

Committee Opinion  
June 11, 1987

LEGAL ETHICS OPINION 932

ATTORNEY AS RESIDUAL LEGATEE  
AND GUARDIAN FOR INCOMPETENT.

An attorney was named as residual legatee and given power of attorney by the testator which does not terminate upon incapacity for an individual who has since been declared incompetent. After full disclosure of his position as residual legatee to the judge, the guardian and the heirs of the incompetent, the attorney was appointed as committee of the incompetent. It is not improper, given the above, for the attorney to continue in this capacity as long as he can exercise his professional judgment on behalf of the incompetent without being affected by his personal interests. [ DR:5-101(A)]

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