

Committee Opinion  
April 5, 1985

LEGAL ETHICS OPINION 679

CONFLICT OF INTEREST – REAL  
ESTATE-ATTORNEY AS COUNSEL  
FOR MAKER OF NOTE AND TRUSTEE  
UNDER DEED OF TRUST.

An attorney who serves as counsel to the maker of a note also desires to serve as trustee pursuant to the underlying deed of trust. The attorney proposes that his client execute an agreement by which the maker of the note waives any objection to the attorney proceeding against him under the terms of the deed of trust.

It is the committee's opinion that it is not improper for the attorney to obtain his client's agreement provided (1) the attorney makes full disclosure of the conflict to both the client and to the lender and (2) the attorney first advises the client to seek independent counsel regarding the advisability of signing such an agreement. [ DR:5-105; LE Op. 528]

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**Legal Ethics Committee Notes.** – L E Op. No.679 is vacated to the extent that L E Op. No. 824 differs from it. See also L E Op. No. 815.