Document Preparation Matrix

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State	Unauthorized Practice of Law	Legal Citation
Alabama	Drafting legal documents for a fee constitutes the unauthorized practice of law. Permitted to prepare mortgages, deeds or other documents **if** the company has a proprietary interest in the property or transaction.	ALA. CODE § 34-3-6 (2012) *Id*.
Alaska	No limitations on preparing loan documents.	ALASKA STAT. § 08.08.210(a) (2012)
Arizona	A "person or corporation lending money has an interest in the transaction and may prepare those documents necessary in connection with such loan."	*State Bar of Ariz. v. Arizona Land Title & Trust Co.*, 366 P.2d 1, 12 (Ariz. 1961)
Arkansas	May prepare mortgages if there is a connection between the preparation of such instruments and the business.	*Creekmore v. Izard*, 367 S.W.2d 419, 423-24 (Ark. 1963)
California	Practice of law includes "the preparation of legal instruments and contracts by which legal rights are secured although such matter may or may not be depending in a court." A person who acts as "a scrivener of legal instruments" will not be considered engaged in the unauthorized practice of law. "As a practical matter, the note and deed of trust are typically prepared by the lender or its loan document preparation service."	*People v. Merchants' Protective Corp.*, 209 P. 363, 365 (Cal. 1922) *Mickel v. Murphy*, 305 P.2d 993, 995 (Cal. Ct. App. 1957) 1 Res. Mort. Lend. State Reg. Man. West California § 2:15
Colorado	"[A] layman or corporation may prepare instruments to which he or it is a party without being guilty of the unauthorized practice of law." The preparation of "deeds, promissory notes, deeds of trust, [and] mortgages … coupled with the giving of explanation or advice as to their legal effect thereof, constitute the practice of law." "Non-attorneys engage in the unauthorized practice of law when they act in a representative capacity to protect, enforce, or defend the legal rights of another. In all the cases we have reviewed, the courts prohibited activities that involved the lay exercise of *legal discretion*."	*Title Guaranty Co. v. Denver Bar Ass'n.*, 312 P.2d 1011, 1014 (Colo. 1957) *Conway-Bogue Realty Inv. Co. v. Denver Bar Ass'n.*, 312 P.2d 998 (Colo. 1957) *People v. Adams*, 243 P.3d 256, 266 (Colo. 2010)(citation omitted), rehearing den'd Dec. 20, 2010

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Connecticut	A town clerk may prepare/draw deeds and mortgages which are to be recorded or filed in the town in which the town clerk holds office. A person may practice law in his own cause. When acting primarily for oneself, as compared to in a fiduciary capacity, a bank was not practicing law when it reviewed wills and trust agreements. However, "the preparation of legal documents is commonly understood to be the practice of law." Conduct beyond "mere stenographic completion of documents provided by a customer," when it involves designing, crafting and selecting documents based on legal research and legal experience, constitutes the unauthorized practice of law.	CONN. GEN. STAT. ANN. § 51-88 (d)(1) (West 2012) CONN. GEN. STAT. ANN. § 51-88 (d)(2) (West 2012) *State Bar Ass'n of Conn. V. Connecticut Bank & Trust Co.*, 140 A.2d 863, 871 (Conn. 1958) *Statewide Grievance Comm. V. Patton*, 683 A.2d 1359, 1361 (Conn. 1996) Informal Opinion 2008-01
Delaware	Delaware attorney is required to conduct closing of a sale of Delaware property; a closing of a refinancing loan secured by Delaware property. A Delaware attorney is required to be involved in a direct or supervisory capacity in drafting/reviewing all documents affecting transfer of title to Delaware real property – with the exception of home equity loans in which the lender is acting in a pro se capacity and no evaluation of exceptions to title is required.	*Matter of Mid-Atlantic Services, Inc.* Supreme Court No. 102, 2000, UPL 95-15 (5/31/00); see also 2000 WL 975062 (Del.Supr.) (Supreme Court of Delaware approving decision)
District of Columbia	Practice of law includes the preparing of "any deeds, mortgages, assignments … or any other instrument intended to affect interests in real or personal property" when done under engagement for another.	D.C. Rule of Court 49(b)(2)(A); also see commentary to § 49(b)(2)

