Where Do You Find States' Attorney-Client Privilege Principles

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In his October 17, 2012 “Privilege Points” release, Tom Spahn discusses where to locate authority for the attorney-client privilege in your applicable jurisdiction.

Unlike the rules-based work product doctrine, the attorney-client privilege developed organically in every United States jurisdiction. However, states have chosen different places to articulate their privilege protection. States have memorialized their attorney-client privilege in their common law, in statutory law, in evidentiary rules, or in a combination of those sources.


Once lawyers determine which jurisdiction’s privilege law applies, they must then correctly identify the source of that law.