Variations Among States' Work Product Rules

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In his December 5, 2012 “Privilege Points” release, Tom Spahn discusses differences between the federal work product rules and the rules in a handful of states:

Most states have adopted the same or essentially the same language found in the federal work product rule, Fed. R. Civ. P. 26(b)(3)(A). Although federal courts have taken differing positions on some work product issues, at least federal courts and most state courts are dealing with the same language.


Lawyers accustomed to litigating in federal court should remember that not all states have adopted the federal work product rule.