

Committee Opinion
October 12, 1987

LEGAL ETHICS OPINION 980

ATTORNEY/CLIENT – PERSONAL
INTEREST WHICH MAY AFFECT
PROFESSIONAL JUDGMENT.

You advise that you are a sole practitioner and reside in a community with a homeowner's association. The covenants which run with the land require that all residents be members of the association and pay an annual assessment. The assets of the association are specifically for the maintenance of the common property and welfare and recreation of community residents. You have been offered employment by the association to serve as registered agent, review contracts, collect late assessments and file annual taxes. You wish to know whether it is proper for you to accept the employment offered by the association.

Your inquiry is governed by Canon 5 of the Virginia Code of Professional Responsibility. Specifically, DR:5 (A) states "a lawyer shall not accept employment if the exercise of his professional judgment on behalf of his client may be affected by his own financial, business, property or personal interests, except with the consent of his client after full and adequate disclosure under the circumstances."

The Committee opines that you may have conflicting interests as a member of the association while serving as counsel and registered agent to the association; however, it would not be improper for you to accept the association's offer of employment as long as you make full disclosure to and receive consent from the association.

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