

[Overruled – See note]

LEGAL ETHICS OPINION 1235

COMMUNICATION WITH WITNESS-
EXPERT WITNESS: DEFENSE
ATTORNEY ENGAGING IN *EX PARTE*
COMMUNICATION WITH PLAINTIFF'S
PHYSICIAN; ENGAGING PLAINTIFF'S
PHYSICIAN AS DEFENDANT'S
EXPERT.

[Overruled – See note]

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. 1235 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.