

Welcome

Thank you for attending today's webinar. Under current circumstances, a significant portion of the workforce is working remotely; the higher utilization of the internet and servers impacts bandwidth. We appreciate your patience and understanding should any unexpected technical issues arise. As always, it is our intent to give you the information you need as seamlessly as possible.

Tips for best experience:

- Turn off unused or extra internet-connected devices. (TV streaming services, smart devices, Alexa devices, etc.)
- Use a wired connection, if possible. (Ethernet connection from router to computer.)
- Do not run additional applications during presentation. (Outlook, Internet browsers...)
- Mute your audio unless you are presenting.

The presentation will begin shortly.



Avoiding Cross-Border Attorney-Client Privilege Waiver Disasters



Subway Ethics CLE – 325 Sub Way, Milford, CT

May 6, 2020

Jordan W. Cowman | cowmanj@gtlaw.com | +1.214.235.2223

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- **One of the fastest growing franchises in the world**
- **Close to half of locations outside USA**

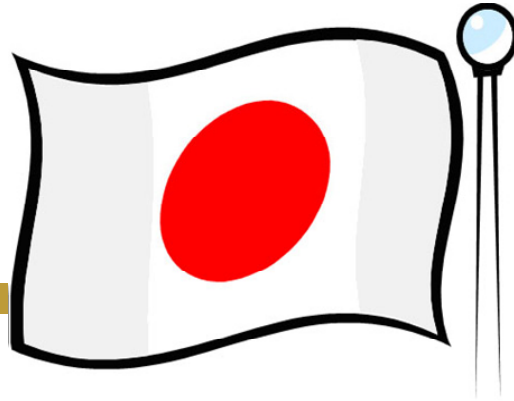
**About
Subway®**

Why a Presentation on Cross-Border Privilege?

- Internal FCPA, AML and Antitrust investigations in 7 countries
- In-house counsel in US, Australia, Brazil, Germany, Canada, Netherlands, Mexico & Japan (outside counsel) involved
- Highly sensitive communications
- Detailed (and convicting) self-critical analysis
- Privilege & data privacy strategies?
- ABA MODEL RULES OF PROFESSIONAL CONDUCT 1.6 (more on this later)



Japan



- **Bengoshi** (licensed member of the Bar) v. Non-Bengoshi (not licensed)
- The concept of privilege exists more as an obligation than a privilege
- Bengoshi have the right and statutory obligation to hold in confidence secret information obtained during the course of their professional duties
- Confidential documents in lawyer's hands are privileged, but documents in corporation's hands are discoverable



Hypothetical Antitrust & Anticorruption Issues

Antitrust



Alleged collusion, concerted activity and conspiracy to fix prices and to raise prices



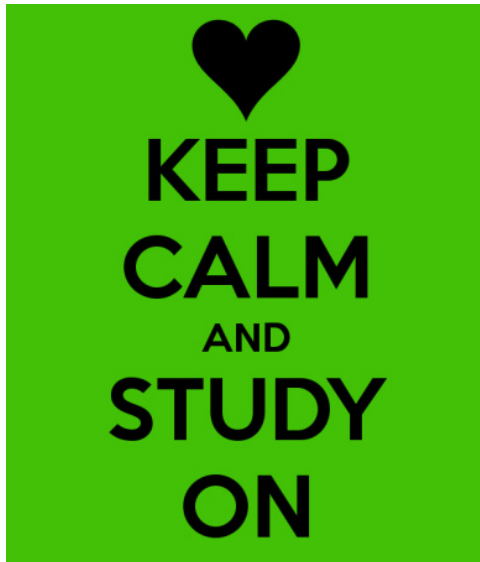
Anticorruption

Contractor allegedly bribed government officials to obtain contracts and regulatory permits, rights and licenses to do business



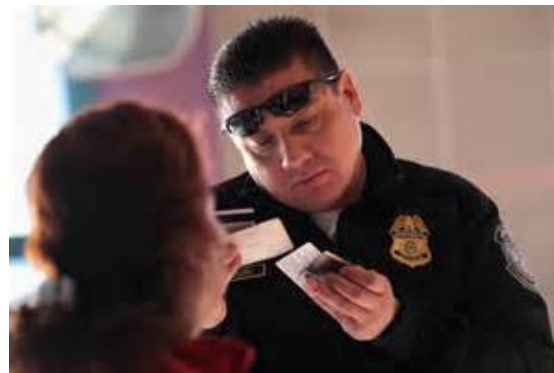
Prepare like you've never prepared before!

- Assignment: investigate, interview & opine
- Observations re: governments' enforcement agenda
- Strategy, WEAKNESSES, diagrams, flow charts
- Witnesses names, admission statements, tons of privileged info
- You quantify liability...doesn't look good!
- Digitize lots of boxes of documents



FUN AND ADVENTURE AWAIT!

Let's Travel to Those Romantic Hot Spots!



Home Sweet Home!!!



Bordering on Privilege Waiver!



- “What’s on your laptop, thumb drive and smart phone?”
- Like a locked suitcase
- **Border Search Exception** to 4th Amendment

Border Searches – “*Particularly Problematic*”

For lawyers, invasive CBP searches are particularly problematic, as the CBP asserts that it has the authority to read any document in possession of a traveler, including those found on electronic devices, despite claims that such documents are attorney-client privileged information. A Ninth Circuit decision supports the CBP’s position, holding that “reasonable suspicion is not needed for customs officials to search a laptop or other electric device at the international border” (*United States v. Arnold*, 523 F. 3d 941(9th Cir. 2008). Since, other courts have ruled similarly.

Supremes – WRIT of CERT DENIED

What 4th Amendment Rights?

No Constitutional rights against unreasonable searches and seizures

ABA Gets Lawyers Heightened Protections for Device Searches at International Borders

By Joseph J. Lazzarotti and Maya Atrakchi on January 31, 2018

U.S. Customs searches have become increasingly invasive over the years. Pursuant to Department of Homeland Security (DHS) policy, U.S. Customs and Border Protection (CBP) operates under the “broad search exception”, which allows searches and seizures at international borders or an equivalent (*e.g.* international airports) without probable cause or a warrant. CBP’s searches are deemed “reasonable” *per se*, and thus not a Fourth Amendment violation, which protects against “unreasonable searches and seizures”. The

Bordering on Malpractice and Ethics Violations

Customs officers searching more travelers' devices

By COLLEEN LONG December 10, 2018

Travelers' Laptops May Be Detained At Border
No Suspicion Required Under DHS Policies

By Ellen Nakashima
Washington Post Staff Writer

- Suspicionless “virtual strip search”
- Now in public domain
- **Looper**, other cases - Customs current policy is that if a claim of privilege is made, must consult with CBP counsel
- "**officials may share copies of the laptop's contents with other agencies and private entities for language translation, data decryption or other reasons.**"
- Some limits—LAX—**U.S. v. Kim** (USDC WDC 2015); some Fed Dist Cts say anything more than routine border search requires warrant (**Alasasd v. Nielsen** Nov. 12 2019 USDC, Mass)
- **Riley v. CA** US SCT 2014— No warrantless search of mobile telephone (outside border context)
- ABA President Hilarie Bass Weighs In

Red Hot Issue



**Congressional
Research Service**
Informing the legislative debate since 1914

Legal Sidebar

Do Warrantless Searches of Electronic Devices at the Border Violate the Fourth Amendment?

