
Attorney-Client Privilege

Posted by Jackie - 2007/02/28 01:05

I'm not sure what category this would fall under so I'm submitting it under ethics. As you may have heard, in light of the recent criminal investigations and indictments of major corporations, the feds are beginning to ask for waivers of the attorney client privilege. They've even been asking corporations to refuse to pay for the defense of indicted employees before (which I would assume is a violation of their employment contract at the very least). Any thoughts?

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Re:Attorney-Client Privilege

Posted by bigdaddy - 2007/03/23 21:35

Refusing to defend an executive employee is purely a question of their contract and corporate policy. Although the Corporation may have a fiduciary duty depending on the transaction. The attorney-client privilege is a very tricky thing; first it belongs to the client, second privilege may have various levels, work product, discussion, notes could all be under a separate privilege; third privilege in a corporate setting can mean various things and may not be waivable depending on the people involved and the setting of the overall transaction involved in between those people. Remember, a corporation acts through its agents, so the privilege may not belong to the corporation, it may belong to an employee, it all just depends on very specific facts.

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