

OFFICERS

PRESIDENT
William P. O'Donnell

PRESIDENT-ELECT
John E. DeVito

VICE PRESIDENT
Richard H. Sadowski

SECRETARY
John J. McGlone, III

TREASURER
Stephen Colman

EXECUTIVE DIRECTOR
Adrienne C. Clarke

BAR ASSOCIATION OF NORFOLK COUNTY

15 COTTAGE AVENUE, SUITE 206
QUINCY, MASSACHUSETTS 02169

TELEPHONE: (617) 471-9693
FAX: (617) 770-9948



Founded in 1797
www.NorfolkBarAssn.org

COUNCIL MEMBERS

Paul N. Barbadoro
Stacey G. Bloom
Sabina T. Carty
Harold Cohen
David A. DeLuca
Arthur C. George
Robert W. Harnals
Christopher Harrington
Joseph P. Hurley, III
Robert L. Jubinville
James M. McDermott
Patrick W. McDermott
Maureen A. O'Reilly
Peter E. Padula
Lisa Poblocki

April 3, 2007

Daniel J. Ossoff, Esquire
Vice-Chair, Practice of Law by Non-Lawyers
Committee - REBA
Rackemann, Sawyer & Brewster, P.C.
One Financial Center
Boston, MA 02111-2659

Dear Vice-Chairman Ossoff:

I am writing this letter to you as President of the Norfolk County Bar Association. At a recent general meeting of the Bar Association of Norfolk County our membership discussed a resolution prepared by Attorney Arthur George who is also a council member. The enclosed resolution was unanimously adopted by a vote of the general meeting. Please record the Bar Association of Norfolk County's opposition to the efforts to encroach on the practice of law. It is my belief that the Bar Association of Norfolk County opposes what House Bill 904 tried to accomplish in the last legislative session.

If you have any comments or questions, please do not hesitate to contact me. Thank you for your attention to this matter.

Sincerely yours,

William P. O'Donnell
President

Enclosure

cc: Arthur C. George, Esquire
Adrienne C. Clarke, Executive Director

EX OFFICIO: Hon. Herbert Abrams James M. Brady Paul B. Carroll Hon. John P. Concannon Hon. John P. Connor, Jr. Helen Abdallah Donohue John G. Dugan Terry Flukes John E. Garland Charles A. George Kevin F. Hampe Barry T. Hannon Hon. Charles J. Hely Mary K. Hickey George H. Howard Hon. George N. Hurd, Jr. A. Clinton Kellog Hon. Robert W. Langlois David H. Locke Richard D. Maciolek Dennis C. Mahoney Matthew J. McDonnell William J. McNulty, Jr. Richard P. Melick Harold B. Nash Loretta S. O'Brien Michael A. Podolski Douglas C. Purdy James F. Reynolds, Jr. Paul A. Schneiders Charles Schwartz Valerie J. Semensi Frederick J. Sheehan Norman B. Silk William F. Sullivan Hon. Joseph R. Welch

**RESOLUTION OF THE BAR ASSOCIATION OF NORFOLK COUNTY IN
OPPOSITION TO HOUSE BILL NO. 1551, AN AMENDMENT TO THE UNLAWFUL
PRACTICE OF LAW**

WHEREAS, the conveyancing of legal interest in real estate required to consummate a real estate transaction between a buyer and seller or between a borrower and lender constitutes the practice of law; and

WHEREAS, Executive Order No. 455 provides in part that a notary public who is not an attorney licensed to practice law in Massachusetts or who is not directly supervised by an attorney shall not conduct a real estate closing and shall not act as a real estate closing agent; and

WHEREAS, in accordance with Chapter 93, Section 70, an attorney-at-law for the mortgage lender is required in accordance with said statute to provide the mortgagor with a certification of title to the property being conveyed; and

WHEREAS, an attorney's title examination must extend at least fifty years back from the earliest deed which on its face does not suggest a defect in the title; and

WHEREAS, a lawyer's training and high professional standards are integral to the proper disbursement of closing funds and the successful completion of a real estate transaction; and

WHEREAS, certain firms have commenced so-called notary closings where a non-lawyer supervises the conducting of a real estate transaction; and

WHEREAS, House Bill No. 1551 of the year two thousand seven amends the statute relative to the practice of law, allowing a Chapter 156 corporation or its agents to perform the drafting of deeds, mortgages, leases and agreements in connection with sales or leases made or negotiated, and examining the title and removing exceptions to such title, in representing lenders as their closing agents and in issuing title certification or policy of title insurance premised on evaluation of title to real estate; and

WHEREAS, said notary closings and House Bill No. 1551 would be a significant alteration of who is entitled to practice law, that by its very nature is inconsistent with the learned practice of the profession and consumer protection;

NOW, THEREFORE, the members of the Bar Association of Norfolk County at their annual meeting holden in Quincy, Norfolk County, Massachusetts,

RESOLVE: That we oppose House Bill No. 1551 and support the efforts of the Real Estate Bar Association in its Complaint to Restrain the Unauthorized Practice of Law and other similar complaints and that we direct the President of the Bar Association and the Bar Council to take such action consistent with this Resolution as they deem advisable.