



# State Bar of Georgia

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## **The Standing Committee on the Unlicensed Practice of Law for the State Bar of Georgia Resolves Long-Standing Dispute with ServiceLink LLC**

**ATLANTA**—The Standing Committee on the Unlicensed Practice of Law for the State Bar of Georgia recently resolved claims against ServiceLink LLC which included allegations regarding the unlicensed practice of law in connection with certain real estate transactions. The terms of the agreement are memorialized in a compliance agreement which encompasses all real estate transactions involving real property located in Georgia, including real property purchases and refinances, together with all related closing functions. The agreement concludes years of investigation and extensive discovery. As a part of the agreement, ServiceLink LLC has agreed:

- Not to conduct or participate in any “witness only closings” or “lay conveyancing” in Georgia real estate transactions.
- Not to knowingly conduct or participate in any Georgia real estate transaction which utilizes someone other than a duly licensed Georgia attorney to perform any closing activities reserved for Georgia attorneys including the following:
  - Prepare or facilitate the preparation or execution of a deed of conveyance, including warranty deeds, quitclaim deeds, deeds to secure debt, and mortgage deeds;
  - Prepare legal instruments of any kind whereby a legal right is secured;
  - Give any legal advice;
  - Render an opinion as to title and/or the resolution of any defects in marketable title;
  - Oversee and participate in the execution of instruments conveying title;
  - Supervise the recordation of documents conveying title.
- Not to knowingly conduct or participate in any Georgia real estate transaction where closing funds are not deposited in and disbursed through the IOLTA account of a duly licensed Georgia attorney.
- Not to knowingly conduct or participate in any Georgia real estate transaction which is “closed” by anyone other than a duly licensed Georgia attorney who is selected by a party to the transaction.
- Consistent with O.C.G.A. §15-19-51(a)(5), not to furnish attorneys or counsel in connection with a Georgia real estate transaction.

- To amend its internal operating policies, procedures, etc., to the extent necessary to ensure and require that all Georgia real estate transactions facilitated by ServiceLink are conducted in accordance with the agreement.

The agreement also provides for ongoing oversight by requiring the chief regulatory and compliance counsel for ServiceLink LLC to provide the UPL Standing Committee with compliance affidavits at stated intervals which confirm ServiceLink's continued compliance with the terms of the agreement.

As part of the agreement, ServiceLink LLC has also agreed to make the following payments:

- \$100,000 to the State Bar of Georgia in reimbursement of the attorney's fees, expenses and resources expended;
- \$13,680.07 to the Georgia Bar Foundation in potentially lost IOLTA income.

In light of the agreement, the UPL Standing Committee has converted the case against ServiceLink LLC from open to inactive. Once the terms of the agreement are satisfied and the second annual compliance affidavit is received and reviewed, the case will be closed.

The compliance agreement may be viewed on the UPL Program page of the State Bar of Georgia website:

<https://www.gabar.org/committeesprogramssections/programs/upl/index.cfm>.

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*The **State Bar of Georgia**, with offices in Atlanta, Savannah and Tifton, was established in 1964 by Georgia's Supreme Court as the successor to the voluntary Georgia Bar Association, founded in 1884. All lawyers licensed to practice in Georgia belong to the State Bar. Its more than 48,000 members work together to strengthen the constitutional promise of justice for all, promote principles of duty and public service among Georgia's lawyers, and administer a strict code of legal ethics.*

*The **Georgia Bar Foundation** was named by the Supreme Court of Georgia in 1983 to receive IOLTA funds to support legal services for the poor, to improve the administration of justice, to promote professionalism in law practice in order best to serve the public, to aid children involved in the justice system, and to advance the legal system through historical study.*