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Florida	"[T]itle insurers are permitted to prepare deeds, mortgages, satisfactions and other documents affecting the legal title to be insured and perform other acts necessary to fulfill conditions described in commitments for title insurance issued by them. The preparation of these documents and other acts normally constitute the practice of law and would be unauthorized if not done as a mere necessary incident to honor a title insurance commitment and to issue a title policy or if a charge was made for such services separate and apart from the "regular title insurance premium" which the insurer is authorized to charge." "[T]he preparation of legal documents by a nonlawyer for another person to a greater extent than typing or writing information provided by the customer on a form constitutes the unlicensed practice of law." A mortgage lender may charge a fee for preparation of mortgages or other similar documents when a licensed Florida attorney prepares them.	*Preferred Title Services, Inc. v. Seven Seas Resort Condo., Inc.*, 458 So. 2d 884, 886 (Fla. Dist. Ct. App. 1984 *The Florida Bar v. Miravalle*, 761 So. 2d 1049, 1051 (Fla. 2000) Fla. Ethics Op. 87-8 (1987)
Georgia	Practice of law includes: conveyancing, and the preparation of legal instruments of all kinds whereby a legal right is secured. Such acts may be done when the persons are a party or may be done "for another person, firm, or corporation, provided it is done without fee and solely at the solicitation and request and under the direction the person, firm, or corporation desiring to execute the instrument." It is the unauthorized practice of law "for someone other than a duly-licensed Georgia attorney to close a real estate transaction or to prepare or facilitate the execution of such deed(s) for the benefit of a seller, borrower, or lender."	GA. CODE ANN. § 15-19-50(2)-(3) (West 2012) GA. CODE ANN. § 15-19-52 (West 2012) *In re UPL Advisory Opinion 2003-2*, 588 S.E.2d 741 (Ga. 2003)
Hawaii	Non-lawyers are prohibited from preparing legal documents in transactions in which the non-lawyer is not a party. A party to a transaction is permitted to prepare or use "any legal or business form or document used in the transaction."	HAW. REV. STAT. § 605-14 (2012); see Bar Journal Article HAW. REV. STAT. § 605-14 (2012)

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Idaho	Practice of law includes the *preparation* of instruments and contracts by which legal rights are secured, which involves more than the "mere filling in of blank forms." "It would be an anomaly to hold that every … banker, title insurance company, trust company, etc., who fills out a blank deed, mortgage … or such instrument and receives compensation therefor, is engaged in the practice of law." "Such work as the mere clerical filling out of skeleton blanks or drawing instruments of generally recognized and stereotyped form effectuating the conveyance or incumbrance of property, such as a simple deed or mortgage not involving the determination of the legal effect of special facts and conditions, is generally regarded as the legitimate right of any layman. It involves nothing more or less than the clerical operations of the now almost obsolete scrivener."	*In re Matthews*, 79 P.2d 535, 537 (Idaho 1938) *Id.* at 539. *Id.* at 539.
Illinois	Under a *pro* se exception to the general rule that the preparation or filling in of deeds and mortgages constitutes the practice of law, a mortgage lender may prepare for use in its own business mortgage documents by a nonattorney and charge a fee for such preparation. Such activity will not be considered the unauthorized practice of law.	*King v. First Capital Financial Services Corp.*, 215 Ill.2d 1, 22 (Ill. 2005)
Indiana	"[T]he preparation of mortgage documents by non-attorneys does not necessarily constitute the practice of law and that a lender's charging a fee for the preparation does not convert it into the unauthorized practice of law."	*Charter One Mortg. Corp. v. Condra*, 865 N.E.2d 602, 604 (Ind. 2007)
Iowa	Nonlawyers shall not select, prepare or complete deeds, real estate installment sales contracts, any other documents necessary to correct title problems or deficiencies. Nonlawyers may select, prepare, and complete purchase offers/agreements, groundwater hazard statements, and declaration of value forms incident to residential real estate transactions of four units or less. If the nonlawyer is acting on his or her own behalf as buyer or seller, then this restriction is inapplicable.	Iowa Court Rules, Rule 37.5(2)(b) Iowa Court Rules, Rule 37.5(1)-(2)
Kansas	Practice of law "in a larger sense … includes legal advice and counsel, and the preparation of legal instruments and contracts by which legal rights are secured" when not doing so for your own behalf.	*In re Miller*, 238 P.3d 227, 231 (Kan. 2010)

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Kentucky	"[W]e hold that it is not the unauthorized practice of law for a layperson to conduct a real estate closing for another party." However, the court's opinion is limited to the closing as they also stated, "[w]e do not deny that there are some portions of the residential real estate transaction that do constitute the practice of law, i.e., the title commitment letter and the preparation of deeds and mortgages, but this case has not asked us to deal with those matters attendant to the real estate closing itself. What we have been concerned with today is merely the thin slice at the end of the real estate transaction that we refer to as the closing."	*Countrywide Home Loans , Inc. v. Kentucky Bar Ass'n*, 113 S.W.3d 105, 121 & 127-128 (Ky. 2003)
	"It is well settled that preparation of mortgages is the practice of law." The mortgage must be examined by either the Bank counsel or local counsel as the responsible drafted, for it to not be considered the unauthorized practice of law. Practice of law "is any service rendered involving legal knowledge or legal advice … rendered in respect to the rights, duties, obligations, liabilities, or business relations of one requiring the services. But nothing herein shall prevent any natural person not holding himself out as a practicing attorney from drawing any instrument to which he is a party without consideration unto himself therefor."	*Fed. Intermediate Credit Bank of Louisville v. Kentucky Bar Ass'n*, 540 S.W.2d 14, 15 (Ky. 1976) KY Sup. Ct. R. 3.020
Louisiana	"The practice of law means and includes … [f]or a consider, reward, or pecuniary benefit, present or anticipated, direct or indirect … the preparation of acts of sale, mortgages, credit sales or any acts or other documents passing titles to or encumbering immovable property." "Nothing in this section prohibits any person from attending to and caring for his own business, claims, or demands."	LA. REV. STAT. ANN. § 37:212(A)(2)(d), & (B) (2012)
Maine	Practice of law includes "the preparation of legal documents, their interpretation, the giving of legal advice, or the application of legal principles to problems of any complexity." The statute defining practice of law provides for certain exclusions but does not mention the preparation of mortgages or deeds, or anything relating to real estate transfers of title. Acknowledging a deed is considered the practice of law	*Board of Overseers of the Bar v. Mangan*, 763 A.2d 1189, 1193 (Me. 2001) ME. REV. STAT. ANN. tit. 4, § 807 (2011) *Board of Overseers of the Bar v. MacKerron*, 581 A.2d 424, 425 (Me. 1990)

