

**The Attorney-Client Privilege and the Work Product Doctrine:
Basic Principles and 2021 Developments and Trends**

This program will explore perhaps the most important legal doctrine all lawyers should understand -- the attorney-client privilege. The program will also address the separate but related work product doctrine protection. With both protections, the program will include up-to-date case law. The program will explore ten topics: (1) how to determine which attorney-client privilege and work product law will apply; (2) clients' nearly universal misunderstanding of the privilege's applicability, and the key legal advice component; (3) privilege protection in the corporate setting (including the danger of widespread intracorporate communications, beyond those with a "need to know"); (4) sources of proof courts examine in analyzing privilege protection, and practical steps for maximizing the protection; (5) basic work product principles (including the "litigation," "anticipation," and "motivation" elements); (6) identifying who is outside privilege protection, including clients' and lawyers' agent/consultants; (7) privilege waiver (including implied, "at issue" and subject matter waivers); (8) joint defense/common interest agreements (highlighting their unpredictability); (9) work product waiver, which dramatically differs from privilege waiver; (10) privilege and work product issues arising before, during and after internal corporate investigations.