Title:
VII.5 - Liability for damages for legal opinions

Content:
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A party is liable for damages if it solicits a legal opinion in the case according to the agreement of the parties and the other party, who has reasonably believed in the verity of the legal opinion, suffers damages because it has performed its obligation or has made other financial dispositions.

Commentary:
1 Several legal relationships must be distinguished in the context of liability for legal opinions. If a party solicits a legal opinion from his attorney, and the legal opinion contains mistakes or errors, the attorney is liable to his client under the applicable law. If third parties have relied on the legal opinion, these third parties may have a claim for damages against the attorney even though they have no contract with him if it was obvious or foreseeable for the attorney at the time he produced the legal opinion that these third parties would rely on the advice contained in the legal opinion.

2 The Principle relates to the situation in which two parties agree that one of them solicits a legal opinion and the other party suffers damages because it has performed its obligation or has made other financial dispositions in reliance in the correctness of the legal opinion. Because there is a contract related to the soliciting of the legal opinion between the parties, the party whose reliance in the correctness of the legal opinion is disappointed has a claim for damages against the other party.