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Maryland	Practice of law includes "preparing an instrument that affects title to real estate."	MD. CODE ANN. BUS. OCC. & PROF. § 10-101(h) (West 2012)
	Filling in the blanks on a standard loan form, or a standard deed of trust, is not the practice of law provided the provisions of the form are not altered, merely factual information is inserted, and the borrower is affirmatively advised to obtain counsel if the borrower asks a legal question.	90 Md. Op. Att'y. Gen. 101, 105 June 27, 2005
Massachusetts	Practice of law includes "the handling of residential real estate conveyancing and the following specific acts: (a) the preparation of deeds, mortgages, releases, transfers and other instruments affecting title to real estate and other agreements in connection with residential real estate closings."	*Massachusetts Ass'n of Bank Counsel, Inc. v. Closings, Ltd.*, 1 Mass. L. Rptr. 87, 2 1993 WL 818916 (Mass. Super. Ct. 1993)
	Ordering of title examinations, preparation of title abstracts, and the ordering of other public records and third-party reports, are not the practice of law.	*Real Estate Bar Ass'n for Massachusetts, Inc. v. Nat'l Real Estate Info. Services*, 946 N.E.2d 665, 676-77 (Mass. 2011)
	Clearing title may involve the practice of law, interpreting the legal status of a title is certainly the practice of law.	*Id*. at 678.
	"Because deeds pertaining to real property directly affect significant legal rights and obligations, the drafting for others of deeds to real property constitutes the practice of law."	*Id*. at 678.
	"On the other hand, [the] preparation of settlement statements and other mortgage-related forms for its lender clients clearly does not constitute the unauthorized practice of law. HUD-1 and HUD-1A settlement statements are standardized forms required under the Real Estate Settlement Procedures Act." The court relies on these being standardized forms which are simply filled out with information.	*Id*. at 679.
	"[M]any of the activities that necessarily are included in conducting a closing constitute the practice of law and the person performing them must be an attorney… [T]he closing attorney must play a meaningful role in connection with the conveyancing transaction that the closing is intended to finalize."	*Id*. at 685.

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Michigan	"[T]he preparation of ordinary leases, [and ordinary] mortgages and deeds do not involve the practice of law. They have become so standardized that to complete them for usual transactions requires only ordinary intelligence rather than legal training." "It is immaterial that [plaintiff] charged a fee for its services. Charging a fee for nonlegal services does not transmogrify those services into the practice of law."	*Dressel v. Ameribank*, 664 N.W.2d 151, 156 (Mich. 2003). *Id*. at 157.
Minnesota	Real estate broker, agent, or real estate closing agent may draw or assist in drawing papers for sale, or loan of property, and may charge for those services. They may also charge a fee for closing a loan. Persons and corporations are not prohibited from "drawing, for or without a fee… notes, mortgages, chattel mortgages, bills of sale, deeds, assignments, satisfactions, or any other conveyances except testamentary dispositions and instruments of trust."	MINN. STAT. §§ 481.02 (subd. 3a), & 507.45 (West 2012) MINN. STAT. § 481.02 (subd. 3)(8) (West 2012)
Mississippi	"Any person who … shall write or dictate any bill of sale, deed of conveyance, deed of trust, mortgage, contract, … or shall make or certify to any abstract of title or real estate other than his own or in which he may own an interest, shall be held to be engaged in the practice of law."	MISS. CODE ANN. § 73-3-55 (West 2012)

