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## **Unauthorized Practice of Law**

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<http://www.pria.us>

# PROPERTY RECORDS INDUSTRY ASSOCIATION

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## Executive Summary

This paper examines the risks associated with the Unauthorized Practice of Law (UPL) in the county recorder's office, where non-attorney staff routinely address questions about documents and recording requirements from the public. It explains how easily the recording staff, while assisting a customer, may inadvertently cross the boundary between official recording functions and the practice of law, exposing staff and the county to legal and ethical risk.

## Definitions

**Unauthorized Practice of Law (UPL)** is the act of performing legal services, providing legal advice, or representing another person in legal matters without being properly licensed as an attorney in the respective state.

**Legal advice** is tailored guidance from a licensed attorney that applies directly to a person's specific situation. It involves interpreting how the law applies to a particular set of facts and suggesting the best course of action. Legal advice can only be given by someone authorized to practice law, and it often requires an understanding of the nuances of the law and the person's situation.

**Legal information** is objective and doesn't apply specifically to a person's unique circumstances. It is a statement of procedures or statutory rules that anyone can provide and may include facts about how the legal system works and information on legal rights. For example, explaining recording requirements or the components of a notary acknowledgment by providing a copy of statutes or a notary handbook are examples of legal information.

Generally, offering resources which provide information about the legal process is not UPL. Activities which cross into the unauthorized practice of law are those which call for applying the expertise of a licensed attorney to the specific situation. Staff must not offer **legal advice** but may provide **legal information**.

## The Recorder's Role

The recorder's role is to record and maintain official records. County recorders and staff are not allowed to provide legal advice, answer legal questions, or assist with preparation or interpretation of legal documents. By engaging in these activities county officials risk violating UPL or related statutes.

If a customer's request requires legal advice, consultation with a licensed attorney should be advised. For general information, customers should be directed to publicly available resources, statutes, and law libraries.

## Avoiding UPL

There are several steps the county recorder can take to avoid giving legal advice, including:

- Develop an office-wide policy to educate employees on standard practices.
- Post signage and disclaimers online and in the office informing the public that legal advice cannot be provided.
- Assemble a list of resources to direct customers for self-help or legal assistance.
- Consult legal counsel for additional advice on specific situations.

When a customer asks legal questions, the county recorder should clearly and courteously explain that staff cannot provide legal advice. A sample response to a customer could be:

*"By law, staff in the county recorder's office cannot give legal advice, interpret laws, or assist with the preparation of legal documents. We are only permitted to provide general information about filing procedures, recording requirements, and publicly available resources. If you need assistance with legal questions, interpreting documents, or determining how to proceed, we strongly encourage you to consult a licensed attorney. There may also be a law library or referral service available for further research or to help you find legal counsel."*

When drafting language for use by staff, care should be taken to comply with state law and clearly communicate that county recorder staff can only assist with procedural and technical aspects, never legal interpretation or advice. It may be appropriate to direct customers to alternatives for legal advice.

## Legal Advice

Here are some resources to which someone can be directed for further assistance:

- State or Local Bar Association – referral service
- Law Library – local college or university, state or county supported library
- Law Clinics – local legal aid society
- Title Company – for appropriate forms
- State and National Notary Associations – for educational information
- Secretary of State’s Office – notary division

For other resources on free legal advice, visit [Find a lawyer for affordable legal aid](#)<sup>1</sup>.

## Conclusion

A clear understanding of the distinction between providing legal advice and legal information is essential for all recorder office staff. By maintaining this boundary and following established office procedures, recorders can serve the public effectively while complying with state laws governing the UPL. Providing factual information, offering access to public resources, and referring customers to licensed attorneys when appropriate ensures that staff support the customer’s needs without exceeding legal authority. Consistent training, clear communication, and proper referrals safeguard both the public and the integrity of the recorder’s office.

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<sup>1</sup> <https://www.usa.gov/legal-aid>

## Appendix

### Sample Statements on Legal Information/Advice

#### HENNEPIN COUNTY MINNESOTA

*Our office can only assist with questions on general recording standards, fees and/or procedures. We don't provide legal or title examination services. You may consider contacting a party knowledgeable in the transaction of real property law for more detailed information and assistance related to your specific situation.*

*Please see our public website for a list of potential legal resources.*



*Amber Bougie*

Hennepin County Recorder and Registrar of Titles

# **REGISTRY STAFF CANNOT PROVIDE LEGAL ADVICE**

*This includes:*

- *Performing research*
  - *Providing assistance with filling out forms*
  - *Providing forms*
  - *Answering questions about document types*
- 

**Maine State Bar Association  
Lawyer Referral Service  
1-800-860-1460**

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**The Register of Deeds Office cannot instruct you on how to prepare legal documents, nor can they give you legal advice.**

**Although several legal documents have been developed into “fill-in-the-blank” style forms and appear to be very easily completed, it is the answers to those “fill-in-the-blank” questions that are critically important.**

**Determining the correct answer for your situation constitutes legal advice and we are not licensed to practice law.**

**We highly recommend that you obtain legal counsel.**

**Thank you!**

# **WE ARE NOT ALLOWED TO GIVE LEGAL ADVICE**



For assistance in locating a lawyer call:

**Lawyer Referral and  
Information Service**

**1-800-362-9082**

**7:00 a.m. - 6:00 p.m.**

**Monday - Friday**

Sponsored by the State Bar of Wisconsin