

NEW YORK STATE BAR ASSOCIATION
Professional Ethics Committee Opinion

In Informal Opinion No. 886-9/28/65 the Committee on Professional Ethics of the American Bar Association passing upon the propriety of dual representation in a real estate development said "we suggest that the attorney for the developer would be ill-advised to in any way represent the buyers."

One authority says, "The prudent lawyer would be wise never to put himself in a position of representing conflicting interests," Legal Ethics by Raymond L. Wise, page 141 (1966).

Opinion #38(a) - 12/5/68 (11-68) Topic: Conflict of Interest.
Representation of Adverse Parties.

Digest: Consent and full disclosure may permit representation of real estate buyer and seller.

Canon: Former Canon 6

QUESTION

In an area where the use of title companies and title insurance is not the usual practice, may the attorney who must examine, pass upon and certify the real estate title to the purchaser, represent the purchaser and seller?

OPINION

This is a supplement to Opinion #38-12/6/66, dealing with representation of both purchaser and seller in real estate transactions. The question is whether Opinion 38 also applies to transactions in which the lawyer certifies title.

The principles set forth in Opinion 38 apply with equal force to cases in which the lawyer examines, passes upon and certifies the title.