

WASHINGTON, DC - Yesterday, Congressman Robert C. "Bobby" Scott (D-VA-3) introduced H.R. 4326, the Attorney-Client Privilege Protection Act. House Judiciary Committee Chairman John Conyers, Jr. (D-MI-14) and the Committee's Ranking Minority Member, Lamar Smith (R-TX-21), cosponsored the bill together with Representatives Jerrold Nadler (D-NY-8), William Delahunt (D-MA-10), Daniel Lungren (R-CA-3), and Howard Coble (R-NC-6).

This bill is designed to address the government's use of what are called "coercive waivers" to gain access to privileged communications that otherwise would remain private and protected under the doctrine of attorney-client privilege.

In 2008, the Department of Justice issued new guidelines to address many of the prior concerns about placing corporate defendants at greater risk of prosecution if they seek to rely upon their attorney-client privilege. However, these guidelines do not govern agencies outside that Department, and the bill's sponsors believe the entire Executive Branch should be bound by a uniform policy in this area. This bill is introduced to impose such a uniform policy.

"The federal government needs to have a uniform policy respecting the attorney-client privilege and work product doctrine, which are fundamental to our system of justice and must not be eroded," stated Congressman Scott. "The bill we have introduced will establish such a policy for all federal departments and agencies."

"The government should not coerce any organization to waive its attorney-client privilege. I'm pleased at the bipartisan support for this bill," said Committee Chairman Conyers.

"The Justice Department's 2008 guidelines have proven to be an appropriate and workable balance between federal investigative authority and corporate attorney-client privilege," stated Ranking Member Lamar Smith. "Congress must ensure that the same rules apply to all federal agencies to provide uniformity to federal investigations."

###