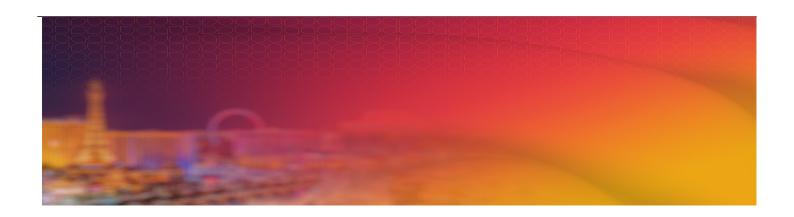


Annual Meeting '22: It's a Privilege to Speak with You

Community

Law Department Management



Session 504 Panelists

Mary Blatch, Senior Privacy Counsel, StockX

Jonathan Jung, General Counsel & Corporate Secretary, Innovative Cosmetic Concepts

Indira Sharma, Partner, Saul Ewing

Franco Spraggins, General Counsel & Chief Compliance Counsel, Eversana

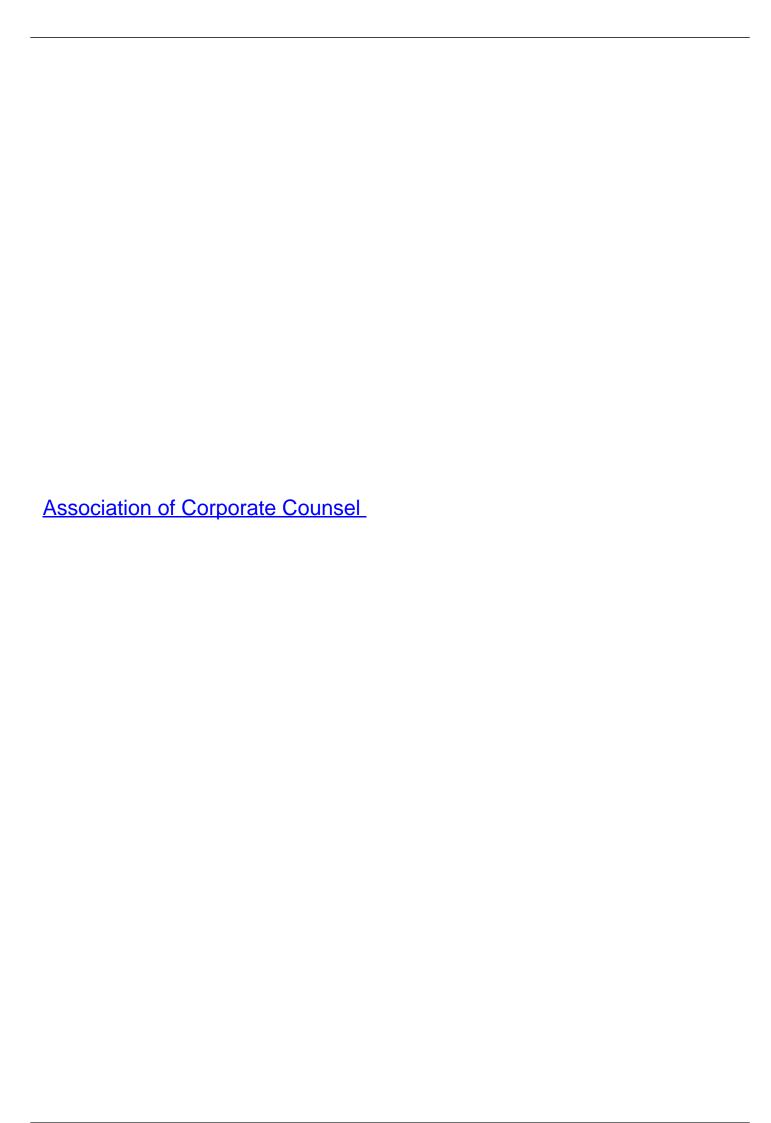
Watch the US Supreme Court carefully, because its decision in In re Grand Jury will impact how courts determine attorney-client privilege in the dual-purpose communications context. Dual-purpose communications uniquely impact in-house counsel because they wear so many hats.

- Currently, there is a split in the US Courts of Appeal on what test should be applied to
 attorney-client dual-purpose communications: "the primary purpose" test, whereby the legal
 purpose must be the primary purpose, or "a primary purpose," in which the legal purpose
 must be a significant or material purpose.
- While there is confusion over the test that courts will apply, best practices include intentionally
 employing legal terms in responses to internal clients, training clients to send significant legal
 concerns in separate emails, developing clear policies that describe certain activities as
 conducted for the purpose of obtaining legal advice, and limiting the number of people on
 communications.

Courts will often look below the surface of what the actual issue is when it comes to determining the ultimate goal of the communication, whether legal or business.

Mary Blatch, Senior Counsel, Privacy, StockX

For more information about the Commercial Courts resolution and how chapters can use this resolution, please contact ACC's AGC and Director of Advocacy Initiatives, Amy Chai.





Staff

ACC