

In mid-December 2007 Committee on Unlawful Practice of Law (the Committee) of The State Bar of West Virginia issued its Advisory Opinion No. 2007-01 which is posted nearby. In that Advisory Opinion the Committee found that the work of landmen is neither exempted nor excepted from the West Virginia definition of the practice of law and it therefore recommended that landmen perform their work only under the direct supervision and control of an attorney licensed to practice law in West Virginia. [Opinion No. 2007-01](#)

Since many members of IOGAWV use the services of independent landmen or have their employee landmen report to either non-attorneys or attorneys who are not licensed to practice law in West Virginia, this is an issue of significant importance to IOGAWV.

A brief history of this issue follows:

In 2006 the Committee issued Advisory Opinion No. 06-01 (available online at <http://www.wvbar.org/BARINFO/Research/unlawfulprac/06-01.pdf>) which stated that title examinations cannot be conducted unless they are under the direct supervision of a licensed West Virginia attorney.

Upon becoming aware of the issuance of Advisory Opinion 06-01, the American Association of Professional Landmen (AAPL) contacted the Committee and requested the opportunity to meet with the Committee to present its concerns. The Committee granted the request and a meeting was held on October 19, 2006. By letter dated October 25, 2006, AAPL outlined two different scenarios and queried the Committee as to whether landmen involved in such situations were engaging in the unauthorized practice of law.

Following a period of review and deliberation, the Committee, while not directly answering the posed questions, issued its Advisory Opinion No. 2007-01 finding, albeit reluctantly, that the work of landmen is neither exempted or excepted from the West Virginia definition of the practice of law.

AAPL is currently exploring the possibility of having this matter resolved within the judicial branch of the government by having the Supreme Court review and either correct or clarify the Advisory Opinion or by other action grant such an exemption or exception from the definition of the practice of law. It will be helpful to AAPL in its discussions with the Supreme Court to be able to assert that that the members of IOGAWV share its concerns and support its efforts.