
Opinion: It's Time for a Bright-Line Test for the 'No Contact Rule'

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In this piece published by *The Recorder*, Timothy Perry and Sarah Zarrabi highlight the necessity for the US Court of Appeals for the Ninth Circuit to create a bright-line test for prosecutors' use of the “no contact rule.” The Ninth Circuit's 2000 ruling in *United States v. Talao* has caused confusion on when and how prosecutors can avail themselves of the “authorized by law” exception.

In law practice, ethical questions can be blurry; the rules governing them should not be. Yet since its 2000 decision in *United States v. Talao*, the U.S. Court of Appeals for the Ninth Circuit has obliged defense attorneys and prosecutors to guess at the exact parameters of the “no contact rule”—an ethical canon that applies to nearly every major covert criminal investigation, particularly those overseen by federal prosecutors. It is time that the Ninth Circuit resolve the ambiguity with a bright-line test.