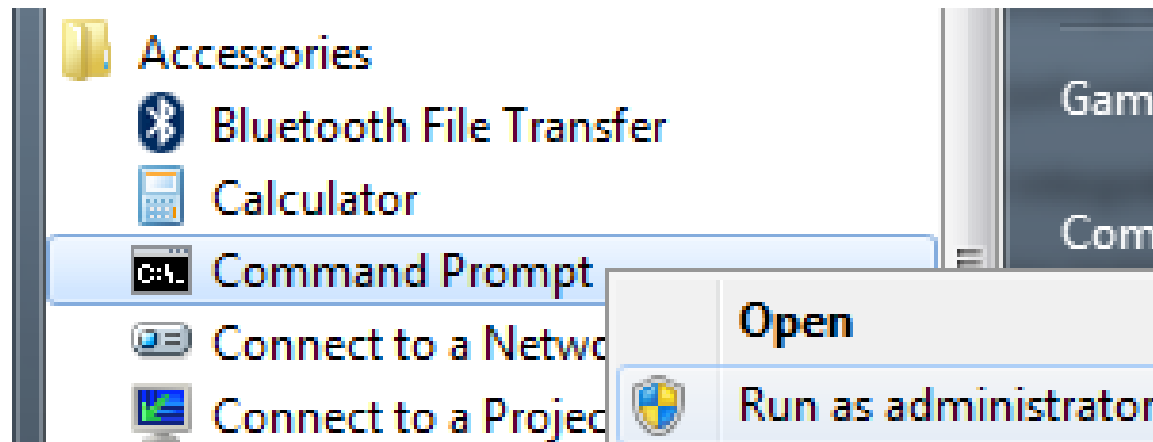
December 20, 2019

New bills recently introduced to place restrictions on searches and seizures of electronic devices at the border, e.g. Protecting Data at the Border Act



Electronic Device Advisory for Mid-Year Meeting Attendees

Don't Be An Information Hoarder at the Border!



Any lawyer that travels outside the U.S. should be aware of the DHS policy on electronic device search and seizure at international borders, and take precautions accordingly.

What's A Traveling Lawyer To Do?



In addition, the ABA Standing Committee on Ethics and Professional Responsibility issued advice to travelling lawyers, in an electronic device advisory. The ABA recommends the following:

- Determining which device contains attorney-client privileged documents, and consider leaving at home.
- Consider a temporary, inexpensive device or storage device with minimum necessary information.
- Familiarizing yourself with the type and location of privileged and confidential information.
- Placing device on airplane mode, or powering off entirely.
- Identification available to demonstrate that you are a legal professional.
- Familiarizing yourself with the requirements in your jurisdiction's professional code of conduct.

What Should I Do? Put Up A Fight.

- Know what information you are carrying
- Put in “*Airplane Mode*” to prevent remote access
- “*I am an attorney*” – Bar/Business Card
- “*The electronic device contains privileged info*”
- “Is this a **request** or a **demand**?”
- Do applicable ethics rules allow you to consent to **request**?
- Data Breach – client notification

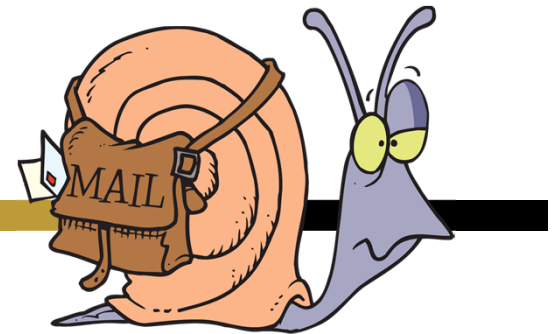


WHAT'S AN INTERNATIONAL ATTORNEY TO DO?

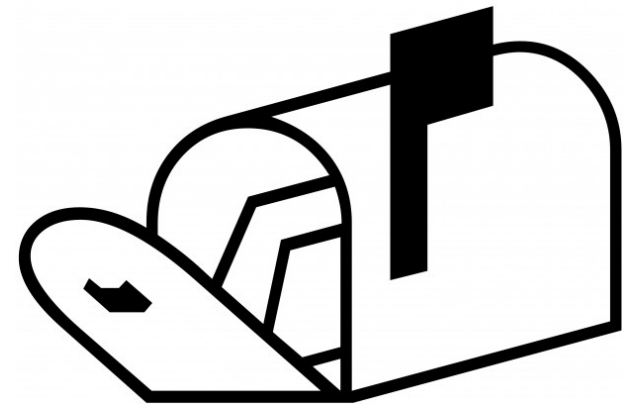
- Take nothing (or very little) with you
- Go low-tech – a legal pad with cryptic notes
- Encrypt information
- Take empty, new tech equipment (NOT wiped clean existing hardware) in sensitive matters



Go Old School & Mail It!



- **Snail Mail it ahead** - officers may not read or permit others to read correspondence contained in sealed letter class mail (the international equivalent of First Class) without an appropriate search warrant or consent **18 U.S.C. § 1703**
- Does **NOT** apply to Email or letters carried by individuals or private carriers e.g. DHL, UPS, FedEx



AML / Anti-Trust / Anti-Corruption Investigations Have Globalized

- Detection of international and cross-border corruption and anti-competition
- New cooperation between governments – 180-degree change
- “Follow the Sun” 18-hour simultaneous dawn raids



Cross-Border Litigation is Big, Getting Bigger

Corporate Counsel

www.corpcounsel.com



- Large increase in cross-border litigation
- US companies not used to legal systems outside US
- Disputes involving multiple countries common
- Big increase in securities, commercial, contractual and IP

Who Wants Your Client's Secrets and Privileged Information?

Competitors



Litigants



Investigators



Regulators

Is Our Legal Team in Compliance?



Who is supposed to protect your client's secrets and privileged information?