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Missouri	"No bank or lending institution that makes residential loans and imposes a fee of less than two hundred dollars for completing residential loan documentation for loans made by that institution shall be deemed to be engaging in the unauthorized practice of law." The *Eisel* case predated the effective date of this statute, however the court stated that "this [statute] does not affect this Court's ability to enjoin or otherwise punish such fees if they constitute the unauthorized practice of law."	MO. REV. STAT. § 484.025 (West 2012); *Eisel*, fn. 5.
	Drafting contracts of sale, deeds, and other similar documents for customers is the unauthorized practice of law when done by a layperson.	Mo. Bar. Adm. Advisory Opinion No. 6 (1947)
	Banks, trust or title companies may not draft deeds or mortgages for its clients in a representative capacity (assuming the company is not an actual and necessary party to the instrument). Such activity is considered the unauthorized practice of law.	Mo. Bar. Adm. Advisory Opinion No. 7 (1947)
	Bank engaged in unauthorized practice of law by charging document preparation fee for preparing/completing mortgage loan documents.	*Eisel v. Midwest BankCentre*, 230 S.W.3d 335, 338 (Mo. 2007)
	Mortgage company which prepares legal documents to complete mortgage loan transactions and charges a document preparation fee for this service is engaging in the unauthorized practice of law.	*Carpenter v. Countrywide Home Loans, Inc.*, 250 S.W.3d 697, 702 (Mo. 2008)(relying on *In re First Esrow*)
	"(1)Escrow companies may complete simple, standardized forms of documents, which do not require the exercise of judgment or discretion, under the supervision of and as agents for a real estate broker, a mortgage lender, or a title insurer who has a direct financial interest in the transaction, or a licensed attorney who represents one of the parties in the transaction. (2) Escrow companies may not prepare contracts for the sale and purchase of real estate.(3) Escrow companies may not prepare or complete nonstandard or specialized documents such as contracts for deed, special warranty deeds, leases, lease-purchase agreements, easement agreements, well agreements, trustee deeds, wrap-around notes and deeds of trust, or any other document that requires the exercise of judgment or discretion. (4) Any forms used by escrow companies must have been drafted or approved by legal counsel. (5) Escrow companies **may not charge a separate fee for document preparation, or vary their customary charges for closing services based upon whether documents are to be prepared in the transaction.** (6) Escrow companies may not draft legal documents, select the form of documents to be used, or give advice or opinions as to the legal rights of their customers, the legal effect of instruments, or the validity of titles to real estate."	In re First Escrow, Inc., 840 S.W.2d 839, 848-49 (Mo. 1992) (emphasis added)

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Montana	"[W]here, as here, a party merely fills in blanks on preprinted forms such as simple deeds, mortgages, and notes, without separate charge, and incident to real estate transactions in which the party is involved, this does not constitute the unauthorized practice of law.	*Pulse v. N. Am. Land Title Co. of Montana*, 282, 707 P.2d 1105, 1109-10 (Mon. 1985)
Nebraska	"Practice of law includes … drawing, and advising as to the legal effect of … deeds, mortgages and other instruments of like character, where a legal knowledge is required and where counsel and advice are given with respect to the validity and legal effect of such instruments."	*Spier v. Thomas*, 131 Neb. 579, 269 N.W. 61, 63 (Neb. 1936)
Nevada	Preparing form deeds, notes, and mortgages is not the practice of law unless an opinion as to the legal sufficiency of the instruments is provided by the preparer on behalf of the parties to the transaction. "Under *Pioneer Title*, then, the practice of law is implicated whenever a person is faced with a legal issue that cannot be handled by resort to routine forms or customs, and when the person makes the decision not to rely on his or her own judgment but to obtain assistance from someone else, a stranger to the situation."	*Pioneer Title Ins. & Trust Co. v. State Bar of Nev.*, 326 P.2d 405, 412 (Nev. 1958) *In re Discipline of Lerner*, 197 P.3d 1067, 1072 (Nev. 2008)
New Hampshire	Unable to locate any guidance.	
New Jersey	It is not the unauthorized practice of law if, under certain conditions and with the provision of disclosures, a title company (acting as the lender or on behalf of the lender) prepares mortgages and participates in the preparation of legal instruments. However, this case does not discuss whether the payment of a document preparation fee would alter the analysis. However, an older case (deemed overruled) did find such activity to constitute the unauthorized practice of law. "The drawing of legal instruments by the Title Company for others (particularly, whereas here, it is compensated) is clearly within the traditional definition of the practice of law and nonetheless so where the drawing consists in the filling in and completion of legal forms." Thus, it is unclear whether a document preparation fee would alter the supreme court's current approval of the preparation of legal instruments in a residential real estate transaction.	*In re Opinion No. 26 of Committee on Unauthorized Practice of Law*, 654 A.2d 1344 (N.J. 1995) *New Jersey State Bar Ass'n v. N. New Jersey Mortg. Associates*, 161 A.2d 257, 265 (N.. 1960) overruled by *In re Opinion No. 26 of Comm. on Unauthorized Practice of Law*, 654 A.2d 1344 (N.J. 1995)

