

Committee Opinion  
April 28, 1983

LEGAL ETHICS OPINION 513

DIVORCE MEDIATION/DOMESTIC  
RELATIONS/FAMILY LAW.

Concerning the role of an attorney who is involved in the divorce mediation process, the attorney involved in the mediation process would represent the couple and not the divorce mediation process. However, in many cases, it would be improper for an attorney to attempt to render legal advice to both parties since often it would be virtually impossible to give such advice in a completely non-partisan way.

However, where an attorney has undertaken to provide "legal information" only, as opposed to "legal advice," the parties understand the distinction between "legal information" and "legal advice" and have given their informed consent for an attorney so to act, it may be appropriate in certain circumstances for an attorney to provide legal information to both parties, particularly, in uncomplicated and straightforward situations where the parties are contemplating getting a non-contested divorce and the marriage has been of short duration with little assets and no children involved. Regardless of the situation, however, attorneys should be advised to use great caution before agreeing to provide legal information or advice to both parties, and should attorneys agree to do so, they should be extremely careful to be as non-partisan as possible.

It would be ethically impermissible for an attorney to give legal advice to the therapist who, in turn, would pass it on to the clients in the mediation process since the attorney by doing so would be aiding the therapist in the unauthorized practice of law in violation of the provisions of DR:3-101. [DR:3-101, Virginia Code of Professional Responsibility]

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