

The logo for "Dear Ethics Lawyer" features the text in a black, cursive script font. A small "TM" trademark symbol is positioned to the right of the word "Lawyer". The background of the logo is a light-colored, textured surface with faint, handwritten notes and a red diagonal stripe in the upper right corner.

The Legal Ethics Project. Supporting professionalism with information.

Q: Dear Ethics Lawyer,

I am an attorney for a company desiring to complete a relatively small real estate transaction with an individual to facilitate a development. The individual, who is not represented, shows up at closing to sign the document, but first asks a legal question about an effect of the document, a question concerning which I know the answer. Can I tell her the answer under any circumstances without creating a conflict of interest?

A: Yes, but it is all about context and clarity about who you are representing when you do so. In order not to create an expectation on her part that you are advising her as her lawyer (which can occur by the giving of legal advice in a context in which the recipient reasonably believes you are advising them), specifically advise her first that you will tell her what you believe to be the answer in your capacity as the company's lawyer, but that you do not represent her. Inform her that she should not rely upon your advice, but should take the opportunity to obtain advice from a lawyer of her choosing if she feels it to be appropriate.

The Ethics Lawyer

About Dear Ethics Lawyer

The twice-monthly "Dear Ethics Lawyer" column is part of a training regimen of the Legal Ethics Project, authored by [Mark Hinderks](#), former managing partner and counsel to an AmLaw 125 firm; Fellow, American College of Trial Lawyers; and speaker/author on professional responsibility for more than 25 years. Mark leads Stinson LLP's [Legal Ethics & Professional Responsibility](#) practice, offering advice and "second opinions" to lawyers and law firms, consulting and testifying expert service, training, mediation/arbitration and representation in malpractice litigation. The submission of questions for future columns is welcome: please send to mark.hinderks@stinson.com.

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