Bond Law Review

Volume 21 | Issue 1 Article 8

6-1-2009

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Recommended Citation
Stuesser, Lee (2009) "Attorney and Client: Obligations and Privileges, Edited by P L Jayanthi Reddy, Amicus Books, the ICFAI University Press 2008," *Bond Law Review*: Vol. 21: Iss. 1, Article 8.
Available at: http://epublications.bond.edu.au/blr/vol21/iss1/8

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Attorney and Client: Obligations and Privileges, Edited by P L Jayanthi Reddy, Amicus Books, the ICFAI University Press 2008

Abstract
This is not a book. It is a collection of articles from various sources. Nor should you be deceived by the title. It does not deal with the subject of attorney and client in any general way; rather its focus is far narrower. Most of the included articles concern attorney and corporate client privilege as it is applied to a corporation under regulatory investigation. Therefore, if you are looking for a book on attorney and client privilege, this is not the one.

Keywords
obligations, privileges, attorney and client

This book review is available in Bond Law Review: http://epublications.bond.edu.au/blr/vol21/iss1/8

ATTORNEY AND CLIENT: OBLIGATIONS AND PRIVILEGES, EDITED BY P L JAYANTHI REDDY, AMICUS BOOKS, THE ICFAI UNIVERSITY PRESS 2008

LEE STUESSER*

This is not a book. It is a collection of articles from various sources. Nor should you be deceived by the title. It does not deal with the subject of attorney and client in any general way; rather its focus is far narrower. Most of the included articles concern attorney and corporate client privilege as it is applied to a corporation under regulatory investigation. Therefore, if you are looking for a book on attorney and client privilege, this is not the one.

Unfortunately I do not believe that the editor really recognised this narrow focus and the result is a disjointed collection of articles. The book has all the hallmarks of a 'rush job'. The editor's overview is full of grammatical and writing errors and, even more distressing, often is quite simply wrong in law. For example, the editor writes that the privilege 'cannot be relied upon when there is innocence at stake' (p III). This is not the law in Australia, the United Kingdom, or in the majority of jurisdictions in the United States. The citations for the respective articles and authors are often as not incorrect as well.

There is a real question as to the book's readership. Of the ten articles seven concern the United States and only three are from Australia. There is no attempt to broaden the debate to include articles from the rest of the common law world. I doubt that American readers would be too interested in that they can obtain all of the articles through electronic databases. Australian readers would be disappointed because of the lack of Australian content.

Of the articles included, some are better than others. There is no question that those written by the senior professors (Professors Lindholm, Cohen and Rothstein) found in chapters 6, 7 and 9 show a depth and clarity, which is to be admired. Professor Rothstein's piece on the *Upjohn* case is especially well done. One wonders why it was left to chapter 9, as it provides a foundation for the other American articles on attorney/corporate client privilege.

One article is completely out of place. Chapter 2 deals with the innocence at stake exception that would allow disclosure in order to prevent a wrongful incarceration or execution. The article provides an interesting summary of the law in the United

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States, but really has nothing to do with the other nine articles that focus on corporate clients.

Amicus books has a series of such short books and the stated purpose is to publish on emerging issues of the law. Certainly, in the wake of the corporate meltdown, the issue of attorney/corporate privilege is a hot topic. Consider the situation where a corporation is under investigation for wrongdoing. Regulatory bodies want access to communications between the corporation and its lawyers. The 'client' owns the privilege, but who in reality is the 'client'? Are communications between employees and the corporation's lawyer caught by the privilege? What of communications between a company's CEO and the company's lawyers? As corporations merge, disappear or are taken over, as CEOs are removed or changed, the privilege may prove to be a fragile thing. In fact, we may well ask an even more fundamental question as to whether corporations should even be able to rely upon such a personal privilege. These are interesting and current issues, which may well have warranted a collection of thoughtful articles from across the common law world.

This was my first exposure to Amicus books and it was not a favourable one.