

1977 WL 37396 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 11, 1977

***1 Re: Unauthorized Practice of Law**

Mr. Lloyd S. Moore, Jr.
Surveyor
Holly Hill, South Carolina

Dear Mr. Moore:

It has been brought to the attention of this Office that you have been preparing deeds and charging for the preparation of same.

The preparation of legal instruments is generally limited to licensed attorneys. Many states have statutes which define 'practice of law' as limited to licensed attorneys. For example, North Carolina includes the preparation of deeds, wills and other instruments within its definition of 'practice of law.' South Carolina has no similar statute.

Those activities which are allowed to be carried on by laymen are generally specifically listed by statute. South Carolina specifically allows persons to appear in person or for others without reward. § 40-5-80. The preparing of legal instruments is not included.

As South Carolina has no provision to allow laymen to draft deeds or other instruments either with or without compensation, and other states include preparing deeds as a part of the 'practice of law'; it would appear that only those persons licensed to practice law may prepare deeds in South Carolina.

Sincerely,

A. Camden Lewis
Assistant Attorney General

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