



WHITE COLLAR COMPLIANCE & DEFENSE PRACTICE AREA

ALERT

ATTORNEY-CLIENT PRIVILEGE PROTECTION ACT GOES TO SENATE JUDICIARY COMMITTEE

By Eric E. Reed

On November 13, 2007, the House of Representatives passed the Attorney-Client Privilege Protection Act (H.R. 3013). The legislation precludes federal attorneys and agents from seeking waivers of attorney-client privilege or attorney work product protection in conducting civil or criminal investigations of business organizations. The Act also prohibits conditioning a charging decision on an organization's decision to waive such privileges or to subsidize its employees' defense.

Opponents of the legislation argue that it will handicap federal investigators' ability to investigate corporate fraud cases and will increase culpable employees' ability to conceal wrongdoing. Supporters

believe the legislation is necessary to avoid actual or implied pressure on business organizations to waive privileges when the government comes calling. The legislation will now be referred to the Senate Judiciary Committee, where the Act's author and sponsor, Senator Arlen Specter, is the ranking member. However, the Committee's Chairman, Senator Patrick Leahy, has been cooler to the legislation in prior hearings.

For more information about the Act, contact Eric Reed at 215.299.2741 or ereed@foxrothschild.com, or any member of our White Collar Compliance & Defense Practice on the Web at www.foxrothschild.com.