

Digest of Ethics Advisory Panel
Opinion #91-54, Request #172
Issued August 29, 1991

An attorney seeks Panel advice concerning the ethical propriety of "selling" title insurance policies. He indicated that he and his partner are title policy agents for various title insurance companies. One of these companies has asked him to "sell" to them title policies which were written for other title insurance companies.

The Panel declines to review the validity of the contract he submitted because such an analysis involves questions of substantive law rather than professional ethics. The Panel has no authority to issue opinions dealing with substantive law outside the area of legal ethics.

The Panel takes the position that one must secure the informed consent of each client for whom a title insurance policy was prepared before such policy can be "sold" to other title insurance companies.