ABA MODEL RULES OF PROFESSIONAL CONDUCT 1.6(a)



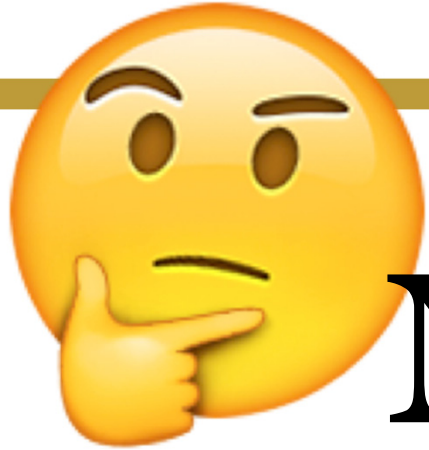
A lawyer

shall not reveal information

protected by the attorney-client privilege

under applicable law

Uhhh...Which Law(s) Apply?



Note to self:

Ask this question **BEFORE**
you inadvertently waive
privilege

Spoken or Written Communication

- Pick up the telephone!
- Do you really need to write it down?
- Don't write it if you don't have to!
- Tip



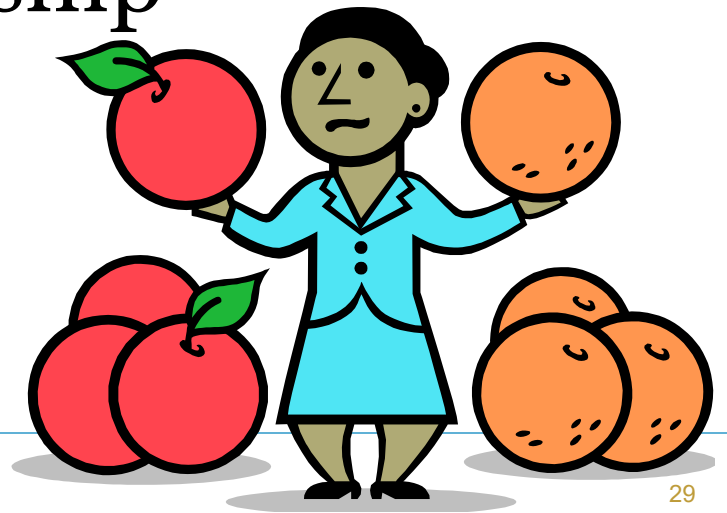
Defining Attorney-Client Privilege



- Know U.S. privilege law...much litigation is in the U.S.
- Generally...
 - **confidentiality** of all forms of communication,
 - between a **lawyer** and the **client**,
 - for the purpose of the attorney **rendering legal advice.**

“Lawyers are Lawyers”

- Often no equivalent of U.S. states’ bar membership in other jurisdictions
- In-house counsel oftentimes are not eligible for bar membership
- Remember Japan?

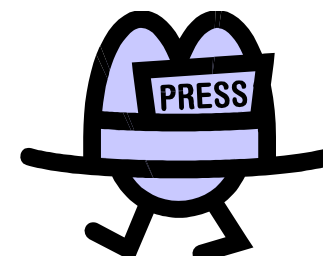


“Lawyers” in Sweden

- There is no monopoly of legal services in Sweden, where Subway has 173 locations
- Any person may practice law, offering services to the public ... no need for a law license
- Any person may use the title “lawyer”
- In-house counsel may not be bar members
- Privilege only attaches to communications between clients members of the bar



Are You Rendering Legal Advice?



Press Release from Siemens

“The new worldwide general counsels will not just give legal advice.

They will have a formative role and decision-making function in business operations.

Their responsibilities in this key position will go considerably beyond merely identifying risks.”

**Are you rendering
business advice or legal advice?**

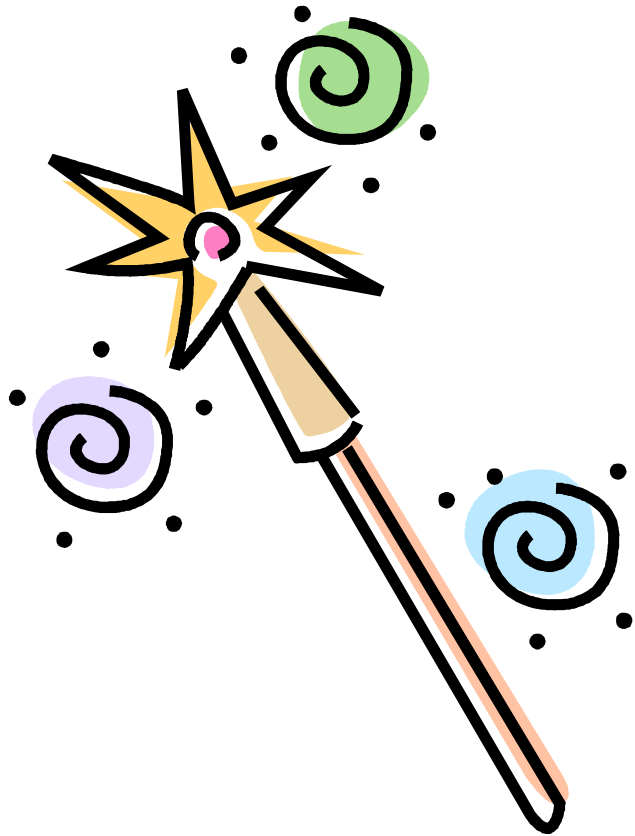


Business or Legal Advice?

BUSINESS

- Communications with in-house counsel that seek business advice or that appear to be for informational purposes are not privileged
- A corporation cannot insulate information from discovery simply by copying in-house counsel
- What is your title?
- Having in-house counsel sit in on a meeting does not render privileged everything said at that meeting
- “I’m not a potted plant!”





“We request
legal advice
on the
following...”

**“In response to your
request for legal
advice....”**



Who is the Client? Under Which Law(s)?

- Parent
- Subsidiary
- Affiliate
- Board of Directors
- Shareholders
- Directors
- Officers
- Board Committee
- Control Group Test
- Subject Matter Test

Easy?

