

DIGEST OF ETHICS ADVISORY PANEL

Opinion #92-8, Request #216

Issued January 14, 1992

An attorney seeks Panel advice as to whether or not a conflict would exist in a situation where the attorney represented the seller at a closing during which the buyer was unrepresented. After the closing, the attorney wrote to the buyer a letter discussing the "legal services" the attorney provided the buyer in connection with the purchase of the property. The attorney subsequently has been asked to institute foreclosure proceedings against the buyer.

The Panel is of the opinion that in light of the fact that after the closing the attorney sent the buyer the above-mentioned letter, an appearance of impropriety would exist if the attorney now initiates foreclosure proceedings against the buyer. Absent the attorney's letter, which made declarations of legal services provided to the buyer, the Panel would not have found an appearance of impropriety.