

Opinion 71
April 1953
18 Baylor L. Rev. 226 (1966)

CONFLICT OF INTERESTS - WILLS

An attorney who draws a will for a client may be named in the will as executor and attorney for the estate, provided no pressure is brought to bear on the client, and the appointments represent the client's desire.

CONFLICT OF INTERESTS - WILLS

An attorney who draws a will for a client and is named in the will as executor and attorney for the estate, may not also be named as a beneficiary under the will.

Canon 6.

QUESTIONS

1. Is it a violation of the Texas Canons of Ethics for a lawyer to draw a will for a client, in which will such lawyer is named as the executor and also as the attorney for the estate?
2. Is it a violation of any of the Texas Canons of Ethics for a lawyer to draw such will if, in addition to the facts stated in (1) hereof, said lawyer is also named as a beneficiary under the terms of the will?

ANSWERS

1. The committee is of the view that there is no violation of the Canons of Ethics for a lawyer to be named as executor and attorney for the estate, provided there is no pressure brought to bear on the client, and such appointments represent the true desire of the client. (9-0)
2. The committee is of the view that where the lawyer is also to be named as a beneficiary under the will, there would be a possible conflict of interest and it would be improper for the lawyer to prepare such will. (7-1)