State	Unauthorized Practice of Law	Legal Citation
New Mexico	"We hold that filling in blanks in the legal instruments here involved, where the forms have been drafted by attorneys and where filling in the blanks requires only the use of common knowledge regarding the information to be inserted, does not constitute the practice of law. But, we further hold that, when the filling in of the blanks affects substantial legal rights, and if the reasonable protection of such rights requires legal skill and knowledge greater than that possessed by the average citizen, then such practice is restricted to members of the legal profession." The forms involved were "statutory forms" and "VA and FHA mortgages and notes" and "lender's mortgage and note." However, "[e]xercising a legal judgment as to which competing form to use or giving advice about the legal effect of (the legal forms) constitutes the unauthorized practice of law." "[T]he making of separate additional charges to fill in the blanks would be considered the 'practice of law,' for the reason that it would place emphasis on conveyancing and legal drafting as a business rather than on the business of the title company."	*State Bar v. Guardian Abstract & Title Co., Inc.*, 575 P.2d 943, 949 (N.M. 1978) *Id*. *Id*.
New York	Completion of blank lines in the FNMA and FHLMC uniform instruments, and the charging of a fee for the preparation of the documents, by the lender's employees was not the unauthorized practice of law.	*Fuchs v. Wachovia Mortg. Corp.*, 838 N.Y.S.2d 148, 149 (N.Y. App. Div. 2007)

State	Unauthorized Practice of Law	Legal Citation
North Carolina	"The phrase "practice law" as used in this Chapter is defined to be performing any legal service for any other person, firm or corporation, with or without compensation, specifically including the preparation or aiding in the preparation of deeds, mortgages." "A person, firm or corporation having a primary interest, not merely an incidental interest, in a transaction, may prepare legal documents necessary to the furtherance and completion of the transaction without (engaging in the unauthorized practice of law)… **Banks prepare promissory notes, drafts and letters of credit. Many lending institutions prepare deeds of trust and chattel mortgages... All such activities are legal and do not violate the statute so long as the actor has a primary interest in the transaction.** … A corporation can act only through its officers, agents and employees. A person who, in the course of his employment by a corporation, prepares a legal document in connection with a business transaction in which the corporation has a primary interest, the corporation being authorized by law and its charter to transact such business, does not violate the statute, for his act in so doing is the act of the corporation in the furtherance of its own business."	N.C. GEN. STAT. ANN. § 84-2.1 (West 2012) *State v. Pledger*, 127 S.E.2d 337, 339-40 (N.C. 1962) (emphasis added)
North Dakota	"[A] person who is not a member of the bar may draw instruments such as simple deeds, mortgages, promissory notes, and bills of sale when these instruments are incident to transactions in which such person is interested, **provided no charge is made**."	*Cain v. Merchants Nat. Bank & Trust Co. of Fargo*, 268 N.W. 719, 723 (N.D. 1936) (emphasis added)

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Ohio	"[A] form mortgage document prepared by a bank or lender has an obvious direct and primary benefit to the party that prepared it. Therefore, the completion of a form mortgage document by a bank or a licensed lender to lend its money and secure property as collateral is not the preparation of a legal instrument for another and consequently the Board concludes it is not the practice of law in Ohio. A nonattorney of a bank or lending institution may perform the act of completing a standard form mortgage document by filling in blanks for his/her mortgagee employer without the supervision of an attorney admitted to practice law in Ohio. However, neither a bank nor its employees may advise another about the legal effect of a mortgage or the legal rights and duties of the parties. **Nor may a bank or lending institution rely on a third party document preparer that has no direct and primary interest in the transaction to prepare a mortgage instrument for its use. In the latter example, the preparation is the act of preparing a legal instrument for another and clearly constitutes the unauthorized practice of law.**"	Supreme Court of Ohio, Advisory Opinion UPL 2008-02, 2 (2008) (emphasis added)
	"The permissibility of the charging of a fee to the mortgagor for the preparation of the mortgage instrument is not discussed in this opinion."	*Id*. at 1, fn 1.
	Practice of law includes, "the preparation of legal instruments and contracts by which legal rights are secured" as well as "conveyancing, [and] the preparation of legal instruments of all kinds."	*Land Title Abstract & Trust Co. v. Dworken*, 193 N.E. 650, 652 (Ohio 1934)
	"Legal document preparation by nonattorneys in Ohio is limited by application of existing case law to the traditional and permissible activities of a scrivener. The clerical act of filling out a form legal document is not the practice of law if it consists of typing or writing verbatim the information provided by a customer into the blanks of a form selected by the customer. This type of activity does not require the application of legal knowledge or legal skill possessed by attorneys. *Gustafson v. V.C. Taylor & Sons, Inc.* (1941), 138 Ohio St. 392. However, a nonattorney does engage in the unauthorized practice of law when he/she tailors a legal document by selecting the appropriate form document for completion. *Cleveland Bar Ass'n v. McKissic*, 106 Ohio St.3d 106, 2005-Ohio-3954."	Supreme Court of Ohio, Advisory Opinion UPL 2008-03, 1 (2008)

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Oklahoma	Practice of law is "the rendition of services requiring the knowledge and the application of legal principles and technique to serve the interests of another with his consent."	*R.J. Edwards, Inc. v. Hert*, 504 P.2d 407 (Okla. 1972)
	"[D]efendants merely reproduced forms prepared by the Attorney General, furnished them to school districts, and filled them out according to the directions set out in the Attorney General's handbook… To the extent that the defendants merely filled in the uniform forms … they apparently acted as an amanuensis, secretary, or clerk for that attorney. The record before us does not show that this called for the determination of questions involving legal skill, or constituted the practice of law." (while the facts did not involve the mortgage industry, the reasoning and actions of the defendants are similar and applicable to our situation)	*Id*. at 418-19.
	Practice of law is the preparation of "deeds, promissory notes, deeds of trust, [and] mortgages … by completing the standard and approved printed forms, **coupled with** the giving of advice or explanation as to legal effect thereof."	*Latson v. Eaton*, 341 P.2d 247, 248 (Okla. 1959)(emphasis added)

