

Committee Opinion  
November 23, 1983

LEGAL ETHICS OPINION 530

CONFLICT OF INTEREST/  
COMMUNICATION WITH ADVERSE  
WITNESSES.

There is nothing ethically impermissible with an attorney communicating with employees of a corporation adverse to the interest of the attorney's client in litigation so long as (1) the attorney first discloses his adversarial role in the litigation and (2) 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. [DR:7-103(A) and LE Op. 347 (formerly Legal Ethics Opinion 436)]

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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.