

UNAUTHORIZED PRACTICE OF LAW TASK FORCE

Jonathan M. Shapiro, Chair

Annual Report

The Unauthorized Practice of Law (UPL) Committee, with the Standing Committee on Professional Ethics, is created by the CBA constitution and is charged with investigating issues related to the practice of law by non-lawyers.

In years past, the committee was very busy and provided advice and guidance to the bench, Judicial Branch officials, the bar, out-of-state lawyers, and the public on such matters. After SCOTUS ruled in the 2015 case of *North Carolina State Board of Dental Examiners v. Federal Trade Commission* that trade regulation efforts by market members might violate anti-trust law, bar leadership put the committee on hiatus status while the law settled out and we were able to see how other states handled the matter. Our task was complicated by the fact that the CBA is a “voluntary” bar whereas many states have bars which are part of their judicial departments.

The Unauthorized Practice of Law Task Force, consisting of bar leaders, former Judicial Branch officials, and thought leaders, was established to determine whether and how the UPL Committee might reenter the lawyer regulatory arena without exposing the CBA to anti-trust claims. After hiring an anti-trust expert and reviewing how such committees in other states had reacted to *NC Dental*, the work the committee had done in the past and current issues related to the provision of legal services by non-lawyers, especially on the Internet, the task force determined that the committee should be reappointed and authorized to resume its work. Opinions issued by the committee, as with opinions issued by the Ethics Committee, will bear a disclaimer warning that the CBA is a voluntary professional association, is not a regulatory body, and does not speak for the Judicial Branch or with the authority of law. The task force also recommended that the UPL Committee provide support to the Office of Chief Disciplinary Counsel in identifying unauthorized practice of law issues for possible referral and consider pursuing an educational campaign for the general public about the importance of having an attorney handling matters of legal significance.