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HOUSE APPROVAL OF ATTORNEY-CLIENT PRIVILEGE PROTECTION ACT OF 2007
IMMENSELY IMPORTANT:
STATEMENT BY AMERICAN BAR ASSOCIATION
PRESIDENT WILLIAM H. NEUKOM

WASHINGTON, DC, Nov. 14, 2007 - The U.S. House of Representatives took an immensely important step yesterday by approving H.R. 3013, the Attorney-Client Privilege Protection Act of 2007.

The bipartisan bill, introduced by Rep. Bobby Scott (D-VA) and cosponsored by 11 other members from both parties, would roll back the harmful federal government policies that erode fundamental attorney-client privilege, work product, and employee legal protections. The American Bar Association applauds Rep. Scott, Rep. Randy Forbes (R-VA) and the rest of the bipartisan leadership that advanced this legislation in the House, and urges the Senate to act swiftly on its own similar measure, S. 186, sponsored by Sen. Arlen Specter (R-PA).

The legislation strikes the proper balance between the legitimate needs of federal prosecutors and regulators and the constitutional and fundamental legal rights of individuals and organizations. Confidential communications protected by the privilege are essential to enable lawyers to counsel their clients about how to comply with the law, to investigate potential problems when concerns arise and to guide clients in rectifying mistakes or misconduct they may find.

Protecting confidential attorney-client communications from government-compelled disclosure fosters voluntary compliance with the law. Government tactics that coerce disclosure, on the other hand, undermine this benefit and our adversarial system of justice, and can threaten the very survival of organizations, including even the largest, most robust corporations. In addition, government policies that pressure companies to refuse to provide employees with legal assistance while investigations are pending or to fire them for asserting their Fifth Amendment rights weaken the constitutional presumption of innocence and undermine principles of sound corporate governance. The ripple effect harms employees, investors and all of society.

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