

PRIVILEGES UPDATE 2003

**ALISTAIR DAWSON
BECK, REDDEN & SECREST
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OVERVIEW

- **The Substantive Privileges**
- **Differences Between State and Federal Practice**
- **Asserting, Proving and Defeating Privilege Claims**

Rule 503-Attorney Client

- **Subject matter test**
- **“Expanded” control group” test**
 - **Communication**
 - **Corporate employee**
 - **Subject matter relates to performance of the employee’s duties**

Rule 503-Attorney Client

- ***Crill v. Bond* (State)**
 - Plaintiff's daughter met with lawyer
- ***National Converting* (Federal)**
 - Trusted son met lawyer

Rule 503-Attorney Client

- Legal advice must be sought
- Does not apply to conversations between lawyers and corporate clients in the ordinary course of business.
 - *In re Santa Fe*
 - *Seibu*

