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Real estate attorneys stepping up

The purchase or sale of a home is the largest transaction in a typical consumer's life. It's a baffling process filled with contract minutiae, an array of confusing and sometimes contradictory disclosure forms, inspection issues, mortgage contingency clauses and obtuse title issues. Many consumers are babes in the woods, and even experienced homeowners find some of the new methods, forms and contingencies to be confusing.

All are subject to financial and other traps for the unwary. Because of this, most consumers in the Chicago area and other parts of the state turn to experienced real estate lawyers to guide them through the process. The vast majority of consumers (and the Realtors who put these transactions together) report that having a trusted attorney as an advocate ensures a much smoother, less stressful experience.

So what happens when you add an invisible and deadly enemy that brings most of society to a near standstill? The attorney's role has never been more critical than it is now.

When Gov. J.B. Pritzker issued the shelter-in-place order to help slow the spread of COVID-19, among the exempted professional services were legal and real estate services and the professions surrounding them, such as financial, appraisal and title.

As an attorney and the president of a title company that does business exclusively through a network of real estate attorney-members, we were faced with the challenges of providing the essential service of real estate closings in a world where social distancing is not only a mandate but just common sense.

In collaboration with our member attorneys, we implemented several workarounds, both common (moving employees to remote work locations) and more innovative (such as ATG's carhop-style closings and virtual closings using video and other technology). However, for some transactions, physical attendance at the closing is required.

Imagine how stressful it is for a practicing attorney to deliver these services in an environment where we feel as if we've walked through the looking glass. These brave professionals are on the front lines of representing their clients during an already complex process. Now they are doing so while taking extra measures to protect the health and safety of those clients.

I recently received a note from a real estate attorney I respect and admire. He said his law partner was at higher risk, so he was taking the lead for his practice. He posted his hours of availability to clients as 3:30 a.m. to 6:30 p.m. during the week, 5 a.m. to noon on Saturday and 5 a.m. to 9 a.m. on Sunday. He pointed out that both conventional and innovative workarounds cannot and will not eliminate the necessity of direct interaction: "My clients need me; if that requires my physical presence, I will do that to protect their interests." This attorney is going to heroic lengths to protect his clients and co-workers. I admire his commitment to the profession and the clients we all serve.

I have never been more proud to do what I do.

PETER J. BIRNBAUM

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