Attorney-Client
Privilege Across
Borders

Works here,
works there





Key Point #1



Protection of attorney-client
privileged communications


primarily

is a matter of each individual
country's law

Key Point #2

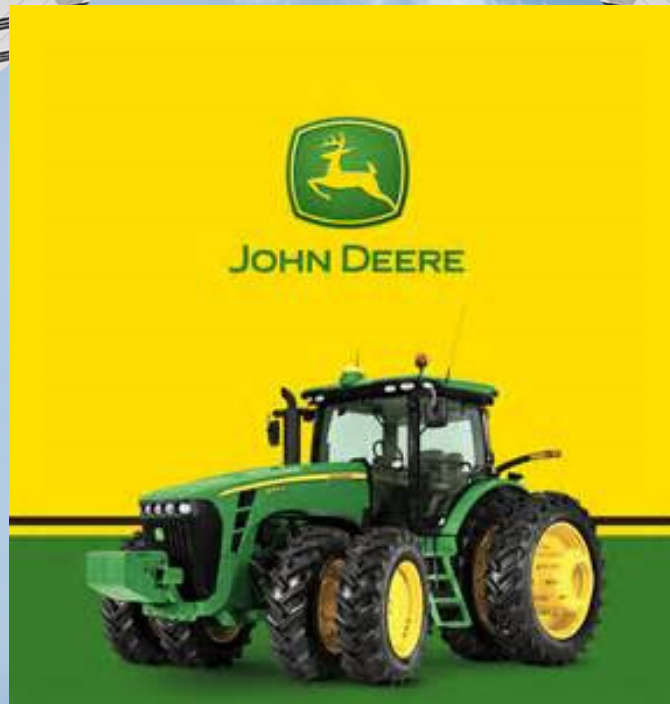
**Identical information receives
different privilege status
in different jurisdictions**





...and three key cases
on point –

*John Deere,
Akzo & RBS*



John Deere

1984 - Germany



TOUGH LEGAL TIMES



no.203.078

Trapping the Unwary In-House Counsel

- Since 1802

John Deere Dawn Raided in Germany



- GC transferred from Illinois
- Internal investigations & self-critical analysis
- EC investigation of anti-competitive behavior
- Documents seized

Lawyer's Writings Seized

- “Privileged” documents used at trial
- “...knowingly violated our law...”
- “Their own lawyer wrote ...”





*Akzo Nobel
Chemicals*

2010 - UK



Chlorination

el

Akzo learns from John Deere

Move servers, etc. to England, where they have great privilege rules



Akzo Nobel Chemicals Ltd

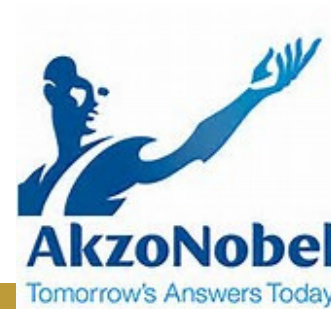
- EC investigating Akzo (Industry) for anti-competitive behaviors
- General Counsel's Office - great source of evidence





EC Competition Authority Dawn Raid

Akzo Nobel Chemicals



- Documents seized from GC's office
- Two emails at issue
- Licensed in-house competition lawyer's opinions on competition compliance program seized



WSJ 29 April 2010:



“Bad Day For In-House Lawyers”

ECJ advisory opinion:

NO PRIVILEGE

for executive's
communications with
in-house counsel -

One Key - Financial Remuneration

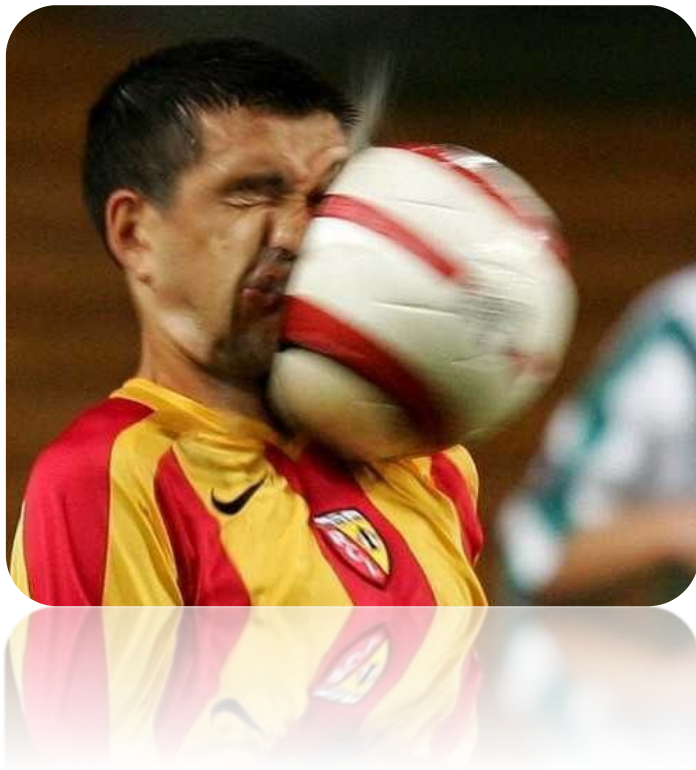
Holding reflects

“a *fundamental misunderstanding* of both the role and responsibilities of in-house counsel, and the impact of financial remuneration on **any** lawyer retained by a client to represent the client’s legal interests.”

WSJ 14 September 2010

AkzoNobel

“Bad Day For In-House Lawyers Part Deux”



The ECJ Rejects Akzo’s arguments that its employees’ communications with internal lawyers should be covered by LPP

28 member states (Brexit)

European Union member countries are split on whether to recognize legal professional privilege for in-house counsel

Ireland,
England,
Greece, Poland,
Netherlands



EU Law

High Impact



The ruling has the perverse effect of undermining ... corporate compliance in multinational companies



American corporations doing business outside U.S. are *seriously adversely affected*

Who's got the button?



Dawn Raid training in one easy step!



The image features the words "WAIT..." in green and "WHAT?" in blue, rendered in a 3D, blocky font. The text is tilted upwards and positioned above a horizontal bar that is gold on the left and black on the right.

WAIT...
WHAT?

A document created in one jurisdiction may not be where an arbitrator or court will decide whether that document is privileged...or discoverable



December
2016 UK

RBS Rights Issue Litigation - UK

- RBS investors who suffered losses sue in UK
- RBS receives request for RBS' U.S. & UK **outside counsel** notes
- Seeking attorney notes from interviews with RBS employees and former employees from two investigations **conducted by outside counsel**

- Notes protected by Legal Advice Privilege/LPP/ACP
- Lawyers' work product
- Apply the law of the jurisdiction (U.S.) where the engagement / instructions were made which gave rise to the notes
- U.S. law - privilege attaches - *Upjohn* (Subject Matter)



RBS Rights Issue Litigation – *Lex Fori*

- Privilege decided under *Lex Fori* (England)
- Privilege does not extend to information provided by employees / former employees (Control Group)
- Privilege covers genuine analysis and legal advice
- Privilege **does not** cover notes, train of inquiry...
- **Facts** are never privileged!



