

Committee Opinion
December 4, 1979

LEGAL ETHICS OPINION 347

ADVERSE INTERESTS - CORPORATE
CLIENT.

There is nothing ethically impermissible with an attorney communicating with employees of a corporation adverse to the interests of the attorney's client in litigation so long as the employee does not occupy a position within the corporation such that he or she could commit the organization or corporation to specific courses of action that would lead one to believe the employee is the corporation's alter ego. [See II: DR:7-103(A)(1).]

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Legal Ethics Committee Notes. - Rule 4.2 Comment [4] adopts the “control group” analysis for determining the ethical propriety of communications with employees of an adverse organization.