



“that’s what she said”

a ford & harrison blog about the popular television series “the office”

Shhh — It’s a Secret

July 21, 2011 - by: [Brian Kurtz](#)

It’s official. James Spader’s uber-intense character, Robert California, is going to be the new big boss on The Office. My colleague, Kristin Gray, excitedly revealed this news in [her post](#) two weeks ago. Kristin, it seems, was a fan of Spader’s character on Boston Legal, which I applaud her for admitting on the Internet.

For me, it’s Spader’s role in Wall Street as Roger Barnes, son (nephew?) of the senior partner at a corporate law firm. Barnes is very instructive to my law practice today. It was Barnes who put it in Bud Fox’s head that there was a treasure trove of confidential information in his colleagues’ law offices. Fox bought into a janitorial firm to gain after-hours access to Barnes’ firm — access he used for insider stock trading.

As an employer, how well do you protect your confidential information? In most states, demonstrating that an employer has confidential information or trade secrets depends not only on the nature of the information, but also on the steps the employer takes to protect that information from unauthorized disclosure. For example, KFC may not have legal recourse if its CEO leaves the Colonel’s secret recipe sitting in a conference room for the night cleaning staff to find.

In cases where confidential information is at issue, courts probe what the employer is doing to protect its information. Is the information password-protected? Is access limited to those who need the information to perform their jobs? When an employee resigns or is terminated, does the employer promptly cut off access to its confidential information? As an employer, if you don’t have good answers to these questions, consider some new protocols.

Will Robert California have to deal with the loss of confidential information? Who cares?! We just want new episodes already. That’s what we say. What do you say? Let us know.

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