

CHAPTER NO. 123

HOUSE BILL NO. 247

By Representative Stulce

Substituted for: Senate Bill No. 26

By Senator Fowler

AN ACT to amend Tennessee Code Annotated, Section 23-3-103, relative to the unlawful practice of law.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 23-3-103, is amended by adding the following language as a new, appropriately designated subsection:

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(1) Any organized bar association of a municipality, county, or multi-county region, (except any county having a metropolitan form of government), and having a population in excess of 100,000, in which a violation occurs may bring a civil action seeking relief, as provided in this part, against any person or entity who violates the provisions of this part. Any organized statewide bar association, primarily representing plaintiff attorneys and having no locally-based affiliate associations, may bring a civil action in the municipality or county in which a violation occurs seeking relief, as provided in this part, against any person or entity who violates the provisions of this part. Upon the commencement of any action brought under this section by any bar association, the bar association shall provide a copy of the complaint or other initial pleading to the Attorney General and Reporter, who in the public interest may intervene and prosecute the action. Such pleadings shall be provided to the Attorney General and Reporter simultaneously with the initial service to the defendant or defendants. Additionally, all subsequent filings shall be provided to the Attorney General and Reporter, including any judgments or notices of appeal by the initiating bar association.

(2) Any bar association bringing suit under this section is presumed to be acting in good faith and is granted a qualified immunity for the suit and the consequences of the suit. The presumption of good faith is rebuttable upon a showing by preponderance of the evidence that the suit was brought for a malicious purpose.

SECTION 2. Tennessee Code Annotated, Section 23-3-103(c)(1), is amended by deleting the word, symbols and figures "§§ 23-3-101 and 23-3-103(a)," and by substituting instead symbols and figures "§ 23-3-110,".

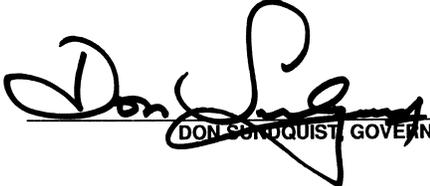
SECTION 3. This act shall take effect upon becoming law, the public welfare requiring it.

PASSED: April 29, 1999


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 12th day of May 1999


DON SUNDQUIST, GOVERNOR