

Litigation Ethics: Part II (Discovery)

This interactive program uses hypotheticals to explore topics of interest to litigators (and transactional lawyers whose clients might face litigation), focusing on the ethics of pretrial discovery. The topics include: (1) aggressive and deceptive discovery tactics (including surveillance videotapes; the use of body wires; tape recording telephone calls; the use of admittedly deceptive tactics during public interest investigations such as housing discrimination tests, purely commercial investigations and government investigations); (2) discovery mistakes (including the ethical responsibilities of lawyers who receive privileged communications inadvertently sent by an adversary, electronic documents accompanied by metadata, and privileged documents during litigation).