

# MAR LEGAL HOT LINE

## Program Operation

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#### Explanation of Hot Line Purpose

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The Hot Line is designed for members to have direct, toll-free access to a qualified staff attorney who can provide information on real estate law and related matters. Further, the program is intended to provide legal preventative maintenance to all MAR members and, through them, the public they serve.

#### **Q. How does the Hot Line benefit MAR members?**

- A. The program will benefit MAR members and the real estate industry in several ways.
- Access to information will help prevent REALTORS® from making mistakes. REALTORS® will increase professionalism, and consequently, the image of Massachusetts REALTORS® will be enhanced.
  - Emerging legal issues affecting all Massachusetts REALTORS® will be identified. Early warning will allow MAR time to properly address the issues, through legislation, education programs or otherwise. The Baystate REALTOR® will also be used as a vehicle to keep the membership informed.
  - The free access to the Hot Line will encourage office principals and branch managers and their designees to ask questions that may not normally be considered serious enough to call a private attorney. Unasked questions create the potential for future problems. Possible legal entanglements and costly lawsuits may be avoided.
  - The public will be better served by having access to more informed and professional REALTORS® who protect the public's interest more completely by being adequately prepared to avoid potential problems in real estate transactions.

#### A Note of Caution

Information received via the Hot Line is **NOT** to be used to counsel other licensees or the public. It is intended to keep REALTORS® informed and to obtain answers to your questions **ONLY**.

#### **Permissible Hot Line Topics**

- Access
- Advertising - Truth in Lending
- Agency (Buyer, Seller, Dual, Sub-Agency)
- Anti-Trust
- Auction
- Bankruptcy (as it relates to real property)
- Broker/Salesperson
- Civil Rights laws (Fair housing, accommodation of the disabled)
- Closing (Costs, Proceeds, Prorations)
- Commissions (Adjustment, Policy letters)
- Condominium law
- Consumer Protection Act (M.G. L. 93A)
- Disclosure (Agency, Broker status, Continuing duty, Fee/commissions, Investigation, Lead Paint, Material/adverse factors, Parties, Property, Radon, Stigmatized properties, UFFI)
- Easements
- Environmental Law (Title V, Wetlands)
- Execution of documents
- Financing (Anti-trust, Conditions, Discrimination, Equity participation, Interest on escrow accounts, Real Estate contracts, Notes & mortgages)
- Employment law and related issues
- Home warranties
- Homeowners associations
- Incentives (Listing, Sales)
- Landlord-Tenant
- Lead Paint
- License law (Appraiser, Broker/Salesperson, Dealing, Negotiating, Corporate, Discipline)
- Listing (Exclusion/exception, Ownership, Performance, Protection, Requirements, Solicitation, Termination, Transfer)
- Marital Property (Credit, Divorce, Domicile, Title)
- Misrepresentation
- Mobile home - sales
- Negotiation - out of state property
- Offer (Acceptance, Addendum, Allocations, Amendment, Back-up offers, Contingencies, Execution, Multiple offers, Occupancy charge, Personal property, Presentation, Representation/warranties, Counter offers, Secondary advancement, Disclosure of terms, Termination, Earnest money return, Timing)
- Probates
- Records
- Referral/finder's fee
- Remedies (Earnest money, Foreclosure, Land contract, Mitigation of damages, Notes & mortgages, Real estate contracts, Specific performance)
- Salesperson's relationship (Agency relationships, Commissions, Independent contractor, Covenants-noncompete, Securities, Separation, Solicitation, Supervision)
- Title-interests in property (Concurrent interests, description, encumbrances, methods of taking, water rights)
- Title insurance
- Trust accounts

## **MAR LEGAL HOT LINE Program Operation**

**Q. How do I get access to the Hot Line?**

A. Simply by calling the MAR office at 1-800-370-LEGAL during the Hot Line hours (Monday-Friday, 9 a.m. to 1 p.m., or by faxing (781) 890-4919 or by mailing your questions to MAR Legal Hot Line, Massachusetts Association of REALTORS®, 60 Hickory Drive, 4<sup>th</sup> Floor, Waltham, MA 02154-1139.

**Q. What happens when my call is answered?**

A. You will be asked for your name and your membership number (Normally your social security number). MAR will also check to see if you have signed a memorandum of understanding and agreement. Once your access to the Hot Line has been verified, you may ask your question. It will be restated for accuracy. (MAR suggests you write down your question before you call.) If the attorney is unavailable you will receive a return call as soon as prior calls are answered.

**Q. Will the attorney answer my question right away?**

A. Most of the time, yes. If for some reason your question cannot be answered immediately, the Hot Line attorney will call you back within 24 hours.

**Q. May I ask more than one question?**

A. Only one question per call is allowed. The Hot Line's intention is to provide a complete answer to you while at the same time, keeping the line open for others to access the service.

**Q. If I get a verbal answer, will I get it in writing later:**

A. MAR will be tracking the material and topic areas of calls made to the Hot Line in order to help identify "hot" issues and concerns that should be addressed through education, publication, legislatively or otherwise.

**Q. Who will have access to the Hot Line?**

A. Principals, one other designee from the firm, plus branch managers, Board Executive Officers and Board Presidents. All Hot Line users must sign a memorandum of understanding and agreement before they contact the Hot Line.

**Q. Is my call confidential?**

A. Any calls handled through the Hot Line **DO NOT RESULT IN AN ATTORNEY-CLIENT RELATIONSHIP**. The Hot Line is a source of legal information and no such attorney-client relationship is intended or implied. This means that any information conveyed to the caller may be subject to discovery by another person under certain circumstances if a lawsuit is filed.

**Q. What if I want to use the Legal Hot Line attorney as my own attorney?**

A. MAR policy prohibits the Legal Hot Line attorney from accepting employment with respect to any matter arising from or relating to a Hot Line call.

**Q. Are there specific topics the Hot Line will not handle?**

The Hot Line is not intended to provide legal advice with respect to any particular factual situation, nor an actual dispute between members of MAR