State	Unauthorized Practice of Law	Legal Citation
Oregon	"[T]he practice of law includes the drafting or selection of documents and the giving of advice in regard thereto any time an informed or trained discretion must be exercised in the selection or drafting of a document to meet the needs of the persons being served. The knowledge of the customer's needs obviously cannot be had by one who has no knowledge of the relevant law. One must know what questions to ask. Accordingly, any exercise of an intelligent choice, or an informed discretion in advising another of his legal rights and duties, will bring the activity within the practice of the profession… The line is drawn at the point where there is any discretion exercised by the escrow agent in the selection or preparation for another of an instrument, with or without costs."	*Oregon State Bar v. Sec. Escrows, Inc.*, 377 P.2d 334, 339 (Or. 1962)
	"They (escrow companies) should be allowed, however, as scriveners, to fill in the blanks in such warranty deeds, purchase-money mortgages, and satisfactions of mortgages and similar forms as are selected by their customers. Such an activity, carried out under the direction of the customer, is not the practice of law. If the customer asks for the service, and tells the escrow what he wants, there appears to be no clear and present danger that the public will suffer… we hold that the filling-in of forms as directed by customers under modern business conditions is not the practice of law."	*Id.* at 340.
	Filling in of blanks, by a real estate broker, "under the direction of a customer upon form or forms selected by a customer" is not the unauthorized practice of law.	*Oregon State Bar v. Fowler*, 563 P.2d 674 (Or. 1977)

State	Unauthorized Practice of Law	Legal Citation
Pennsylvania	Practice of law includes the preparation, for clients, of "documents requiring familiarity with legal principles beyond the ken of the ordinary layman – for example, wills, and such contracts as are not of a routine nature… It is the character of the act, and not the place where it is performed, which is the decisive factor."	*Shortz v. Farrell*, 193 A. 20, 21 (Pa. 1937)
	"[A]nyone may sell 'forms' or provide solely clerical assistance in completing [forms]" without engaging in the unauthorized practice of law. This opinion draws a clear distinction between the "rote completion of form documents provided by a customer" and services which involve legal research and/or legal experience.	Pennsylvania Bar Association, UPL Committee, Formal Opinion 2010-01, page 6
	Title insurance agent engages in unauthorized practice of law when he prepares documents (deeds, mortgages, etc.) connected with a real estate transaction in which they are not issuing title insurance.	Pennsylvania Bar Association, UPL Committee, Opinion 94-103A
	"There can be no objection to the preparation of deeds and mortgages or other contracts by such brokers so long as the papers involved pertain to and grow out of their business transactions and are intimately connected therewith. The drafting and execution of legal instruments is a necessary concomitant of many businesses, and cannot be considered unlawful. Such practice only falls within the prohibition of the act when the documents are drawn in relation to matters in no manner connected with the immediate business of the person preparing them, and when the person so drafting them is not a member of the bar and holds himself out as specially qualified and competent to do that type of work. A real estate broker is not prohibited from drawing a deed of conveyance or other appropriate instrument relating to property of which he or his associates have negotiated a sale or lease."	*Childs v. Smeltzer*, 171 A. 883, 885-86 (Pa. 1934)

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Rhode Island	Practice of law includes the "preparation or drafting for another person of … any instrument which requires legal knowledge and capacity and is usually prepared by attorneys at law."	R.I. GEN. LAWS § 11-27-2(4) (West 2012)
	The statutory definition of the practice of law does not limit or prevent, "[a]ny corporation or association, or its officers or agents, from drawing, in the regular course of its business, any note, bill, draft, bill of sale, conditional bill of sale, or any ordinary business agreement to which it is a party" or "[a]ny corporation, or its officers or agents, lawfully engaged in the insuring of titles to real property from conducting its business, and the drawing of deeds, mortgages, and other legal instruments in or in connection with the conduct of the business of the corporation."	R.I. GEN. LAWS § 11-27-16(1) & (3) (West 2012)
	The practice of law includes "conveyancing, [and] the preparation of legal instruments of all kinds."	*Rhode Island Bar Ass'n v. Automobile Service Ass'n*, 179 A. 139, 144 (R.I. 1935)
	The drafting of a reaffirmation agreement by a corporation with debtor "falls squarely within" the terms of R.I. GEN. LAWS § 11-27-16(3) which permits corporations to draw any business agreement to which it is a party.	*In re Messier*, 144 B.R. 617 (Bankr. D. R.I. 1992)

