

Free Range Ethics:

“Home, home, on the range, Where the deer and antelope play, Where seldom
is heard a discouraging word, And the skies are not cloudy all day.”

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Preparing Legal Documents as a Courtesy Example 1

- Real Estate Purchase Loan transaction. Lawyer acts for lender.
- Lender’s lawyer prepares loan documents. Customer (purchaser) pays legal costs.
- Also, while preparing loan documents, Lender’s Lawyer, as a courtesy, prepares deed for Seller without being asked.
- Lender’s Lawyer has no contact with Seller.

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Preparing Legal Documents as a Courtesy Example 1(Cont'd)

- Seller does not know and is unaware of Lender's Lawyer.
- **May Lender's Lawyer prepare documents for Seller.**
- See Texas Rule 1.06 and Rule
- See Texas Ethics Opinion 525 (1998), Opinion 448 (1987), Opinion 408 (1984) and Opinion 228 (1959).

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Discussion of Example 1

- Attorney may not prepare deed without relationship. So far, no attorney client relationship has been formed and client has not been given opportunity to select counsel. ABA Model Rules of Professional Conduct, Rule 1.16. Texas Disciplinary Rules of Professional Conduct, Rule 1.15 (a).
- Opinion 525 provides in part:
- "If the lender's attorney is representing only the lender, either the lender or the lender's attorney must fully advise the purchaser – borrower that the lender's attorney does not represent the purchaser-borrower and that the purchaser-borrower should obtain advice and representation by another attorney. In the absence of notice that the lender's attorney does not represent the purchaser-borrower, Rule 1.06 is applicable and the full disclosure required by that rule must be made to the purchaser-borrower.

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