

# *Avoiding the Witness Chair: Maintaining Privilege as In-House Counsel (Or, Was The Communication Made To Facilitate the Rendition of Legal Services)*

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## **COMPLICATED**

“In-house attorneys are wielding increasing and enormous power in the running of corporate America. Attorneys these days play leading, not just supporting, roles, getting involved in virtually every kind of business decision.”

*Forbes,*  
November 6, 1995





How to help the  
Judge make a  
good, thoughtful  
decision (for you).



## ***THE PRIVILEGE***

- Protects from compelled disclosure every communication (written or verbal) that is:
  - between an attorney and the attorney’s client,
  - made in confidence, and
  - for the purpose of obtaining legal advice
- Protects only the communication
  - does not protect underlying facts and circumstances about which the client seeks or obtains legal advice



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First appeared as part of the conference materials for the  
40<sup>th</sup> Annual Corporate Counsel Institute session  
"Avoiding the Witness Chair: Maintaining Privilege as In-House Counsel"