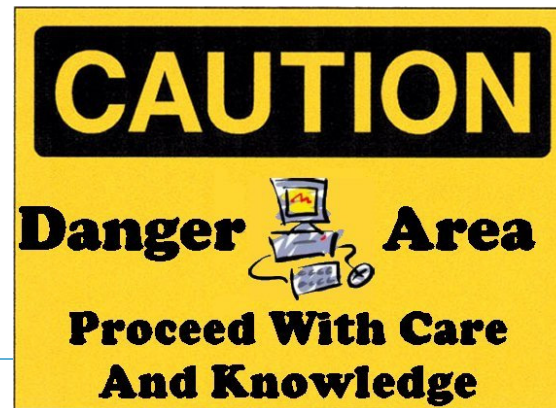
Take-Aways from RBS

- ***U.S. v. UK law*** - identical information receives different privilege status in different jurisdictions (remember Key Point #2?)
- ***Lex Fori***, privilege law of the forum
- Are you creating discoverable documents?
- Discoverable in other jurisdictions?
- THINK AHEAD!
- Develop powers of clairvoyance

**TAKE
AWAY!**

Cautionary Notes

- Don't assume documents created in corporate investigation are privileged...even w/outside counsel
- Definition of **client**? ...**lawyer**? ... **confidential**?
- What test? Subject matter? Control group? Other?
- Which law applies?
- Withholding “privileged” documents will be closely scrutinized by court





Let's
Chart
It
Out

Privileged & Confidential

1. Who wants/will want the information?



Communications w/ in-house counsel not privileged

Is there potential U.S. litigation?

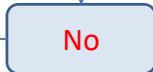


Does the communication "touch base" with the U.S.?



2. Which jurisdictions?

See Privilege Card
Is in house privilege recognized in each relevant jurisdiction?



Does the jurisdiction with the most significant interest recognize in-house counsel privilege?



Communication w/ in-house privileged if privilege requirements met

Could a court in that jurisdiction require production of the communication?



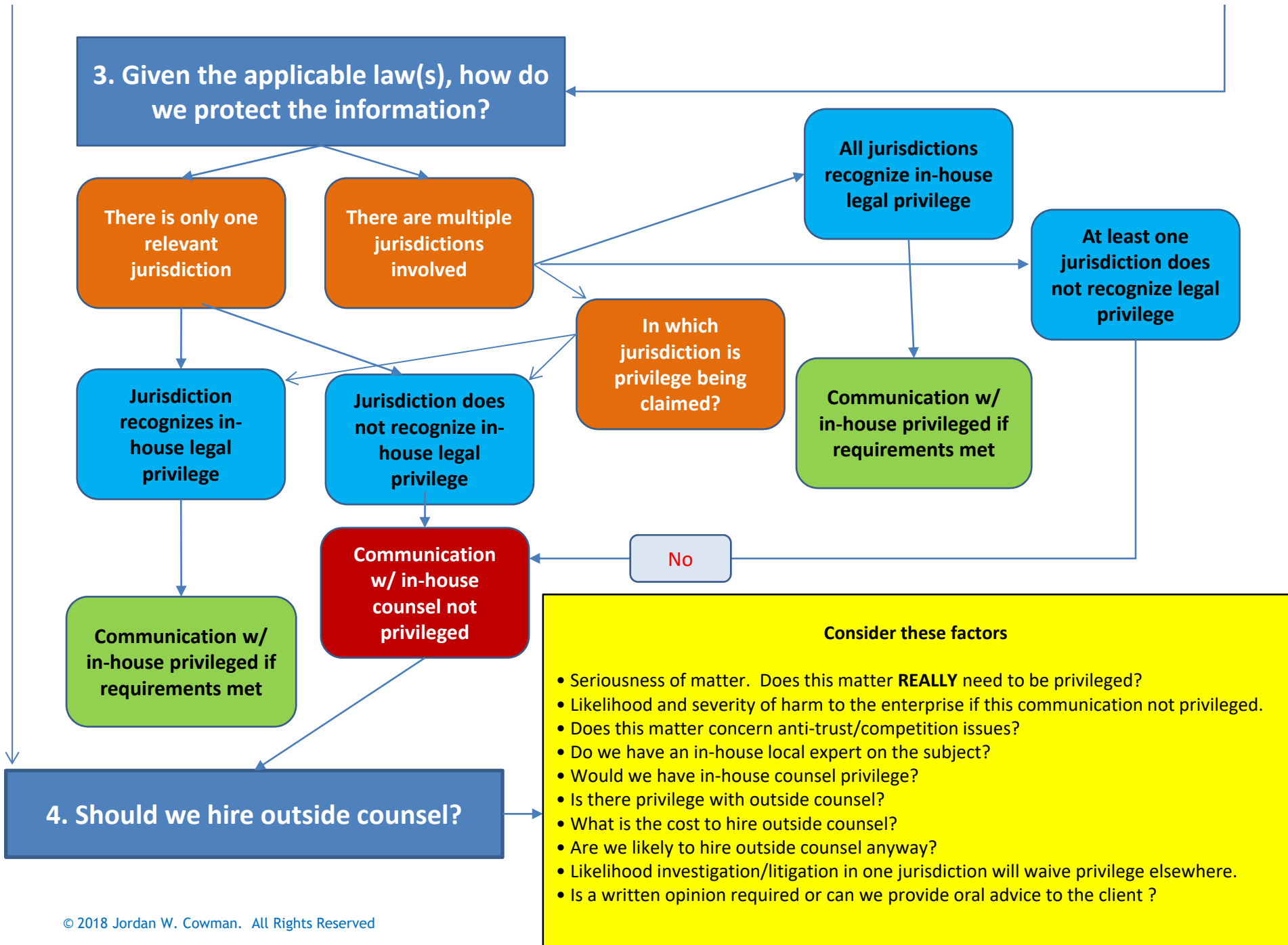
Communications w/ in-house counsel not privileged

General Rule
U.S. courts recognize the privilege law of the jurisdiction with the most significant interest .

Consider these factors

- Jurisdiction's law upon which legal advice being given. (if U.S. law, probably "touches base" with the U.S.)
- Where is the attorney licensed/member of the bar?
- Location of attorney.
- Location of pending case/matter.
- Location of client.
- Location of relevant documents.

