

N.C.P.I.—Crim 259.20
UNAUTHORIZED PRACTICE OF LAW — NON-MEMBERS OF THE STATE BAR.
MISDEMEANOR.
REPLACEMENT JUNE 2017
N.C. Gen. Stat. § 84-4

259.20 UNAUTHORIZED PRACTICE OF LAW — NON-MEMBERS OF THE
STATE BAR. MISDEMEANOR.

The defendant has been charged with the unauthorized practice of law.¹

For you to find the defendant guilty of this offense, the State must prove three things beyond a reasonable doubt:

First, that on or about the alleged date the defendant was not an active member of the State Bar of North Carolina admitted and licensed to practice as an attorney-at-law;

Second, that the defendant

- a) appeared as an attorney-at-law in an action or proceeding before [a judicial body] [the North Carolina Industrial Commission] [the North Carolina Utilities Commission].²
- b) [[maintained] [conducted] [defended] as an attorney-at-law any [action] [proceeding] before [a judicial body] [the North Carolina Industrial Commission] [the North Carolina Utilities Commission]].
- c) [[held [himself] [herself] out by [word] [sign] [letter] [advertisement] as competent as an attorney-at-law to [give [legal advice] [counsel]] [prepare legal documents] [engage in [advising] [counseling]] [furnish the services of [a lawyer] [lawyers]]].
- d) [[gave legal [advice] [counsel]] [[performed for] [furnished to] another legal services]] [[prepared [directly] [through] another

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for another [person] [firm] [corporation] [[a will] [testamentary disposition]] [an instrument of trust]] [organized corporations] [[prepared for any [person] [firm] [corporation] a legal document]], [[with] [without]] [a fee] [consideration]].³

And Third, that defendant did so knowingly.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant was knowingly not an active member of the State Bar of North Carolina admitted and licensed to practice as an attorney-at-law, and that the defendant appeared as an attorney-at-law in an [action] [proceeding] before [a judicial body] [the North Carolina Industrial Commission] [the North Carolina Utilities Commission], [[maintained] [conducted] [defended] as an attorney-at-law any [action] [proceeding] before [a judicial body] [the North Carolina Industrial Commission] [the North Carolina Utilities Commission]], [[held [himself] [herself] out by [word] [sign] [letter] [advertisement] as competent as an attorney-at-law to [give [legal advice] [counsel]] [prepare legal documents] [engage in [advising] [counseling]] [furnish the services of [a lawyer] [lawyers]], [[gave legal [advice] [counsel]] [[performed for] [furnished to] another legal services]] [[prepared [directly] [through] another for another [person] [firm] [corporation] [[a will] [testamentary disposition]] [an instrument of trust]], [organized corporations] [[prepared for any [person] [firm] [corporation] a legal document]], [[with] [without]] [a fee] [consideration]], it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, then it would be your duty to return a verdict of not guilty.

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1 N.C. Gen. Stat. § 84-4 states “nothing herein shall prohibit any person from drawing a will for another in an emergency wherein the imminence of death leaves insufficient time to have the same drawn and its execution supervised by a licensed attorney-at-law.”

2 It would be a defense to this charge that the defendant was acting on his or her own behalf.

3 Pursuant to N.C. Gen. Stat. § 84-2.2, effective June 30, 2016, the practice of law does not include the operation of a website by a provider that offers consumers access to interactive software that generates a legal document based on the consumer’s answers to questions presented by the software under the circumstances set out in the statute.

N.C. Gen. Stat. §84-2.1 was amended effective June 30, 2016. The statute provides the practice of law does not encompass: (1) the selection or completion, of a preprinted form by a real estate broker involving a real estate transaction or a preprinted residential lease agreement by any person or website provider; and (2) the completion of or assisting a consumer in completing various agreements, contracts, etc., concerning the sale or lease of by a licensed motor vehicle dealer.

