

1974 WL 27968 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 23, 1974

**\*1 Re: Architects**

Honorable David W. Keller, Jr.  
Representative  
Florence County  
P. O. Box 109  
Florence, SC 29501

Dear Representative Keller:

By letter of recent date you have brought to the attention of this office the fact that architects throughout the state routinely prepare and supervise the preparation of contracts. The question presented is whether or not such acts constitute the unauthorized practice of law.

As you know, the South Carolina Supreme Court has the responsibility under law for both regulating and defining the practice of law in this State. S. C. Code § 56-97, as amended. Accordingly, the Supreme Court has adopted the Code of Professional Responsibility which, under Canon 3—Preventing the Unauthorized Practice of Law, states:

Ethical Consideration 3-5. It is neither necessary nor desirable to attempt the formulation of a single, specific definition of what constitutes the practice of law. Functionally, the practice of law relates to the rendition of services for others that call for the professional judgement of a lawyer.

. . . .

Without doubt, the preparation of, and supervision of execution of, contracts are matters calling for the professional judgement of a lawyer, except perhaps where the contracts involved are strictly routine. However, under Section 56-50(2), S. C. Code of Laws, as amended, the Legislature has given to the architectural profession express authority permitting the 'administration of contracts'. It would appear to me that this very broad language would make the chances of obtaining an injunction or other legal remedy very slim at this time. I would be most happy to discuss this matter with you further, however, as I know Mr. McLeod would, should you care to.

With best wishes, I am  
Very truly yours,

John B. Grimball  
Assistant Attorney General

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