Prepared by:
Jordan W. Cowman, Greenberg Traurig, LLP
2200 Ross Avenue Suite 5200, Dallas, Texas 75201
+1.214.235.2223
cwmanj@gtlaw.com



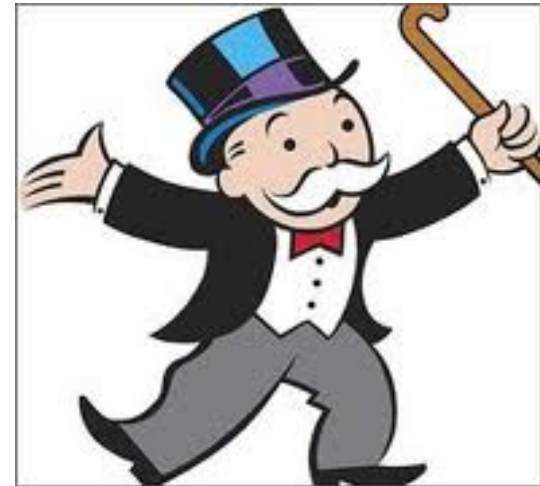
- Consider these factors**
- Seriousness of matter. Does this matter **REALLY** need to be privileged?
 - Likelihood and severity of harm to the enterprise if this communication not privileged.
 - Does this matter concern anti-trust/competition issues?
 - Do we have an in-house local expert on the subject?
 - Would we have in-house counsel privilege?
 - Is there privilege with outside counsel?
 - What is the cost to hire outside counsel?
 - Are we likely to hire outside counsel anyway?
 - Likelihood investigation/litigation in one jurisdiction will waive privilege elsewhere.
 - Is a written opinion required or can we provide oral advice to the client ?

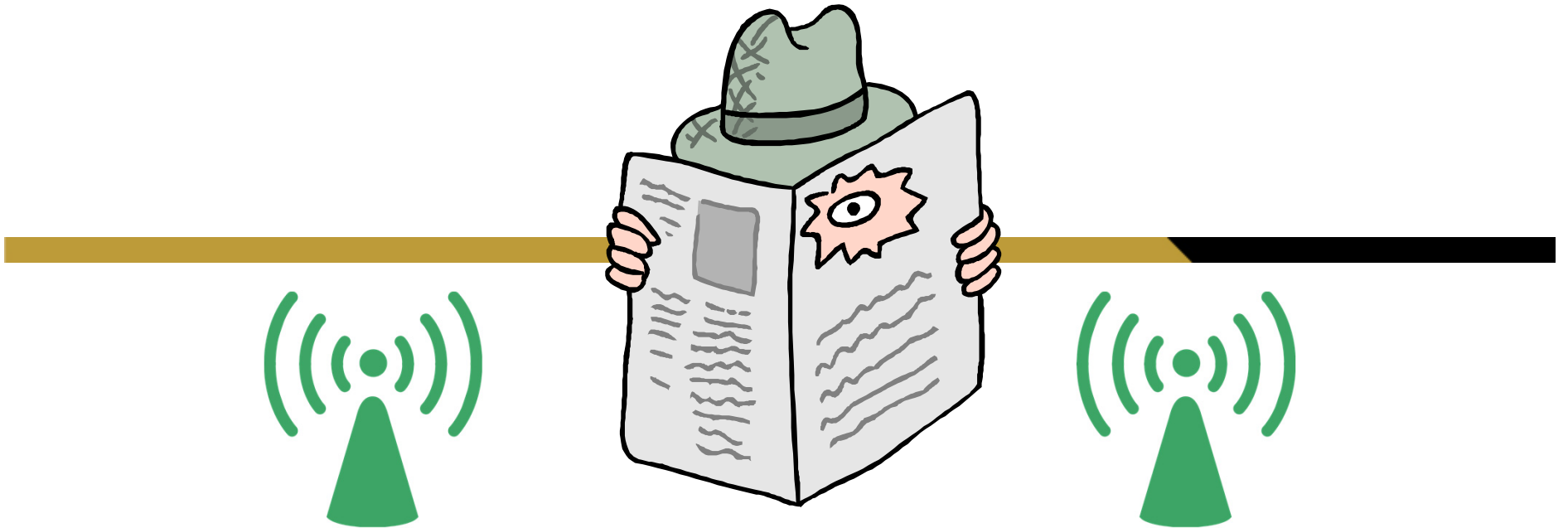
A hand is shown from the bottom, holding a white rectangular sign. The sign is centered and contains the text "Privilege: Not just for litigation!". The background consists of several tall, modern skyscrapers with a grid-like facade, viewed from a low angle looking up. The sky is bright blue with scattered white clouds. The overall composition is symmetrical and emphasizes the central message.

**Privilege:
Not just for
litigation!**

Think Ahead!

- Business Combinations / Mergers and Acquisitions
- Antitrust and other due diligence & opinions
- Recent example – Two US in-house lawyers caught in Dawn Raid in London





Government authorities have dawn raided
business operations outside the U.S. and
requested documents employees there can
access from servers in U.S.,

including U.S. legal departments

Lessons Learned

IT Infrastructure and Location

- Moved IT Servers to location in US
- Follow the Sun Dawn Raid in UK, Spain, Singapore, Mexico, EU, US - remote access to privileged information
- Does remote access destroy privilege?
- Big study for client





Not privileged:

**Where does that
leave us?**

That leaves us with an abundance of risk What could possibly go wrong?

**TOP
SECRET**

CONFIDENTIAL

One foolproof method –



**DO NOT
FORWARD**



“DO NOT FORWARD!”

“I’m sure it’s OK to send this trial strategy memo, legal audit and attorney-work product to our superstar in-house counsel in

[INSERT YOUR FAVORITE COUNTRY HERE],

to get her take on what we are thinking”

How could cross-border privilege issues come up in litigation in the U.S.?

- Hypothetical - U.S. litigation
- Consistent positions across jurisdictions
- E.g. don't take a position in India or Germany that might have an adverse impact on U.S. litigation
- Lots of emails between lawyers
- Are communications between and among attorneys in U.S. and other countries privileged...or discoverable?

Cross-Border Privilege Issues in USA

- Lengthy discovery
“American-style”
- Depositions
- Court-enforced discovery requests



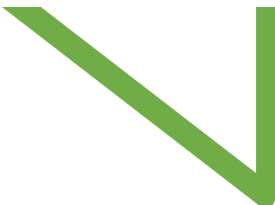
Cross-Border Privilege Issues in USA

- Request for Production of Documents #9
- “Please produce all Communications relating to this case made between or among any lawyers for the Company in the U.S. and any in-house lawyers for the Company in [*insert your favorite country here*]”
- **OBJECTION!** ACP/LPP/Work Product
- Privilege log for claims of ACP





OBJECTION!



**Are
communications
between and
among attorneys in
US and other
countries
privileged...or
discoverable?**

ETHICS THEORYS

Cross-Border Privilege Issues in USA

- U.S. courts disfavor privilege – prove it or disclose it!
- Broad discovery allowed
- Must your “privileged” communications be produced?
- What is the test for discoverability?

