

LEGAL ETHICS OPINION 1148

FEES – DISCLOSURE – REAL ESTATE:  
IMPROPER CHARGES TO SELLER BY  
PURCHASER'S ATTORNEY.

You advised you were retained by a purchaser to do the settlement for a residential real estate transaction. You were contacted by the seller's attorney, who requested that documents be forwarded to him for execution in his office rather than your office; however, there appears to be no other communication prior to settlement with the seller or his attorney. Based upon those facts it appears there was no prior agreement for the charge of legal fees to the seller by your firm.

Disciplinary Rule 2-105 [ DR:2-105] would prohibit charging the seller a fee without a prior agreement or forewarning of the imposition of fees. Additionally, please refer to LE Op. 425, LE Op. 922, LE Op. 878 and LE Op. 911.

Committee Opinion  
October 18, 1988