

**ETHICS OPINION NUMBER 173
OF THE MISSISSIPPI BAR
RENDERED JUNE 22, 1987**

CONFLICT OF INTEREST- An attorney may allow a client to name him in the client's last will and testament as attorney for the client's (testator's) estate.

The Ethics Committee of the Mississippi State Bar has been requested to render an opinion in the following facts:

Attorney is drafting a will for client, "T". Client T requests attorney to name himself in T's will as the attorney for T's estate. Attorney is not a beneficiary under the will. Can Attorney ethically draft himself into T's will as the attorney for T's estate?

ANSWER: Yes. Since the Attorney has been requested by a client to perform additional duties on behalf of the client, no ethical provisions come into play. There are no questions of conflict of interest, solicitation or attorney client relationship where the additional services involve an existing client.

This opinion should not be construed to mean that an attorney is not under an obligation to act with professionalism in obtaining future services. *See*, Ethics Opinion 39. Nor does this opinion deal with whether or not the executor is bound to hire the attorney named in the will as his attorney. *See*, Ethics Opinion 46.