

Committee Opinion
May 27, 1986

LEGAL ETHICS OPINION 801

CONTACTING EMPLOYEES OF
ADVERSE PARTY.

It is improper for an attorney to directly contact the employees of an adverse party for the purpose of investigation if said employees occupy positions within the corporation such that they could commit the corporation to specific causes of action which would lead one to believe that the employees are the alter-ego of the corporation, i.e. that said employees are members of the corporation's "control group" as defined in *Upjohn Co. v. U.S.*, 449 U.S. 383, 101 S. Ct. 667 (1981). [LE Op. 795]

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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.