

259.21 UNAUTHORIZED PRACTICE OF LAW - CORPORATIONS.  
MISDEMEANOR.

The defendant corporation has been charged with the unauthorized practice of law.<sup>1</sup>

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

First, that the defendant was a corporation;

And Second, that the defendant

a) appeared as an attorney for any person [in a court of this State] [before a judicial body] [before the North Carolina Industrial Commission] [before the North Carolina Utilities Commission] [before the North Carolina Employment Security Commission].

b) [[held itself out to the public] [advertised] as being entitled to practice law].

c) [[organized corporations] [drew agreements or other legal documents] [drew wills] [practiced law] [gave legal advice] [held itself out in any manner] as being entitled to do any of the foregoing acts, by or through any person [orally] [by advertisement] [by letter] [by circular]].<sup>2</sup>

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant was a corporation, and that the defendant appeared as an attorney for any person [in a court of this State] [before a judicial body] [before the North Carolina Industrial Commission] [before the North Carolina Utilities Commission] [before the North Carolina Employment Security Commission], [[held itself out to the

public] [advertised] as being entitled to practice law], or [[organized corporations] [drew agreements or other legal documents] [drew wills] [practiced law] [gave legal advice] [held itself out in any manner] as being entitled to do any of the foregoing acts, by or through any person [orally] [by advertisement] [by letter] [by circular]], 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. § 84-5 states that "nothing in this section shall be construed to prohibit a banking corporation authorized and licensed to act in a fiduciary capacity from performing any clerical, accounting, financial or business acts required of it in the performance of its duties as a fiduciary or from performing ministerial and clerical acts in the preparation and filing of such tax returns as are so required, or from discussing the business and financial aspects of fiduciary relationships . . ."this section shall not apply to corporations authorized to practice law under the provisions of Chapter 55B of the General Statutes of North Carolina."

2. N.C. Gen. Stat. § 84-5 (a) (1)-(3) further clarifies these prohibitions as they apply to corporations, which are authorized and licensed to act in a fiduciary capacity.