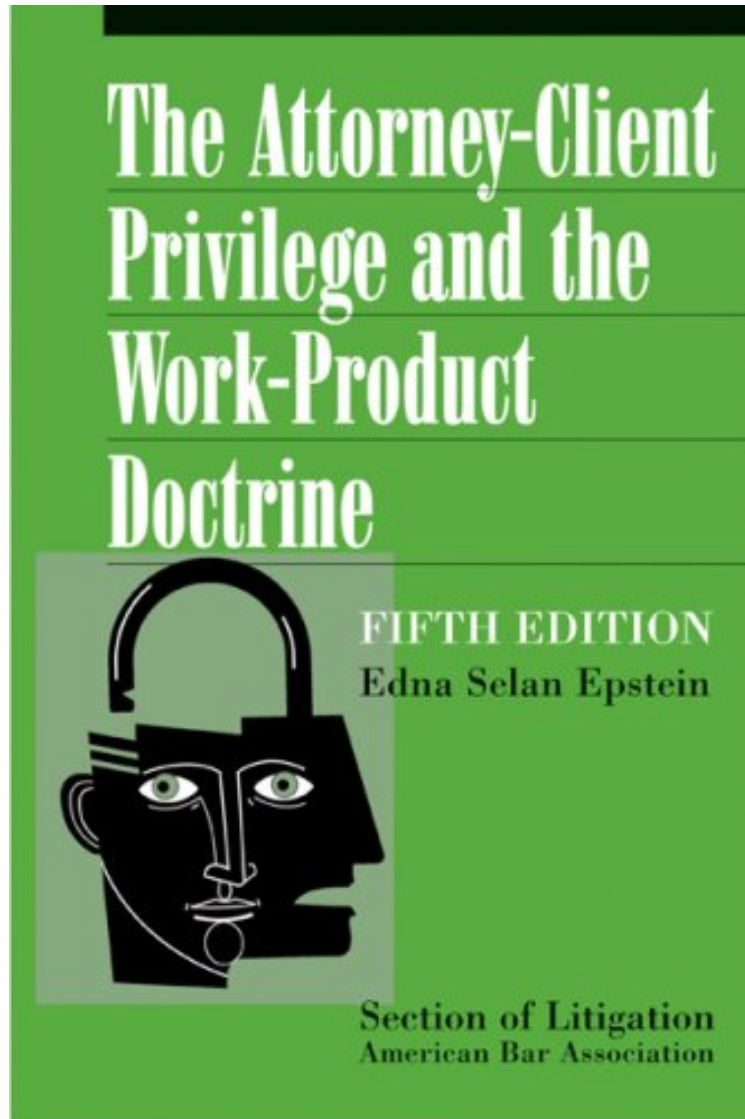


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## The Attorney-Client Privilege and the Work-Product Doctrine, Fifth Edition (2 volume set)

*Edna Selan Epstein*

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**Edna Selan Epstein : The Attorney-Client Privilege and the Work-Product Doctrine, Fifth Edition (2 volume set)** before purchasing it in order to gauge whether or not it would be worth my time, and all praised The Attorney-Client Privilege and the Work-Product Doctrine, Fifth Edition (2 volume set):

0 of 0 people found the following review helpful. The Bible for this topic, IMHO By H. B. Anderson I first bought this when it was a single volume, about 15 years ago. I loved it then and love it now. It's pretty comprehensive and

contains clear explanations for this somewhat subtle area of law. 13 of 13 people found the following review helpful.

THE bible when it comes to the Attorney-Client Privilege and the Work-Product Doctrine. EVERY attorney should have a copy!

By Jeff Lippincott I loved this "book." I say book in quotes because it is really a two-volume 1474-page legal treatise on the subject matter its title clearly indicates it covers. The book's Table of Contents reads as follows:

- I. The Attorney-Client Privilege (ACP) [1-9]
- II. The Work-Product Doctrine (WPD) [10-16]
- III. Factor Common to both ACP WPD [17-24]

1. Purpose scope of the ACP
2. Standing
3. Elements of the ACP
4. Communication Privileged persons
5. In confidence
6. For purpose of seeking or obtaining legal assistance
7. Waiver of the ACP
8. Exceptions to application of the ACP
9. Criminal convictions based on attorney testimony
10. Survival of the ACP
11. ACP in international context
12. Ethical concerns
13. Purpose of the WPD
14. Procedural matters
15. Elements of WPD
16. Documents tangible things otherwise discoverable
17. Prepared in anticipation of litigation or for trial
18. By or for another party or that party's representative
19. Substantial need
20. Unable to obtain substantial equivalent
21. Balancing need for information against WPD policies
22. Protecting attorney's mental impressions
23. Exceptions to the WPD
24. Waiver of the WPD
25. Underlying facts not privilege protected
26. Procedural issues
27. Deposing testifying counsel
28. Waiver of privilege in government prosecutions or investigations
29. ACP WPD in the Electronic Age
30. "Two strings to the bow" raising both ACP WPD
31. Interplay between FOIA and ACP/WPD

Conclusion: Whither the privilege

For more than two years now I have been doing document review work in the discovery process regarding large class action lawsuits. Probably the most complex aspect of the work I do relates to identifying documents as protected by the ACP, WPD, or both. When I make such identification, then I have to document my beliefs in what is called a Privilege Log (see pages 1188-1215 for discussion of privilege logs). And that's why I purchased this book. It does a wonderful job helping me determine when, why, and how to document my findings regarding documents I see fit to include in a privilege log.

My favorite part of the book was Part III where the author covers Privilege Logs, "In Camera" Inspections, and The ACP/WPD in the Electronic Age. And I especially liked the deep coverage of various court cases cited. As a result the book sort of has the feel of a legal digest since it included many quotes from many cases on point. I would have liked the book better if it had been organized a little differently. I think the material in Part III should have been moved to the front of the book so the reader can ease themselves into the book before facing the technical rules of ACP and WPD. I think summary chapters of both ACP and WPD should be added to Part III if it is to be moved to the front of the book. And then the ACP material in the current Part I can be moved to Part II. And the WPD material in the current Part II can be moved to Part III. The other thing this book needed was an index of terms. I can't go to the back of the book and look up "Privilege Log." No such index exists, and one should. But this book is quite a resource. 5 stars!

The Attorney-Client Privilege and the Work-Product Doctrine has helped thousands of lawyers through this increasingly complex area. In addition to providing a comprehensive overview of the current law of the attorney-client and work-product immunities, the new edition includes many more case illustrations and contextual examples, as well as numerous practical tips and guidance. Practical, accurate, reliable and clear, this book is the ideal guide for a practicing litigator: intellectually rigorous, but without the theoretical and academic baggage that can make writing on this subject cumbersome and leaden.