

Committee Opinion
December 3, 1984

LEGAL ETHICS OPINION 638

RETAINER AGREEMENTS –
ARBITRATION OF MALPRACTICE
CLAIMS.

Under the provisions of DR:6-102 and EC:6-6 of the Virginia Code of Professional Responsibility, effective October 1, 1983, and Massachusetts Legal Ethics Opinion 82-1, dated January 12, 1982, it is not ethically improper for an attorney to include in a retainer agreement with a client a provision for binding arbitration or nonbinding but admissible arbitration of any malpractice claim which may arise out of the professional enjoyment provided that the client consents after full disclosure of the effect of such a provision and after the client is advised to seek independent counsel in regard to the advisability of such a provision. See also Code §§ 8.01-577 et seq. and § 8.01-581.12, Code of Virginia (1950), as amended.

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