

Work Product Limited Immunity and the Attorney Client Privilege

What You Need to Know

Recent developments in the case law interpreting Pennsylvania's and the FRCP's work product limited immunity have made delineating one's "business" and "litigation" roles for a client increasingly important for transactional attorneys, in-house counsel, and litigators alike. Several federal circuits have taken very different (and seemingly inconsistent) views regarding whether certain types of duties routinely performed by in-house counsel or transactional attorneys can qualify for work product protection. If you are in-house counsel or a transactional attorney involved in the "business" affairs of your company or client, this course will provide the framework for undertaking the careful analysis of whether your communications could become discoverable if subsequent litigation commences involving the subject of your interactions. For litigators, this course provides an overview of the analysis that must be utilized as you try to either protect, or pierce, the work product limited immunity for your client during discovery.

- 9:00 - 9:40 Work Product Limited Immunity, Generally
 • A "Procedural" Rule with "Substantive" Effect
 Work Product Limited Immunity in Pennsylvania
 • The General Rule • "Even though Prepared In Anticipation of Litigation or Trial"
 • "Mental Impressions" of a Party's Attorney • "Statements Previously Made"—
 a special class of work product • Limited Scope of Protection • Materials
 Containing Both Discoverable and Non-Discoverable Information
- 9:40 - 11:00 Work Product Limited Immunity in Federal Court
 • The General Rule • Summary of Current State of Law
 • Pertinent Case Law Across the Circuits
- 11:00 - 11:15 Break
- 11:15 - 11:45 Distinctions Between PA and Federal Rules
- 11:45 - 12:00 "Opinion" vs. "Fact" Work Product
- 12:00 - 12:15 Update on the State of the Attorney Client Privilege

Book & Audio CD

Course Book (2011-7144) — \$39

Audio CD (ACD-7144) — \$39

Audio CD & Book Set (ACDS-7144) — \$69

If you are ordering course materials separately, please allow two weeks after the first program for the shipment of books and 4 to 6 weeks for shipment of the CDs and book/CD sets.

Include \$6.00 shipping & 6% Pa. sales tax on all book & CD orders — see enrollment/order form.

Tuition (includes course book)

Early*		Standard
\$199 ■ Member — Pa., or any co. bar assn.		■ \$224
\$179 ■ Member admitted after 1/1/07		■ \$204
\$219 ■ Nonmember		■ \$244
\$99 ■ Paralegals attending with an atty.		■ \$124
\$129 ■ Paralegals attending alone		■ \$154
\$100 ■ Judges and judicial law clerks		■ \$125
\$90 ■ Judges and judicial law clerks (admitted after 1/1/07)		■ \$115

*Registrations received 3 or more business days before the presentation qualify for the **Early Registration Discount**.

Dates & Locations

Philadelphia • Wed., Dec. 7, 2011

The CLE Conference Center, Wanamaker Building
 10th Floor, Ste. 1010, Juniper St. entrance
 (between 13th & Broad Sts., opposite City Hall)

Mechanicsburg • Thurs., Dec. 1, 2011

PBI Conference Center
 5080 Ritter Rd., Rossmyrne Exit, Rt. 15

9:00 am to 12:15 pm; check-in begins at 8:30 am

Course Planner

Andrew H. Ralston, Jr., Esq.
Gross McGinley, LLP, Allentown

Mr. Ralston, a partner at his firm, specializes in commercial litigation and medical malpractice defense. He also has significant practices in the fields of intellectual property enforcement (protecting the brands of a national publisher of books and magazines) and public utility law (representing a major electric utility before the Pennsylvania Public Utility Commission).

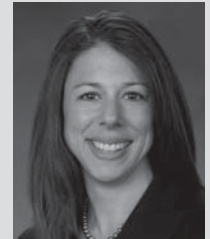


A native of the Lehigh Valley, Mr. Ralston received his J.D. from Penn State University, Dickinson School of Law, in May 2000. Upon graduation, he was the judicial law clerk to the Honorable William H. Platt. He has been with Gross McGinley since 2003.

Faculty

Loren L. Speziale, Esq.
Gross McGinley, LLP, Allentown

Ms. Speziale focuses her practice on litigation and counsels clients in the defense and prosecution of claims in the state and federal courts of Pennsylvania and New Jersey. She handles a wide array of matters, including breach of contract actions, business and real property disputes, professional negligence, insurance defense, and employment-related actions. Ms. Speziale also has broad knowledge of e-discovery and the use of technology for purposes of pursuing cost effective litigation strategies. Building upon her lifelong experience as an avid equestrian, Ms. Speziale has extensive knowledge in the area of equine law. Ms. Speziale was named to the New Jersey Super Lawyers List of Rising Stars in 2010.



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