

To whom and for what purpose drives the analysis of attorney-client communication?, InsideCounsel

In the corporate context there are three chief concerns to be addressed if communications are to be protected by the attorney-client privilege

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The oldest protection from disclosure for communications, the attorney-client privilege, is sacrosanct in its purpose “to encourage clients to make full disclosure to their attorneys.” For corporate counsel, whether a communication is protected by the attorney-client privilege is complicated by the fact that a corporation is an artificial creature of the law, and not an individual. As a result, in the corporate context there are three chief concerns to be addressed if communications are to be protected by the attorney-client privilege: between whom are communications protected; whether the communication is the type to which the privilege could apply; and whether the communication is made in confidence.

*Between whom are communications protected, in federal proceedings, was answered by the Supreme Court in *Upjohn Co. v. United States*, where the Court held that the attorney-client privilege ...*