

Committee Opinion
June 21, 1983

LEGAL ETHICS OPINION 553

ATTORNEY AS WITNESS –
CONFIDENCES AND SECRETS –
FORECLOSURE.

It is not improper for an attorney--who drafted the documents (including a Note and Deed of Trust) on behalf of both purchaser and seller in a prior real estate transaction--now to defend former purchaser/current owner in a foreclosure proceeding and its consequential suit for deficiency brought by the former seller/current Noteholder, when the attorney's prior work for the parties created no basis for the attorney now to give testimony prejudicial to his current client if required so to do, and said attorney was not apprised of confidences or secrets as a result of the prior work. The documents in the original transaction were drafted as a recitation of the agreement of the parties which they had reached by negotiation independently without the attorney.

[DR:4-101(B), DR:5-102(A) and (B)]

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