purpose of demonstrating its' inconsistency with category (3) and (4) prosecutions, not for the purpose of suggesting that the solution is to prosecute loved ones in a category (1) scenario.

The enforcement of UPL prohibitions can have two effects. To the extent incompetent individuals are excluded from providing legal services, society benefits and the legal profession benefits since its' competition has been eliminated. To the extent competent individuals are excluded from providing legal services, society is harmed, but the legal profession still benefits because its' competition has been reduced. Essentially, whether UPL is enforced against a competent or an incompetent individual, the legal profession always benefits. Such being the case, the State Bars have economic incentives to maximize UPL enforcement whether society benefits or is harmed.

The financial incentives for State Bars to maximize UPL enforcement, mandates that the Bar's UPL policy be critically examined. It is similar in nature to a government official who holds common stock in a corporation that submits a construction bid for a project. To the extent the official has decision-making authority regarding who is awarded the contract, their actions must be viewed suspiciously, since they will personally profit if their corporation obtains the award. This is not to

suggest that all UPL enforcement activities are engaged in solely for the purpose of increasing lawyer profits, nor is it to suggest that government officials who award construction contracts to companies they own do so solely to profit personally. Any specific, isolated UPL enforcement activity has the possibility of achieving a public good, just like the corporation that is owned by the government official may actually do a better job at a better price than the competition. It is simply to assert that the close nexus between UPL enforcement, and the economic incentives for lawyers to reduce their competition mandates a critical examination of State Bar policy. Certainly, any State Bar self-serving pronouncements regarding UPL can not be accepted at face value and should for the most part be disregarded.

The primary propaganda argument used by State Bars to support UPL enforcement is that the Nonattorney's legal services are incompetent. In assessing the legitimacy of this assertion, it is critical to examine whether Nonattorneys are being held to a higher standard of proficiency by Courts compared to licensed attorneys. It is well known that procedural errors made by attorneys are often forgiven by the same trial court judges who penalize Nonattorneys making an identical error. It's known in technical legal terms as an "invidious application of the procedure-substance dichotomy." This issue is one of the most critical because in a typical UPL enforcement action the State Bar adopts the posture that not only was the service performed prohibited, but the advice given was wrong or the legal document prepared contained errors. The flaw in this argument is that licensed attorneys regularly provide incorrect legal advice and regularly prepare legal documents containing errors. Essentially, the degree of incompetency that typically characterizes a licensed attorney diffuses the legitimacy of the standard "wrong advice" or "errors in the documents" declaration adopted by State Bar UPL committees.

The opportunity for a Court to construe issues of procedure stringently against Nonattorneys and leniently with respect to licensed attorneys, coupled with the economic incentive to exclude Nonattorneys, raises further concerns about the sincerity of State Bar propaganda that aggressive UPL enforcement protects the public. Even if we assume for argument sake that issues of procedure versus substance are not applied unfairly against the Nonattorney, the State Bar's position is infirm. The reason is remarkably simple. In virtually every instance where a licensed Attorney files a legal motion with a Court, which is opposed by another licensed Attorney, one Party wins and the other loses. Presumably, the losing party was legally wrong since two licensed Attorneys presenting diametrically opposed legal positions can not both be right. It's an absolute impossibility. Consequently, it must be concluded that the Attorney representing the losing party asserted an erroneous legal position and/or submitted an erroneous legal document and/or rendered incorrect legal advice. Thus, if the provision of incorrect legal advice or preparation of erroneous legal documents constitutes grounds for precluding someone from providing legal services, there are millions of licensed attorneys who should be excluded from the practice of law. In fact, since one would be hard pressed to find a trial lawyer who has not at one time lost a motion or case, a solid assertion could be made that they should all be excluded from practice.

Turning to another subject now, if you are charged with engaging in the Unauthorized Practice of Law, who do you hire to defend you? Defending an individual against a UPL action constitutes the practice of law. So you need to hire a licensed attorney. This creates monumental ethical dilemmas, since any attorney representing you, will be torn between his loyalty to you as a client and his conflicting loyalty to the economic interests of the State Bar, which notably has the power to revoke his law license.

Consider the following hypothetical. You have just helped your crippled sister prepare legal documents to institute suit against the Health Maintenance Organization (HMO) that refused to cover injuries she sustained when the HMO President pushed her down the stairs for complaining about the high insurance premiums. The State Bar gets wind of this and sends you a letter demanding that you immediately cease helping your crippled sister because you are engaging in UPL. You write them a letter back and send it certified mail. Your brief letter states simply:

"I intend to continue helping my crippled sister who I love. Therefore, in reference to your recent correspondence instructing me to cease, and asserting that my kind and loving free assistance constitutes the unauthorized practice of law, please get out of my face you heartless ratbastards."

