

Committee Opinion
May 2, 1983

LEGAL ETHICS OPINION 515

FEES – TRUSTEE OF A DEED OF
TRUST.

It is not improper for an attorney-trustee in a foreclosure proceeding as a trustee of a deed of trust to charge a lower fee for his services than the amount set by statute. Since serving as a trustee is not unique to attorneys, there is no reason to conclude that the commission awarded to the trustee is a legal fee. Accordingly, the commission is not under the restrictions of the fee restraints imposed by the disciplinary rules of the Virginia Code of Professional Responsibility.

Disciplinary Rule 1-102 which prohibits a lawyer from engaging in fraudulent or illegal conduct pertains to illegal conduct involving moral turpitude. Taking a commission of less than the statutory amount does not involve such conduct and is, therefore, not improper. [DR:1-102, Virginia Code of Professional Responsibility]

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