
11/71 Lawyer in probate limited to legal fees

Where a lawyer is the attorney of record for the personal representative of an estate which is responsible for the sale of real estate therein, the lawyer must accept legal fees for such sale and not attempt to charge a real estate broker's commission. This is upon the ethical principle that real estate brokerage is somewhat related to the practice of law and when engaged in by the attorney it constitutes the practice of law. The committee believes that an attorney acting in the capacity of personal representative and selling real estate would be limited to the fees set forth in sec. 857.05 which regulates fees to such personal representative in addition to attorney fees. (11/30/71)