

New York Law Permits Ex Parte Communications with Former and Non-Managerial Employees

Nicholas J. Panarella

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The [Litigation](#) Practice Group has prepared a client advisory regarding the *Muriel Siebert & Co., Inc. v. Intuit, Inc.* decision, in which the New York Court of Appeals held that an *ex parte* communication with an adversary's former employee did not violate ethical or legal standards. Rather, attorneys may conduct interviews of both former employees and non-managerial, current employees as long as counsel takes measures to avoid the disclosure by such employees of confidential information. This advisory also details some practical considerations for counsel to consider with respect to interviewing such employees.