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AMERICAN BAR ASSOCIATION "BEWARE OF YOUR BROKER: DUTIES ARISING FROM AGENCY REPRESENTATION OF REAL ESTATE PROFESSIONALS"

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"When real estate transactions go awry, people often look to their broker and question whether the broker fulfilled its obligations in connection with the transaction. Unfortunately, when these disputes result in litigation, clients often assume that the broker was acting as their agent and, as a result, owed them fiduciary duties. However, whether the broker is potentially liable with respect to a given transaction often depends on what type of agency relationship truly existed and the resulting duties (if any) owed to the broker's client from that relationship. Much to the surprise of property owners, quite often these duties are less than the traditional common-law fiduciary duties that a client might expect."

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