Respectfully yours,

Your letter is received by the Bar on the 15th, and on the 16th the State Bar's UPL Police arrive at your house and serve you with court documents to appear before a Judge. The question now, is who do you hire to represent you in Court ? Well you toss around the idea of hiring one of your close friends, who is not an Attorney and calls herself a "Legal Technician." She regularly prepares court documents, but you've heard that she is currently involved defending herself against the State Bar in some type of UPL action, so you decide that's probably not a good idea. You tell Sis who's in the wheelchair that she won't be able to have physical therapy next week because you need to take the family's last $ 3000.00 to hire a licensed Attorney to defend yourself. Now, good luck in finding an Attorney who will zealously represent you. You can't have anyone other than a licensed Attorney represent you because of the UPL prohibitions. On the other hand, all licensed Attorneys in your state, are subject to the disciplinary process of the same State Bar that is charging you with UPL. If they do a good job, the whole UPL scheme is at risk. The State Bar is not going to like that obviously, and they have the perfect regulatory mechanism in place to get even with the Attorney. Discipline him by trumping up grounds to suspend his law license or perhaps even disbarring him. If he wants to be able to continue taking his third wife with the voluptuous breasts to Aruba each year, he's not going to want to tick off the State Bar that essentially provides his bread and butter. He'll either convince you to enter into a plea agreement, or will simply go through a half-hearted defense that results in your conviction. Otherwise, he'll probably have to plan on sharply reducing his Pina Colada intake.

Having now delineated the major problems, I propose the best solution, which concededly does not eliminate the disturbing issues entirely, but definitely minimizes them. The key is as follows. Do everything possible to ensure that the maximum number of individuals who fall into categories (3) and (4) are properly licensed attorneys, subject to the ethical rules of conduct. To this extent, it is my assertion that there is an **INVERSE RELATIONSHIP BETWEEN UPL PROHIBITIONS AND STATE BAR ADMISSION STANDARDS**.

The fact of the matter is that the legal profession cannot survive and society would overall be greatly harmed if there were absolutely no prohibitions against the Unauthorized Practice of Law. Such prohibitions although extremely problematic and often unfair as the foregoing illustrates, can potentially serve a vital and useful public purpose. The key to justifying UPL prohibitions and winning the general public's support for them is to ensure that the profession does not keep its' doors unconstitutionally closed by basing admission to the Bar on subjective assessment. **Essentially, the concept is that if the Authorized Practice of Law is regulated in a fair, open and objective manner, then the probability that UPL prohibitions are serving the public's interest, rather than the State Bar's anticompetitive interest is dramatically increased**. The current admission standards which foster subjective assessment based on an individual's attitude, demeanor, and beliefs etc., therefore pose a dire threat to the validity of UPL prohibitions. If the portals of the Bar Associations continue to remain closed to those whose ideas and attitudes the State Bar does not like, it is in fact my assertion that all UPL prohibitions will ultimately collapse in their entirety. The legal reasons are as follows.

The constitutional justification for UPL prohibitions adopted by Courts has chiefly relied on the speech-conduct dichotomy. The basic premise is that speech is subject to greater protection under the First Amendment than conduct which is subject to a greater degree of regulation by the State. The seminal case is *U.S. v. O'Brien*, 391 U.S. 367 (1968). The crux of the Court's opinion stated:

> "When "speech" and "nonspeech" elements are combined in the same course of conduct, a sufficiently important governmental interest in regulating the nonspeech element can justify incidental limitations on First Amendment freedoms."

The threshold issue therefore, is whether a particular behavior constitutes speech or conduct. If it includes both speech and nonspeech elements, the respective elements must be weighed to determine which of the two comprises a greater proportion of the action. It also entails assessing the importance of the governmental interest involved to determine whether the action may be regulated. Courts have held rather uniformly for the last sixty years that the practice of law is "conduct" which may be regulated by the State and not protectable speech. The difficulty in rationally justifying such a stance is revealed by the simple fact that virtually everything a person does encompasses both speech and nonspeech components. Even when a person engages in pure political speech or religious prayer which is uniformly regarded as the zenith of activity protected by the First Amendment, they unavoidably make facial expressions, hand movements or shifts in body posture. Arguably therefore, pure political speech or religious prayer could be manipulatively classified as conduct under the same theory used to justify UPL prohibitions. The bottom line is that the mere speaking of words containing legal information or the writing down of information on legal documents contains vastly greater elements of speech, in comparison to its' nonspeech elements. This makes the legal validity of UPL prohibitions extremely vulnerable.

