

TOP TEN TIPS: PROTECTING YOUR COMPANY'S LEGAL PRIVILEGES DURING AN INTERNAL INVESTIGATION

1. Use legal counsel to direct internal investigation.
2. Limit the group involved in communications pertinent to the investigation.
3. Have a Compliance Officer assist with legal services.
4. Including a lawyer in a meeting or email is not enough to guarantee privilege.
5. You need a basis for each privileged communication.
6. Be careful of inadvertently sharing privileged information when forwarding emails to others.
7. Be careful with email strings.
8. Mark documents as "privileged."
9. Intentional disclosure of privileged information usually results in waiver.
10. Producing privileged information under joint defense agreement requires prior consultation with legal counsel.



If you have questions about conducting an internal investigation at your organization, please contact:



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