Do Courts Always Review Withheld Documents In Camera Before Making Privilege or Work Product Rulings?

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In his March 19, 2014 “Privilege Points” release, Tom Spahn discusses “in camera” review:

Litigants' disputes about withheld and logged privileged or work product-protected documents sometimes end with a court reviewing the documents in camera. However, courts take varying approaches to this process.


In camera reviews can sometimes help a court distinguish between legal and business advice, or undertake other content-driven analyses. But an in camera review usually does not help analyze issues such as those involving waivers – which focus on extrinsic events rather than on the withheld documents' content.