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"Employers Need To Revisit E-Mail Policies In Light Of Court Decision Rejecting Attorney-Client And Work Product Privileges" by James Walker and Daniel Zinman

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In what may be the continuation of a troubling trend to narrow the application of the attorney-client privilege over electronic communications, a recent NYS Supreme Court case, *Scott v. Beth Israel Medical Center*, --N.Y.S.2d --, 2007 WL 3053351 (N.Y. Sup. Oct. 17, 2007) has held that emails between an employee and his personal attorneys are not privileged because they were sent over the employer's email server -- which eliminated any expectation of confidentiality. Our litigation partners James Q. Walker and Daniel C. Zinman have written a memo discussing the implications of this decision and offering guidance on how to preserve the privilege in light of it.

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