

Lex Mundi Releases Attorney-Client Privilege Guide for General Counsel

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By Dan Clark

Recognizing that the way attorney-client privilege is handled from jurisdiction to jurisdiction may vary, Lex Mundi, with the help of Jenner & Block, launched its Attorney-Client Privilege Guide for General Counsel to aid in preparation for litigation strategies.

Right now, there are approximately 65 global jurisdictions covered in the guide. The guide allows for general counsel to generate a report and compare different jurisdictions side by side under questions such as: “Is in-house counsel expected to meet a higher burden than outside counsel in order to establish that privilege applies to in-house counsel’s communications?” and “May in-house counsel assert privilege or professional confidentiality?”

“The members of our dispute resolution team are often asked these kinds of questions,” Lauren Smith, senior manager of global markets at Lex Mundi in Houston, said.

“If you’re involved in potential litigation, one of the key questions you’re going to ask is: ‘What is privileged and what is protected in terms of the material you prepare for litigation?’” David Greenwald, a

partner at Jenner & Block in Chicago, said in an interview with Corporate Counsel.

The guide also offers citations to how that information was obtained.

“Someone accessing this information can get a basic understanding of the law and citations to case law to expand their own research,” Greenwald said.

Common-law jurisdictions like the United States honor attorney-client privilege, however, there are variances from state to state, Greenwald explained. He said before this guide he would field questions about how different states handle privilege.

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Civil law jurisdiction, such as France and Germany, typically do not recognize attorney-client privilege. However, Greenwald explained they



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may protect certain communications through different ethics rules. He said the guide has the answers on what kinds of communications are protected in civil law jurisdictions.

The information comes directly from Lex Mundi member law firms in each jurisdiction. Lex Mundi has over 150 law firm members in 100 jurisdictions across the world. The guide is going to be continually updated, Smith said.

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