

Supreme Court

No. 2018-162-M.P.
(UPLC 2017-1)

In re Daniel S. Balkun and Balkun Title & Closing, Inc. :

ORDER

On June 7, 2018, the Unauthorized Practice of Law Committee (“Committee”), in accordance with Rule 8(b) of the Committee’s Governing Rules, transmitted to this Court a Committee Report (“Report”) regarding the Committee’s formal investigation into allegations of unauthorized practice of law against Daniel S. Balkun and Balkun Title & Closing, Inc. (“Respondents”).

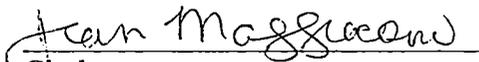
The Committee, in its Report, pursuant to Rule 7(c)(ii)(p) of the Committee’s Rules of Procedure, concluded that the allegations against the Respondents have been sustained and recommends that no civil or criminal proceedings be initiated against the Respondents, but that the Court make a pronouncement that the following acts constitute the practice of law and can only be performed by a lawyer: (1) conducting a title examination to determine the marketability of title, (2) conducting a real estate closing, (3) drafting a deed on behalf of a party to a real estate transaction, (4) drafting a residency affidavit on behalf of a party to a real estate transaction, and (5) drafting a power of attorney on behalf of a party to a real estate transaction. The Committee further recommends that the aforementioned services, as the practice of law, can only be performed by lawyers in either an unincorporated law firm or as a law firm licensed by the Supreme Court pursuant to Article II, Rule 10 of the Supreme Court Rules.

After considering the Report at conference, the Court hereby directs that the following Order shall enter:

1. The issues raised by the Committee in its Report to this Court are assigned for oral argument on a date and time to be determined by the Clerk. The Respondents shall appear on the assigned date and be prepared to argue the following issues: (1) whether, as the Committee found, the Respondents engaged in the unauthorized practice of law, and, (2) whether the following acts constitute the practice of law: (a) conducting a title examination to determine the marketability of title after a title search has been performed, (b) conducting a real estate closing, (c) drafting a deed on behalf of a party to a real estate transaction, (d) drafting a residency affidavit on behalf of a party to a real estate transaction, and (e) drafting a power of attorney on behalf of a party to a real estate transaction.
2. Respondents may submit a brief not exceeding fifty (50) pages in length, within sixty (60) days of the date of this Order. Said brief shall specifically address the Committee's Report and the issues set forth in Paragraph 1.
3. The Committee, the Attorney General, the Rhode Island Bar Association, and other interested parties are invited to file briefs as amici curiae addressing the issues set forth in Paragraph 1. All briefs of amici curiae shall not exceed fifty (50) pages in length and shall be filed within sixty (60) days of the date of this Order. Copies of the Report shall be available in the Clerk's Office.

Entered as an Order of this Court this 18th day of *June 2018*.

By Order,


Clerk