

Committee Opinion
November 2, 1988

LEGAL ETHICS OPINION 1154

FEEES – FOREIGN ATTORNEY –
TERMINATION OF REPRESENTATION:
RETAINER AGREEMENT
ENFORCEABILITY.

Inquiry referred to the Unauthorized Practice of Law Committee for opinion regarding those issues involving a foreign attorney's conduct.

When a foreign attorney's representation is obtained to be performed in the foreign state, the bar of that state would most likely have authority to advise on the ethical standards which might apply. Any demand for retainer fees by the foreign attorney after being discharged may depend on whether the retainer agreement is enforceable under laws of the foreign state. If the foreign attorney was seeking payment of fees which were actually earned prior to the termination of his representation, there may be no violation under the Virginia Code of Professional Responsibility.

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