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ADVISORY OPINION 93-004

The Committee on Unlawful Practice of the West Virginia State Bar has received an inquiry from an individual who plans to offer "real estate loan consulting services" to attorneys practicing in West Virginia. Those services are intended to include loan documentation preparation and closing procedures. The individual has informed the Committee that at no time will she be responsible for title examinations and that the services to be provided will be directed to attorneys practicing in the State of West Virginia.

In Advisory Opinion 93-002 and 93-003, the Committee on Unlawful Practice of the West Virginia State Bar addressed certain inquiries regarding lay individuals participating in the preparation of "legal instruments." The Committee finds the inquiry in this instance to be fundamentally different than the inquiries found in Advisory Opinions 93-002 and 93-003. In this particular instance the individual providing the "real estate loan consulting services" would be hired directly by an attorney to provide services and documentation to those attorneys. At no time will this individual be dealing directly with the public and said individual will not be providing advice regarding the application of legal principles to facts, purposes, or desires. The ultimate responsibility for the work generated by this individual will be the attorney who purchases the use of her services and uses the documents prepared by her. Consequently, because this individual will be working directly for an attorney who will be responsible for the ultimate work product to the public we do not believe this individual would be practicing law as that term is defined by the West Virginia Supreme Court.

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