

Committee Opinion  
February 25, 1988

LEGAL ETHICS OPINION 1042

ATTORNEY – CONTACTING  
OPPOSING CLIENT’S TREATING  
PHYSICIAN.

**[Overruled – See note]**

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**Legal Ethics Committee Notes.** – This opinion is overruled by Va. Code § 8.01-399(D) and L E Op. No. 1639.

**Editor’s Note.** – L E Op. No. 1042 was overruled by § 8.01-399(D) of the Code of Virginia as amended by the 1993 session of the Virginia General Assembly, the Virginia State Bar Standing Committee on Legal Ethics has determined. The subsection precludes a lawyer or anyone acting on the lawyer’s behalf from obtaining, in connection with pending or threatened litigation, information from a practitioner of any branch of the healing arts without the consent of the patient except through discovery pursuant to the Rules of the Court.