

Resolution 19
In Support of the Attorney-Client Privilege and Work Product Doctrine

WHEREAS, there is a national concern for the need to incorporate integrity, public trust and responsibility in the conduct of agents and advisors of corporations and other organizations in light of the unexpected failures in recent years of several large American corporations; and

WHEREAS, in response to this concern some law enforcement and regulatory authorities have adopted policies and practices and procedures that could have the effect of eroding the attorney-client privilege and work-product doctrine; and

WHEREAS, the American Bar Association formed a Task Force on the Attorney-Client Privilege to study and to make recommendation on the erosion of this doctrine; and

WHEREAS, the ABA Task Force on Attorney-Client Privilege has submitted its report to the ABA House of Delegates for consideration at its August, 2005 Annual Meeting; and

WHEREAS, the members of the Conference of Chief Justices have many years of experience and perspective in regulating the practice of law which through the rules of professional conduct recognize the confidential relationship of attorney-client as well as in implementing and enforcing the rules of evidence and discovery for lawyers practicing in their respective jurisdictions;

NOW, THEREFORE, BE IT RESOLVED that the Conference supports the preservation of the attorney-client privilege and work-product doctrine as essential to maintaining the confidential relationship between client and attorney thereby promoting the proper and efficient functioning of the American justice system.

Adopted as proposed by the CCJ Professionalism and Competence of Bar Committee at the 57th Annual Meeting on August 3, 2005.