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February 21, 2024

Preserving Your Client's Privileges and Confidences during Internal Investigations 2024



Protecting the attorney-client privilege and other confidential information during internal corporate investigations can be particularly challenging, especially when information related to the investigation is disclosed outside the company.

Our faculty experts provided an overview of best practices for in-house attorneys and outside counsel for protecting internal confidences and privileges when involved in investigations related to the False Claims Act or Foreign Corrupt Practices Act, in particular.

The panel addressed mitigating the risks of waiving attorney-client privilege and attorney work product during internal investigations, including protecting privilege in disclosures to the government, by drawing on recent cases dealing with issues such as text messages and social media.

Our panel also surveyed these issues and provide suggestions on how to manage investigations to protect privilege and confidentiality when collecting and reviewing documents, communicating with witnesses, and engaging with the government.

Authors