FRCP 26(b)(1) Proportionality

- Apply proportionality to all aspects of discovery
-
- Importance of issues at stake
 - Amount in controversy
 - Parties' resources and relative access to information
 - Importance of information
 - Balance burden / expense v. benefit

$$\frac{\text{Mile}}{\text{Hr}} = \frac{5}{10} = \frac{1}{2}$$

Handwritten calculation showing the simplification of the fraction 5/10 to 1/2. A bracket above the 5 and 10 is labeled with a minus sign and the number 5, indicating division. A bracket below the 10 and 2 is labeled with a plus sign and the number 5, indicating multiplication.

Proportion



U.S. Courts Will *S-T-R-E-T-C-H*



If the communication "**touches base**" with a foreign country and is privileged under that country's laws, federal courts have recognized the communication as privileged.

See, e.g., Renfield Corp. v. E. Remy Martin & Co., S.A., 98 F.R.D. 442, 444 (D. Del. 1982)

U.S. Courts Will *S-T-R-E-T-C-H*



If the communication "**touches base**" with a foreign country and is **(NOT)** privileged under that country's laws, federal courts have recognized the communication as **(NOT)** privileged.

See, e.g., *Renfield Corp. v. E. Remy Martin & Co., S.A.*, 98 F.R.D. 442, 444 (D. Del. 1982)

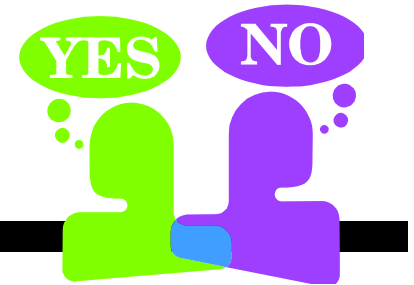
Touching Base in U.S.:

- *Taking Steps to Maintain Confidentiality*

- Communications involve U.S. attorneys?
- Documents prepared pursuant to authority of American attorney?
- Client a U.S. resident protecting rights under U.S. law?
- Proceedings in U.S.?



Establish and Preserve Privilege



- Engagement Letters/Arbitrations/Contract
 - choice of law re: privilege
- Obtain an opinion on privilege principles in each relevant jurisdiction
- Establish policies and protocols to establish and preserve applicable privileges
- Have a “help desk” relationship with outside counsel



Play the Privilege Card (see handout)

International Compliance Card – Privilege 2019

Country	Broad or Limited Privilege	Privilege for Licensed In-House Counsel	Privilege for Foreign Licensed Attorneys	Privilege Extends to Information in Client's Possession	Separate Litigation Privilege
UNITED STATES	B	✓	✓	✓	✓
EUROPEAN UNION	B	✗	EU Licensed	✓	✗
ARGENTINA	B	✓	✗	✓	✗
AUSTRALIA	B	Yes, subject to independence	✓	✓	✓
AUSTRIA	B	✗	EU or Swiss Licensed	✗	✗
BELGIUM	B	✓	EU, EEA or Swiss Licensed	✓	✗
BRAZIL	B	✓	Portuguese Licensed	✗	✗
BULGARIA	B	✗	EU, EEA or Swiss Licensed	✗	✗
CANADA*	B	✓	✓	✓	✓
CHILE	L	✓	✗	✗	✗
CHINA	✗	✗	✗	✗	✗
CZECH REPUBLIC	B	✗	✓	✗	✗
DENMARK	B	✓	EU, EEA or Swiss Licensed	✗	✗
FINLAND	B	✗	EEA Licensed	✓	✗
FRANCE	B	✗	EU, EEA or Swiss Licensed	✗	✗
GERMANY	B	✗	EU, EEA or Swiss Licensed	✗	✗
GREECE	B	Yes, except in EU issues	EU or EEA Licensed	✗	✗
HONG KONG	B	✓	✓	✓	✓
HUNGARY	L	✗	EU or EEA Licensed	✓	✗
ICELAND	B	✓	EEA Licensed	✗	✗
INDIA	B	✗	✗	✓	✗

 Does Not Cover In-House Counsel
 Covers In-House Counsel
 Exceptions

Establish & Preserve Privilege with Experts, Local Counsel and Internal Investigations

- Have outside counsel retain local outside counsel and experts
- Undertake fewer internal investigations/hire *CAREFUL & THOUGHTFUL* outside counsel (*see RBS Rights Issue Litigation*)
- In investigations – consider use of U.S. outside counsel in communications to help establish that U.S. privilege law applies

**CONFIDENTIAL MEMORANDUM
DESTROY AFTER READING
CONTAINS TRIAL & SETTLEMENT STRATEGY**

Privilege Strategies

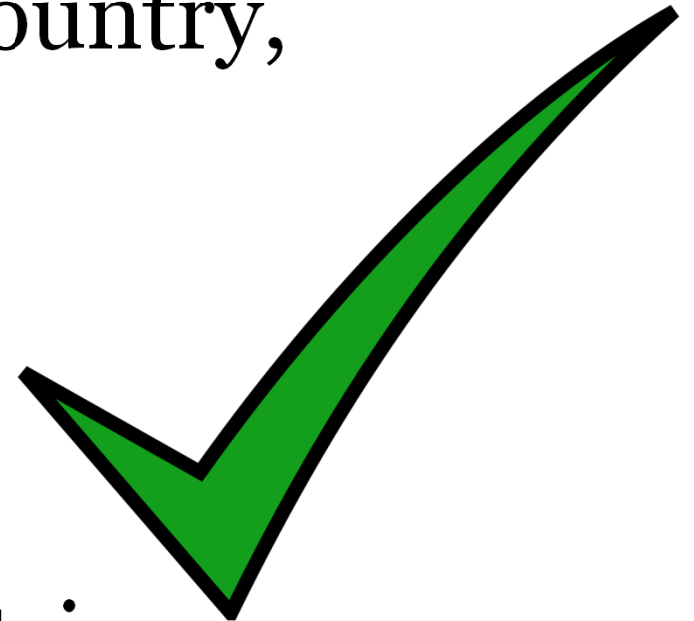
- *Separate privileged electronic files*
- Mark “privileged,” but DON’T over-mark
- Don’t “tune up ” outside counsel’s advice

Your To Do List



Your To Do List

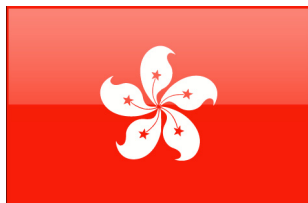
- Evaluate one important country, region OR hub
- Think through the issues
- Prepare processes & communications protocol
- Customize for other countries, regions as time and budget allow



