

DIGEST OF ETHICS ADVISORY PANEL
OPINION #90-1, REQUEST #71
Issued January 18, 1990

An attorney seeks Panel advice as to whether a conflict of interest would arise in the circumstances he describes. The attorney advises the Panel that his wife has recently become a licensed real estate agent. He states that he expects situations to arise in the future, particularly in the area of probate in which one of his clients may wish to dispose of real estate. The attorney asks the Panel whether he can refer his clients to his wife.

In advisory opinion 88-33, we took the position that an attorney could properly purchase bonds for his clients through a relative of his, providing that his clients were not placed at any disadvantage. The Panel takes a position consistent with this opinion and holds that the attorney may refer clients to his wife providing the clients are not thereby disadvantaged in any way. A marital relationship between an attorney and a real estate broker does not, in itself, make it improper for the attorney to refer matters to the real estate broker. There may be circumstances under which a conflict of interest arises, however. Such circumstances may warrant the attorney reapplying to the Panel for a further opinion.

Ethics Advisory Panel advice is protective in nature. There is no requirement that an attorney abide by a Panel opinion, but if he or she does, he or she is fully protected from any charge of impropriety.