This Sixth Edition of The Attorney-Client Privilege in Civil Litigation carries forward the legacy of the series by providing new, updated, and expanded treatment of the attorney-client privilege and work-product doctrine. New and expanded topics include application of the revised federal rules and case law governing waiver of privilege, the pitfalls of privilege preservation and waiver in bankruptcy proceedings and international contexts, as well as the intersection of privilege and attorney/client-hired media consultants. Continuing the tradition, many of the chapters include helpful appendices of forms, and supplemental and illustrative documents. The scholarly work of the numerous authors and contributors is evident in each of the chapters.

When this treatise was originally published in 1989, the book was titled The Attorney-Client Privilege under Siege. Legislative activity at both the state and federal levels to limit (or preserve) evidentiary privilege and confidentiality duties of attorneys, along with debates over the Sarbanes-Oxley Act and related enactments, continues to fuel the perception that attorney-client privilege remains under attack. Fortunately, this oldest of Anglo-American evidentiary privileges continues to hold its own. As discussed in the ensuing chapters, much of the conflict and controversy continues to play out in the courts. Independent of judicial determinations on privilege, the practical fragility of confidentiality continues to take the national stage as the media report on governmental surveillance, massive data breaches, and the interception of electronic communications between attorneys and their clients, particularly in international scenarios.

On behalf of all the authors and contributors as well as my longtime co-editor and law partner, Oscar Rey Rodriguez, I am hopeful that this book will contribute to a better understanding and application of this most important evidentiary privilege.

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