

START School of Real Estate

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Everything Brokers do has an effect on our Bottom Line, and our Bottom Line is more than just money. Our reputation is paramount to our success. How we conduct ourselves reflects on us and how we fulfill our Fiduciary Duties, even in the smallest ways it speaks volumes about us, our Firm's and our ethics. Real success is about how well we help clients & customers achieve their goals.

While I served on the NC State Bar Board of Legal Specialization, I had many opportunities to discuss legal issues with fellow Board Attorneys who are certified by the NC State Bar as a legal specialist.

Who are you calling for legal advice?

As you know, brokers are not licensed to provide legal advice to their customers or clients [G.S. 93A-6(a) 11], including the drafting of legal instruments, which would be the unauthorized practice of law [NC Real Estate Commission Rule 58A-0111]. The drafting of contracts (legal instruments) or contract forms for others is the exclusive domain of attorneys who are licensed to practice law in NC. However, brokers are occasionally asked by a customer or client what the broker's opinion is on various legal circumstances. When such a question arises, that is when any answer begins to get just a little tricky, and the NC Real Estate Commission has always been consistently clear. "Don't give legal advice." As a broker, be confident and competent when answering with "Let's contact an attorney and ask them what would be in their best interest" as a client or customer.

The real question is: "Which attorney can best answer the customers or client's questions most competently?" The NC State Bar has answered that question by certifying qualified attorneys under the North Carolina State Bar Board of Legal Specialization. The NC State Bar recognizes there are many attorneys who practice real estate law in NC and may be highly competent to do so. However, the NC State Supreme Court authorized the Board of Legal Specialization in 1983 to assist the public in confidently locating legal services and increase competency in 14 legal specialties, with real estate being one of those. Legal specialization objectively reflects substantial proficiency and demonstrates a specialty by a lawyer thru education and experience and instills confidence in the legal profession by the consuming public.

Neither the NC Supreme Court nor the NC State Bar are advocating for the exclusive use of lawyers who hold a legal specialization certification. However, in those circumstances where specialization is needed by the consuming public it is good to know there are attorneys licensed in NC who have objectively demonstrated their proficiency and experience in a particular practice, thereby earning the ability to hold themselves out as a "Specialist" in those legal fields. When the need arises, visit the NC State Bars Board of Legal Specialization to access those attorneys who have demonstrated such legal specialty (<https://www.nclawspecialists.gov>).

Who are you calling for legal advice?

The above does not constitute Legal Advice. Therefore, find a competent attorney for legal advice.