

Committee Opinion
July 21, 1982

LEGAL ETHICS OPINION 459

COMMUNICATION WITH WITNESSES
FOR ADVERSE PARTY.

It is ethically improper for an attorney to communicate with any witnesses for the adverse party (a corporation which is represented by counsel) who are such employees of the corporation as could commit the corporation to certain courses of action, as its alter ego. Only if the attorney first receives permission from the corporation's counsel to communicate with these witnesses may he do so. [See LE Op. 347 and ABA Informal Opinion 1377, June 2, 1977.]

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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.