

MINUTES

COMMITTEE: Ethics Committee

DATE: March 7, 2002

9. CHAPTER 8, RULE 15: WHETHER NOTICE MUST BE GIVEN TO INDIVIDUAL EXPERTS

A lawyer asked whether Chapter 8, Rule 15 of the *Professional Conduct Handbook* requires a lawyer to notify opposing counsel before making any individual contacts with experts or whether notification of opposing counsel that the lawyer intends to contact some or all of the opposing party's experts is sufficient.

In the Committee's opinion notice must be given of each proposed contact. It was the Committee's view that a policy of permitting lawyers to give notice that they will contact some or all of the opposing party's experts creates needless work for opposing counsel who must then prepare all experts for a contact that may only occur with some. Moreover, the use of the singular "expert" in Rule 15 supports the interpretation that notice must be given of each proposed contact.