



RELANC and the Bigger Picture

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It is hard to believe, but we are already pushing through the second month of a new year. 2016 will undoubtedly bring continued challenges for the real property practitioner, including the implementation of the ALTA Best Practices, the ongoing demands of TRID and the management of a practice fueled by an increasingly steady housing market. There are, of course, countless other issues that arise in a law practice, and it is easy at times to lose track of some of the bigger roadblocks thrown at the profession. These roadblocks, including the push by LegalZoom, and potentially other entities, to enter and do business in North Carolina, have the potential to negatively effect the home buying consumers in this state by removing licensed attorneys from some or all of the process.

I had the opportunity earlier in the month to attend the annual meeting of the Real Estate Lawyers Association of North Carolina (RELANC) in Greensboro. I am sure that most of you are familiar with RELANC. Some of you are members. For those who are not, I would like to briefly describe my view of this organization, and its members, in an attempt to help you better visualize its importance. Although I am a member of RELANC, I did not understand the full import of RELANC's mission until I attended the annual meeting. As mentioned above, it is easy to ignore potential hurdles for this profession when these challenges are not affecting your practice at this very moment.

The opening paragraph in the Welcome section on the RELANC website (www.relanc.com) states that RELANC "is committed to engaging in energetic advocacy on behalf of North Carolina real property owners and the attorneys who represent them." The Welcome goes on to state that RELANC is "committed to pursue policies, laws and regulations at local, State and Federal levels to combat, prevent and seek compensation from persons or entities which engage in practices harmful to the client-consumers represented by North Carolina real estate attorneys." This description and mission statement were clearly on display at the annual meeting, as each speaker had a sincere opinion as to the importance of the real property lawyer in the home buying process and the damage to the citizens of North Carolina if this involvement ceases. I think it is important to note that, other than a terrific executive director and RELANC lobbyist, all of the officers and directors are volunteers and give of their time despite the same constraints that we all face. Everyone involved with RELANC is involved because of his or her true belief that including licensed attorneys in the home buying process is crucial to the protection of the property rights of the consumer.

For those who are unaware of the impact that RELANC has had on this profession, I would like to give a very brief overview of the LegalZoom challenge. LegalZoom, and other similar entities, are vendors of online legal forms for consumers. These may be related to real property, estate planning,

domestic law and/or patent/intellectual law. The State Bar and LegalZoom entered into litigation over LegalZoom's possible Unauthorized Practice of Law (UPL), and ultimately entered into a consent judgment, part of which included an agreement to work towards the passage of House Bill 436, regarding the definition of the practice of law in North Carolina. HB 436 was not regarded as pro-consumer by RELANC and many real property practitioners. As a result of the actions of RELANC and its lobby of the legislature, the passage of HB 436 was shelved during the last legislative session. This was no small feat, as RELANC, a relatively small organization, was competing against much larger entities with greater resources and backers. Because of the incredibly hard work of many in RELANC, up to the early morning hours of the day of the vote, HB 436 did not come up for a vote.

Unfortunately, the shelving of the House Bill is not the end of this issue. It appears likely that the Bill could appear again in the short session of the coming legislative session. In an effort to be proactive on this important issue, RELANC has drafted proposed legislation that better supports the real property bar's views on the practice of law. This proposal has been approved by the Council of the Real Property Section, with minor changes. A chance to submit this to the legislature is a possibility.

As a result of the success of RELANC regarding HB 436, the Real Property Section has agreed to support the proposed legislation drafted by RELANC. It is also possible that other sections of the bar, including estate planning and domestic law, may be interested in supporting RELANC's position. Quite an accomplishment, but not for such a dedicated group.

There are approximately 2,015 members in the Real Property Section of the North Carolina Bar Association. There are approximately 235 members in RELANC. The accomplishments of RELANC for the benefit of the citizens of North Carolina and the real property bar have been impressive, but could be greatly enhanced if more practicing attorneys got involved. Please take a moment to visit the RELANC website, and consider becoming a member (www.relanc.com/application). We all need to remember to look at the bigger picture. With the support of other bar sections and a larger, stronger RELANC, our belief that the protection of the closing process, and the consumer, through the inclusion of qualified, experienced real property attorneys, can continue to be the norm in North Carolina.