



**The North Carolina State Bar**  
Authorized Practice Committee

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OCT 26 2007

Mr. Paul O'Connor  
Accurate Title Group  
c/o Mr. J. Daniel Bishop  
Bishop, Capitano & Moss, PA  
4521 Sharon Road, Suite 350  
Charlotte, North Carolina 28211

**LETTER OF CAUTION**  
**Cease & Desist**

Re: Allegation of Unauthorized Practice of Law by Paul O'Connor dba Accurate Title Group, LLC  
File number: 05AP0130

Dear Mr. O'Connor:

On October 17, 2007, the Authorized Practice Committee met and considered the results of its investigation into the activities of your business, Accurate Title Group, LLC, in the above referenced matter. As you will recall, you were informed of the allegations before the Committee and given an opportunity to respond. You responded through your counsel, Mr. Bishop, and the Committee carefully considered both your response and other information received by it.

After consideration of the information before it, the Committee concluded that there is probable cause to believe that your business is engaged in activities constituting the unauthorized practice of law based on the following:

Accurate Title Group ("Accurate Title") is a North Carolina limited liability company. Accurate Title is a business organization and is not qualified as a law firm or professional corporation eligible to provide legal services. You are not a licensed attorney at law. Accurate Title holds itself out as offering real estate closing services to lenders and borrowers and advertises its services by the internet and other means. Accurate Title advertises on its website that it can provide "title products" for North Carolina based transactions. On the HUD-1's that Accurate Title generates for closing transactions for which Accurate Title identifies itself as settlement agent, Accurate Title collects a fee for title searches.

In response to the Committee's inquiry, you advised that Accurate Title contracts with a licensed North Carolina attorney, who reviews the title search information provided by Accurate Title to provide an opinion of title. Additionally, you stated that Accurate Title contracts with the attorney to prepare legal documents associated with the loan closings.

Although the Authorized Practice Committee recognized that non-attorneys could provide certain services for residential real estate closings in Advisory Opinion 2002-1, the opinion specifically

Anthony S. di Santi, Chair  
Joshua W. Willey, Jr., Vice-Chair

states that nonlawyers may *not* handle a residential real estate closing. As related in the opinion, the closing involves a bundle of functions, most of which are legal in nature. The opinion did state that two administrative or ministerial functions of a closing could be conducted by nonlawyers without the supervision of an attorney – 1) presenting the closing documents, showing where parties need to sign the documents, and ensuring that the documents were properly signed; and 2) receiving and disbursing the closing funds. The opinion did not authorize the establishment of businesses to conduct or supervise residential real estate closings or arrange for the legal services necessary for the closing. Thus, the opinion merely permits attorneys to allow independent nonlawyers to provide two of the functions in closings that they supervise, not to authorize the nonlawyers to conduct the closing.

It is the unauthorized practice of law in North Carolina for anyone other than an active member of the North Carolina State Bar to provide or hold out as able to provide legal services to another person, firm, or corporation. N.C. Gen. Stat. §§ 84-2.1 and 84-4. The practice of law under the statutes includes providing title abstracts and opinions and preparing legal documents such as deeds. A business corporation may not engage in activities constituting the practice of law or provide legal services to its customers even if those services are performed by a licensed attorney. N.C. Gen. Stat. §§ 84-2.1 and 84-5. *See, Duke Power Co. v. Daniels*, 86 N.C. App. 469, 358 S.E.2d 87 (1987); *Gardner v. North Carolina State Bar*, 316 N.C. 285, 341 S.E.2d 517 (1986), and *State ex rel. Seawell v. Carolina Motor Club, Inc.*, 209 N.C. 624, 184 S.E. 540 (1936). The Committee concluded that Accurate Title's activities appear to constitute the unauthorized practice of law in violation of these statutes. Accordingly, the Committee voted to issue this Letter of Caution to notify you of its decision and to demand that Accurate Title stop engaging in its unlawful activities now.

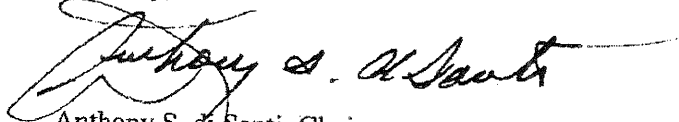
The Committee is mindful of your argument that Accurate Title conducts a title search and is not title abstracting. The Committee also considered your argument that Accurate Title may provide this title information to an attorney as an independent contractor and that the *Gardner* decision permits a business to provide an attorney for its customer. However, the Committee does not believe that either the facts or the law support that argument. Accurate Title is offering the legal services. The fact that Accurate Title then engages attorneys to provide these services for its customers does not avoid the violation of these statutes.

To avoid any further action in this matter, the Committee will require that your client refrain from any future unauthorized practice of law in North Carolina, including but not limited to the following: providing or offering to provide title abstracts, opinions of title, or other services by which any representation is made to lenders or borrowers concerning the status of legal title to property; providing or offering to provide legal document preparation services in connection with real estate transactions; providing or offering to provide legal advice concerning the rights or obligations of borrowers, lenders, or sellers in real estate transactions; advertising or marketing any services in connection with real estate transactions other than an ability to witness the execution of closing documents and the receipt and disbursement of funds; and contracting with an attorney to provide any legal services to borrowers, lenders, or sellers. Further, your client may not state or imply that it offers any legal services by advertising that an attorney will perform any of the services offered by Accurate Title.

Please provide a response with evidence that you have complied with the Committee's decision within 15 days of your receipt of this letter.

Thank you for your cooperation in this matter. Please contact the Committee's counsel, David R. Johnson, if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Anthony S. di Santi". The signature is written in black ink and is positioned above the printed name.

Anthony S. di Santi, Chair  
Authorized Practice Committee

ASD/lr

cc: Complainant

cc: Douglas P. Matheson