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South Carolina	"While the Committee cannot issue a formal opinion on unauthorized practice issues, the consensus of the Committee is that a fair reading of these cases indicates that **all aspects of real estate transactions must be conducted or supervised by lawyers**."	S.C. Bar UPL Committee, UPL FAQ (emphasis added)
	Filling in pre-printed forms for real estate purchases by employees is not the unauthorized practice of law as long as such employees are under direct supervision of the attorney.	S.C. Ethics Advisory Opinion 88-02 (1988)
	Lender barred from seeking both equitable and legal relief where it, with notice of impropriety of such conduct, prepared "legal documents in connection with a mortgage loan without review by an independent attorney and [with notice] that the loan closing had to be supervised by an attorney."	*Wachovia Bank v. Coffey*, 698 S.E.2d 244, 247-48 (S.C. Ct. App. 2010), cert. granted May 25, 2012
	Practice of law includes "conveyancing [and] the preparation of legal instruments of all kinds."	*In re Duncan*, 65 S.E. 210, 211 (S.C. 1909)
	Court concluded that the "preparation of instruments by lay persons must be held to constitute the unauthorized practice of law" even when the "forms are standard and require no creative drafting."	*State v. Buyers Service Co., Inc.*, 357 S.E.2d 15, 17 (S.C. 1987)
	Preparation of loan documents without attorney supervision constitutes the unauthorized practice of law.	*Doe v. McMaster*, 585 S.E. 2d 773, 777 (S.C. 2002) *Id.* at 777.
	Rejects the *pro se* ability of lenders to prepare documents where it is a party. "The right of a corporation to practice law by completing real estate loan documents is not co-extensive with an individual's right." Lender must have an independent supervising attorney to prevent lender's preparation of such instruments to be considered the unauthorized practice of law. "Lender may prepare legal documents for use in refinancing a loan for real property as long as an independent attorney reviews and corrects, if needed, the documents to ensure their compliance with law."	*Franklin v. Chavis*, 640 S.E.2d 873, 876 (S.C. 2007)(citations omitted)
	"The preparation of legal documents constitutes the practice of law when such preparation involves the giving of advice, consultation, explanation, or recommendations on matters of law. Even the preparation of standard forms that require no creative drafting may constitute the practice of law if one acts as more than a mere scrivener… We construe the role of 'scrivener' in this context to mean someone who does nothing more than record verbatim what the decedent says."	*Matter of Easler*, 272 S.E.2d 32 (S.C. 1980)
	Preparing a deed without it being reviewed or approved by a licensed attorney constitutes the unauthorized practice of law.	*Id*.

State	Unauthorized Practice of Law	Legal Citation
South Dakota	"Practicing law is not limited to conducting litigation, but includes giving legal advice and counsel, and rendering services that require the use of legal knowledge or skill and the preparing of instruments and contracts by which legal rights are secured, whether or not the matter is pending in court."	*Steele v. Bonner*, 782 N.W.2d 379, 386 (S.D. 2010)
Tennessee	Engaging in the law business without being licensed is prohibited, which includes, "the drawing or the procuring of or assisting in the drawing for valuable consideration of any paper, document or instrument affecting or relating to secular rights … obtaining or tending to secure for any person any property or property rights whatsoever." "The preparation of real estate documents is not the 'practice of law' under Tenn. Code Ann. § 23-3-101, but may constitute engaging in 'law business' under that statute if the preparation requires the professional judgment of a lawyer." "[T]he acts enumerated in the definitions of 'law business' and 'practice of law' contained within Tenn. Code Ann. § 23-3-101, if performed by a non-attorney constitute the unauthorized practice of law only if the doing of those acts requires 'the professional judgment of a lawyer.'" "[S]tate and federal financial institutions may charge a fee for preparing documents related to a loan made by that institution… In addition, depending on the particular documents in question and the circumstances under which they are prepared, the right of financial institutions to charge such fees may be subject to state statutes and regulations with regard to engaging in the law business." No guidance is provided regarding document preparation fees and avoiding the classification of being engaged in the 'law business.'	TENN. CODE ANN. § 23-3-101, & 23-3-103(a) (West 2012) Tenn. Op. Atty. Gen. No. 07-88, 2007 WL 1876290 *Petition of Burson*, 909 S.W.2d 768, 776 (Tenn. 1995) Tenn. Op. Atty. Gen. No. 87-192, 1987 WL 273137
Texas	A person, other than an attorney licensed in the state of Texas, a licensed real estate broker, or a person perform acts relating to a mineral or mining interest in real property, cannot "charge or receive, either directly or indirectly, any compensation for all or any part of the preparation of a legal instrument affecting title to real property, including a deed, deed of trust, note, mortgage, and transfer or release of lien." Such behavior constitutes the unauthorized practice of law.	TEX. GOV'T. CODE ANN. §§ 83.001, & 83.006 (West 2012)

