

**BAR ASSOCIATION OF ERIE COUNTY
COMMITTEE ON PROFESSIONAL ETHICS**

Opinion No.: 12-02

Topic:	Duty of seller's attorney to disclose self-proclaimed sex offender status of seller's neighbor.
Digest:	Seller's attorney does not have a duty to disclose neighbor's self-proclaimed sex offender status.
Rules:	1.4; 4.1

QUESTION

Does the attorney for a seller of real property ("Seller") have an ethical obligation to disclose the sex offender status of Seller's neighbor ("Neighbor")?

OPINION

"A lawyer is required to be truthful when dealing with others on a client's behalf, but generally has no affirmative duty to inform an opposing party of relevant facts." Rule 4.1.

Here, Neighbor approached Seller's attorney and proclaimed to be a sex offender. Neighbor asked the attorney to disclose said information to the buyer or his attorney. Neighbor's sex offender status, which is publicly available, may be relevant to the buyer, but seller's attorney does not have an affirmative duty to disclose it. The attorney is ethically obligated, however, to inform her client of Neighbor's statement and any effect it may have on the transaction. Rule 1.4(a)(3) (duty to keep client "reasonably informed about the status of the matter," including "significant developments affecting the timing or the substance of the representation).

CONCLUSION

Seller's attorney does not have an ethical duty to disclose Neighbor's statement to the buyer's attorney. She may be bound by other legal or contractual duties, however, which are not properly addressed by the Professional Ethics Committee.