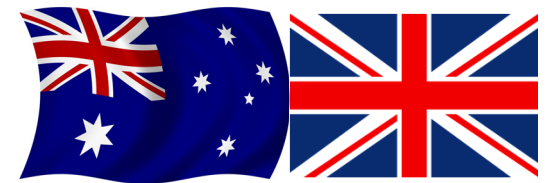


Common Law Jurisdictions

**Very Similar to U.S.,
Canada, Australia,
England & Other Common
Law Jurisdictions**

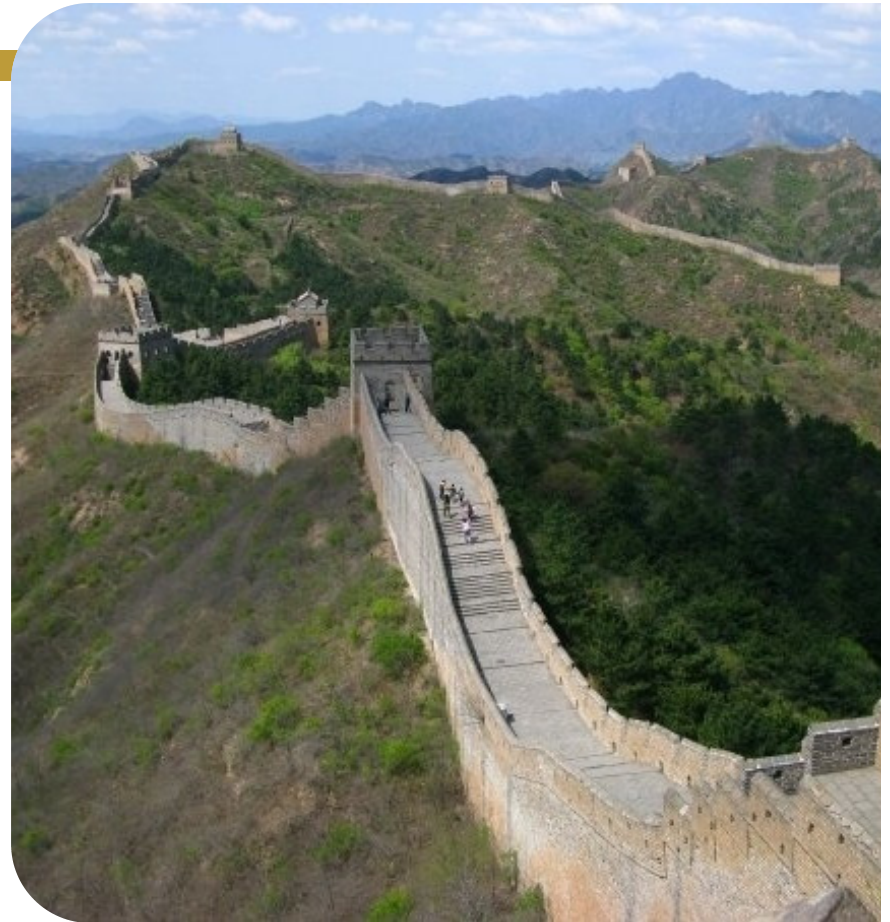


IRELAND



China (479 Locations)

- Attorney-client privilege is not a well established principle
- Lawyer's loyalty is to the government above the client
- Attorneys shall keep confidential trade secrets of their clients; laws silent on whether attorney-client communications shall be privileged
- No differentiation between outside and in-house counsel



Switzerland (18 Locations)

- No In-House Counsel Privilege
- Foreign-Licensed Lawyers Enjoy Privilege
- No Work Product – Litigation Privilege
- Privilege Does Not Extend to Documents in Client's Hands

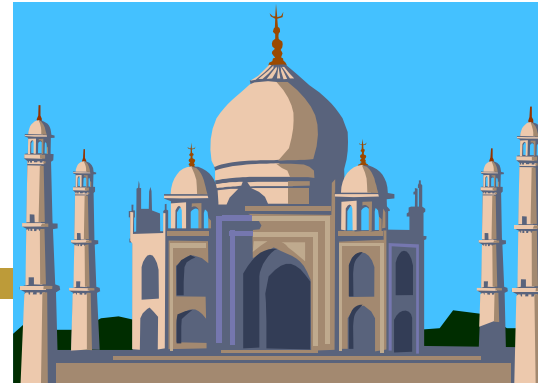


Netherlands (162 Locations)

- Privilege for in-house lawyers
- No privilege for foreign-licensed lawyers
- Privilege extends to privileged information in client's possession



India (156 Locations)



- Professional communications between attorneys and clients are protected as “privileged communications” under the Indian Evidence Act
- BUT an in-house counsel is not recognized as an “attorney” under Indian Law
- Employment contract of an in-house counsel usually contains a confidentiality clause protecting any information disclosed to such counsel during the course of his employment, but this is not similar in nature to a “privileged communication”

Singapore (112 Locations)

- Legal system is based on English common law
- Privilege for in-house counsel
- Privilege for foreign-licensed counsel
- Litigation privilege



United Arab Emirates (104 Locations)

- Privilege against revealing client information is limited to licensed “Advocates” and does not apply to legal consultants
- Advocates practice before the courts; legal consultants provide basic advice
- Legal consultants’ and in-house counsel advice is not protected by privilege



Mexico (676 Locations)

- Professional confidentiality is a legal obligation that is often supplemented by confidentiality agreements
- Protected information is that which is given to the lawyer by the client
- Mexican regulators may seize privileged documents in possession of client



Russia (223 Locations)

- No privilege for in-house counsel
- No privilege for foreign-licensed lawyers
- Privilege only for lawyers licensed in Russia



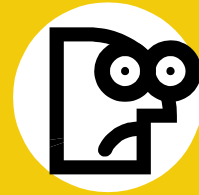
France (8 Locations)

Benefit of confidentiality and privilege attaches to the status of “avocat”

Cannot be attained by in-house lawyers

Criminal offense if lawyer violates “professional secrecy”





It's QUESTION TIME!!

I M P O R T A N T N O T E



This document, and any accompanying exhibits and/or oral presentation, provides general information as to selected issues.

IT IS NOT LEGAL ADVICE AND SHOULD NOT BE USED AS A SUBSTITUTE FOR REVIEW OF YOUR SPECIFIC SITUATION WITH LEGAL COUNSEL.

Efforts have been made to provide accurate information; however, we advise you to seek counsel and advice from a qualified lawyer regarding legal matters. Legal obligations may vary according to the facts and circumstances as well as the jurisdiction.

Avoiding Cross-Border Attorney-Client Privilege Waiver Disasters

Jordan W. Cowman

Shareholder

cowmanj@gtlaw.com

214.665.3652 (office)

214.235.2223 (mobile)



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Subway Ethics CLE – 325 Sub Way, Milford, CT

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Jordan W. Cowman | cowmanj@gtlaw.com | +1.214.235.2223

www.gtlaw.com