State	Unauthorized Practice of Law	Legal Citation
Utah	"The practice of law includes the preparation of legal instruments and contracts by which legal rights are secured. The preparation of the deed, the note, and the mortgage, was the practice of law." Practice of law "is the representation of the interests of another person by informing, counseling, advising, assisting, advocating for or drafting documents for that person through application of the law and associated legal principles to that person's facts and circumstances." It is permissible for a real estate agent/broker to complete state-approved forms directly related to the sale of real estate for their customers and title insurance may also prepare deeds for customers. "Because representing oneself does not involve another person, it is not technically the "practice of law." Thus, any natural person may represent oneself as an individual in any legal context."	*Malia v. Giles*, 114 P2d 208, 212 (Utah 1941) UT Special Practice Rule 14-802, & commentary to subsection (b).
Vermont	"In general, one is deemed to be practicing law whenever he furnishes to another advice or service under circumstances which imply the possession and use of legal knowledge and skill. The practice of law includes 'all advice to clients, and all actions taken for them in matters connected with the law.' Practice of law includes the giving of legal advice and counsel, and the preparation of legal instruments and contracts of which legal rights are secured. Where the rendering of services for another involves the use of legal knowledge or skill on his behalf-where legal advice is required and is availed of or rendered in connection with such services-these services necessarily constitute or include the practice of law." Unable to locate anything helpful on the state bar website or additional case law.	*In re Welch*, 185 A.2d 458, 459 (Vt. 1962)(citations omitted)

State	Unauthorized Practice of Law	Legal Citation
Virginia	"It is not the unauthorized practice of law for a non-lawyer to prepare form documents such as wills, leases, power-of-attorney, bills of sales for sale to the general public. It is, however, the unauthorized practice of law for a non-lawyer to give assistance to the general public in the completion of such forms or to render any legal advice concerning the completion of the forms."	Va. UPL Opinion 73 (Jan. 1985)
	"It is the unauthorized practice of law for a mortgage banker to charge a document preparation fee on a deed of trust prepared by the mortgage banker."	Va. UPL Opinion 94 (Feb. 1987)
	"[I]n today's commercial setting, a lending institution … may prepare deeds of trust securing its loans … but the charging of a fee for such loan document preparation is clearly prohibited as the unauthorized practice of law by the same rule. [The lender's] subsidiary [is also] prohibited from charging a loan document preparation fee for the deed of trust."	Va. UPL Opinion 109 (Feb. 1988)
	"It is the unauthorized practice of law for a mortgage company to make a separate charge for the preparation of instruments affecting title to real estate in connection with a real estate mortgage closing. The committee notes that the Virginia Code §6.1-330.70 directs that the company may require the borrower to pay expenses reasonably related to the transaction; however, the parties receiving payment must be restricted to those who are legally entitled to make such charges. In the case of title instruments as defined in UPC 6-4, if the lender prepares them, it must do so without a separate charge." The referenced statute has since been repealed.	Va. UPL Opinion 112 (Sept. 1989)
Washington	"[W]hether or not a fee is charged, lenders are authorized to prepare the types of legal documents that are ordinarily incident to their financing activities when lay employees participating in such document preparation do not exercise any legal discretion… [L]enders must comply with the standard of care of a practicing attorney when preparing such documents."	*Perkins v. CTX Mortg. Co.*, 969 P.2d 93, 106 (Wash. 1999)
	"The practice of law includes the selection and completion of legal instruments by which legal rights and obligations are established. It is established that the selection and preparation of promissory notes and deeds of trust is the practice of law."	*Id*. at 97 (citations omitted)

State	Unauthorized Practice of Law	Legal Citation
West Virginia	"If the bank in question is merely using a preprinted form and placing this type of information into that form (deeds of trust), then the Committee on Unlawful Practice does not believe the bank or its employees would be engaged in the unlawful practice of law but, instead, would merely be completing a blank form that does not require any knowledge and skill beyond that possessed by the ordinarily experienced and intelligent layman." "The completion of such blank forms does not require any knowledge and skill beyond that possessed by the ordinarily experienced and intelligent layman, and a layman may properly complete and file such forms" without engaging in the unauthorized practice of law.	W.Va. Advisory Opinion 93-002 *West Virginia State Bar v. Earley*, 109 S.E.2d 420, 434 (W.Va. 1959)
Wisconsin	Practice of law includes "[e]very person who appears as agent, representative or attorney … in any action or proceeding in or before any court … or who otherwise … for compensation or pecuniary reward gives professional legal advice not incidental to his or her usual or ordinary business, or renders any legal service for any other." Isolated act of drafting legal instruments does not constitute practice of law within intent of statute. Officers and employees of a bank are not illegally practicing law where they fill out lease forms which have been designed and prepared by the attorney representing the owner of property being leased under a property management agreement between the owner and the bank.	WIS. STAT. § 757.30 (West 2012) 22 Op.Atty.Gen. 825 (1933) 60 Op.Atty.Gen. 114 (1971)
Wyoming	Practice of law is defined as, "providing any legal service for any other person, firm or corporation, with or without compensation, or providing professional legal advice or services where there is a client relationship of trust or reliance, including appearing as an advocate in a representative capacity; drafting pleadings or other documents; or performing any act in such capacity in connection with a prospective or pending proceeding before any court, court commissioner, or referee."	Wyo. State Bar Rule 11(a)(3)