The problem is further exacerbated by the fact that although Courts have classified the mere speaking of words containing legal information as conduct, rather than speech, (which is the one subject area that enhances the economic interests of attorneys), they have adopted a diametrically opposed stance in virtually every other subject area. In all other subject areas, Courts typically hold that behavior containing a greater proportion of nonspeech elements is protectable speech. Some examples are as follows. In *Cohen v. California*, 403 U.S. 15 (1971) the Court held that wearing a jacket bearing the words "Fuck the Draft" in a corridor of the Los Angeles Courthouse was protected speech. In *Gooding v. Wilson*, 405 U.S. 518 (1972) the Court invalidated a Georgia statute that criminalized "abusive language tending to cause a breach of the peace." In *Police Department of the City of Chicago v. Mosley*, 408 U.S. 92 (1972) the Court invalidated a city ordinance that prohibited picketing, except for peaceful picketing of a school involved in a labor dispute. It is logically inarguable that wearing a jacket while physically walking in a Courthouse, using language that tends to cause a breach of the peace, or physically carrying a picket sign are behaviors that contain a higher proportion of nonspeech elements when compared to the mere speaking of words containing legal information. Yet, in this one isolated area which fosters the economic interests of attorneys, Courts hold that such is conduct, rather than speech.

Equally disturbing and hypocritical is the fact that although UPL prohibitions are justified on the legal basis that the provision of legal services is conduct, rather than speech, the prohibitions are applied most aggressively to those activities containing the highest proportion of speech elements. For example, most Courts dealing with UPL litigations have determined that personal counseling poses a greater risk of public injury than the processing of legal forms. Yet, personal counseling consists of substantially greater elements of speech, compared to the processing of legal forms. Personal counseling is almost entirely pure speech. Conversely, the processing of legal forms has greater elements of conduct, and yet hypocritically is often allowed when counseling is not.

It is clear that when Judges apply UPL principles on behalf of the State Bars (the Judges are State Bar members) they play a bit of what is known as a "shell game." It works as follows. UPL prohibitions are justified on the basis that the provision of legal services is conduct rather than speech. But then, those prohibitions are applied most aggressively to situations where the speech element rather than the conduct element is of greater magnitude. The constitutional vulnerability of UPL prohibitions

was demonstrated in the Dissenting opinion of the Great Justice William O'Douglas in *Hackin v. Arizona*, 389 U.S. 143 (1967) where he criticized the Court's failure to squarely address the issue stating:

> "Whether a State, **under guise of protecting its citizens** from legal quacks and charlatans, **can make criminals of those who, in good faith and for no personal profit, assist the indigent** to assert their constitutional rights is a substantial question this Court should answer."

UPL prohibitions came very close to collapsing in their entirety in *NAACP v. Button*, 371 U.S. 415 (1963) where the Supreme Court held that within the context of the petitioner's case, litigation was a form of political expression and means for achieving equality of treatment. The Court rejected the State of Virginia's false assertion that the purpose of the UPL prohibitions was to insure high professional standards and further determined that a State may not, under the "guise" of prohibiting professional misconduct ignore constitutional rights. That case dealt with an attempt by the Virginia State Bar to unlawfully use UPL prohibitions to frustrate the U.S. Supreme Court's opinion in *Brown v. Board of Education*. Quite a far leap from the Virginia Bar's professed purpose of protecting the general public's interest, and raising substantial doubt as to the sincerity and credibility of State Bar representations.

It is also noteworthy that the U.S. Supreme Court determined in *Johnson v. Avery*, 393 U.S. 483 (1969) that a State may not validly enforce a regulation which absolutely bars inmates from furnishing legal assistance to other prisoners. The result of this is that imprisoned criminals are legally allowed to provide free legal assistance to other convicted criminals free from concern of UPL prohibitions, but law-abiding citizens may not help other law-abiding citizens. Once again, the hypocrisy makes the Judiciary look ridiculous. As stated previously, and notwithstanding my criticism of UPL enforcement currently, I do believe that reasonable UPL prohibitions can promote the general public's interest by protecting them from the delivery of legal services by incompetent and dishonest individuals. There is little doubt that in the absence of such prohibitions, many people will provide legal services without a sufficient knowledge of the law. Ultimately, their victims would be the helpless litigants. The solution to this dilemma rests upon focusing exclusively on the general public's interest. The economic interests of attorneys and State Bar should be totally ignored. Stated simply, if the State Bars ensure that their doors are wide open to qualified individuals who are then regulated, rather than making admission determinations based on who the admissions committee subjectively likes or dislikes, or who they believe will support State Bar financial interests, which is in substance precisely what is transpiring currently, then UPL prohibitions are justifiable. Otherwise, the UPL prohibitions are just being used to create a transparent anticompetitive monopoly that makes the Judiciary look hypocritically foolish.

There is an **Inverse Relationship Between UPL Prohibitions and State Bar Admission Standards.** The general public's interest is best furthered by liberal State Bar admission standards, which in turn mandates strict enforcement of reasonable UPL prohibitions which I would fervently support. Conversely, it is my position that continuance of a subjective and discriminatory admissions process that is predicated on factors including an Applicant's attitude would mandate complete elimination of UPL prohibitions in the public's interest. Stated simply, the legal profession will open its doors in a fair and objective manner like every other profession, or alternatively the legal profession's entire monopoly will be eliminated.