

What is NOT protected by attorney-client privilege may surprise you!

And how to maintain that protection, where it does apply, may not be as intuitive as you think!

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PRESSURE  
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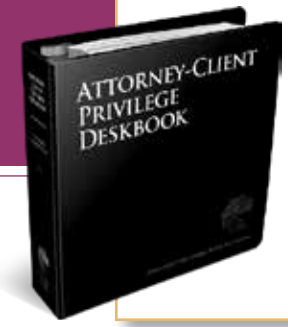
**Free to All Attendees!**  
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**Monday, September 23, 2019**  
Minnesota CLE Conference Center  
Minneapolis

*In-person replay details inside!*



MINNESOTA CONTINUING  
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**Free to All Attendees!**

Attorney-Client  
Privilege  
Deskbook

# PRESSURE ON THE **PRIVILEGE**

*What All Lawyers Must Know to Protect the Confidentiality of Attorney-Client Communications – or to Challenge Inappropriate Assertions of Privilege*

- **Essential for Every Attorney**
- 8 Sessions Tackling **Real-World Practice Issues**
- An **Outstanding Faculty** Including **Judicial Perspective**
- **Practical Advice and Insights**
- **Ethics Credits** (applied for)
- **Special Deskbook Bonus**
- And more!

**Monday,  
September 23, 2019**

Minnesota CLE Conference Center  
600 Nicollet Mall, Suite 370  
Minneapolis

*In-person replay details inside!*

# POPULAR PROGRAM RETURNS!

8:30 – 8:55 a.m.

CHECK-IN & CONTINENTAL BREAKFAST

8:55 – 9:00 a.m.

WELCOME & INTRODUCTION

9:00 – 10:00 a.m.

## Protecting Client Confidences – Asserting and Maintaining the Attorney-Client Privilege

*1.0 ethics credit applied for*

Attorneys have an ethical duty to protect their clients' privileged information. And the scope of the privilege – and how best to set up protections on the front end – is often misunderstood. This opening session sets the stage for the day by discussing the following foundational topics: differentiating between business and legal communications for the purposes of protecting privilege, and protecting the privilege once it has been established.

– *Jenny Gassman-Pines, Course Co-Chair*  
– *Clifford M. Greene, Course Co-Chair*

10:00 – 10:45 a.m.

## In Camera Review – The Evaluation of Privileged Documents Behind Closed Doors

So, what does the judge really think about your assertions of – or challenges to – attorney-client privilege or work product protection in litigation discovery practice? Hear judicial perspective on important considerations in a court's in camera review, plus practical dos and don'ts for counsel in this context.

– *Judge Nancy E. Brasel*  
– *Judge Marta M. Chou*  
– *Brooke D. Anthony (moderator)*

10:45 – 11:00 a.m.

BREAK

11:00 – 11:45 a.m.

## Protecting the Attorney-Client and Work Product Privileges in Investigations

What are the boundaries of the privilege in an internal investigation? What happens when an individual or entity makes voluntary disclosures to the government?

– *Karl C. Procaccini*  
– *Michael M. Savers*

11:45 a.m. – 12:15 p.m.

## When Are Communications with Experts Exempt from Discovery?

Application and implications of Federal Rule of Civil Procedure 26(b)(4) and Minnesota Rule of Civil Procedure 26.01(b).

– *Stephanie Laws*

12:15 – 1:15 p.m.

LUNCH (on your own)

1:15 – 1:45 p.m.

## Privilege in Multiparty Litigation – The Joint Defense and Common Interest Privileges

*0.5 ethics credit applied for*

The joint defense and common-interest privileges are designed to protect the confidentiality of information where certain aligned parties seek to share information confidentially. But there are also important risks associated with these privileges that every lawyer should know. In this session, we will address how to recognize the improper assertion of such privilege and how to draft agreements and communications that maximize the chances that courts will recognize and apply the privileges.

– *Robert J. Gilbertson*  
– *Anna M. Tobin*

1:45 – 2:15 p.m.

## How Your Data Security Obligations Intersect with Protecting the Privilege

*0.5 ethics credit applied for*

Learn more about attorney ethical obligations for securing client data (from professional responsibility and data security law perspectives) ... and 10 practical tips to avoid common pitfalls that compromise that security.

– *Nadeem W. Schwen*

2:15 – 2:45 p.m.

## Surprise! How Foreign Jurisdictions Differ from the U.S. on Attorney-Client Privilege – And Tips to Maximize Protection in the Face of Those Differences

*0.5 ethics credit applied for*

– *Deborah A. Ellingboe*

2:45 – 3:00 p.m.

BREAK

3:00 – 4:00 p.m.

## Ex Parte Contacts with Employees – Insider Informants, Hostile Company Witnesses and “Gag Orders”

*1.0 ethics credit applied for*

May attorneys (and their agents) contact and interview an adversary's employees without company permission? May employers prohibit employees from communicating with attorneys who are suing the company? What if an attorney is provided arguably privileged information by a witness...or even by a client? Attorneys representing businesses, employees, government entities and lawyers will explore this controversial and recurring scenario.

– *Eric T. Cooperstein*  
– *Rachhana T. Srey*  
– *Clifford M. Greene (moderator)*

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# COURSE INFORMATION

## LIVE PRESENTATION

**Minneapolis – 9/23/19**  
Minnesota CLE Conference Center  
600 Nicollet Mall, Suite 370  
Third Floor City Center

## IN-PERSON REPLAYS

Schedule times for replays may differ from the live presentation due to abbreviated lunch and break periods. Start times are as indicated below. Please register at least one week in advance to secure your copy of the materials on the day of the seminar.

**Minneapolis – 10/15/19**  
**Minneapolis – 10/30/19**  
(Registration 8:30; Replay 9:00)  
Minnesota CLE Conference Center  
600 Nicollet Mall, Suite 370  
Third Floor City Center

## CREDITS

Minnesota CLE is applying to the Minnesota State Board of CLE for **5.5 total CLE credits, including 3.5 ethics credits**. The maximum number of total credits attendees may claim is 5.5 credits.

## SCHOLARSHIPS AVAILABLE

Minnesota CLE maintains a scholarship program for those with a financial need. Most scholarships awarded are 50% off the seminar price. Contact Grant at [gdavies@minncle.org](mailto:gdavies@minncle.org) or **651-254-2111** for details or to obtain an application.

## ACCOMMODATION

If you have a disability and need an accommodation in order to attend this seminar, please contact Minnesota CLE as soon as possible at 2550 University Avenue West, Suite 160-S, Saint Paul, MN 55114 or call us at 651-227-8266 or 800-759-8840.

## CANCELLATION / NO-SHOW POLICY

Paid registrants who cancel before the seminar will receive a full credit on their account, or refund upon request. Paid registrants who do not cancel and are unable to attend will retain access to the course materials through their website account. (Free access to the *Attorney-Client Privilege Deskbook* is for **attendees** only and will not be provided to paid no-shows as part of the course materials.) Passholders may purchase the materials at 50% of the full retail price.

## QUESTIONS?

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Or, visit us online at [www.minncle.org](http://www.minncle.org).

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# PRESSURE ON THE PRIVILEGE

Monday, September 23, 2019  
Minnesota CLE Conference Center, Minneapolis

## PLEASE “✓” APPROPRIATE BOX BELOW:

### IN-PERSON LIVE – 9/23/19:

\$245 MSBA member  \$245 paralegal  \$295 standard

### IN-PERSON REPLAY:

\$225 MSBA member  \$225 paralegal  \$275 standard

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