

# Organizational Privilege & Organizational Insiders

Kathleen Clark

AALS

New Orleans

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Lawyers  
Representing  
Whistleblowers

Whistleblowers

Organizational  
Insiders  
Adverse  
to their  
Organization

# Whistleblower Protection

# Other Employment Claims

# Financial Incentives

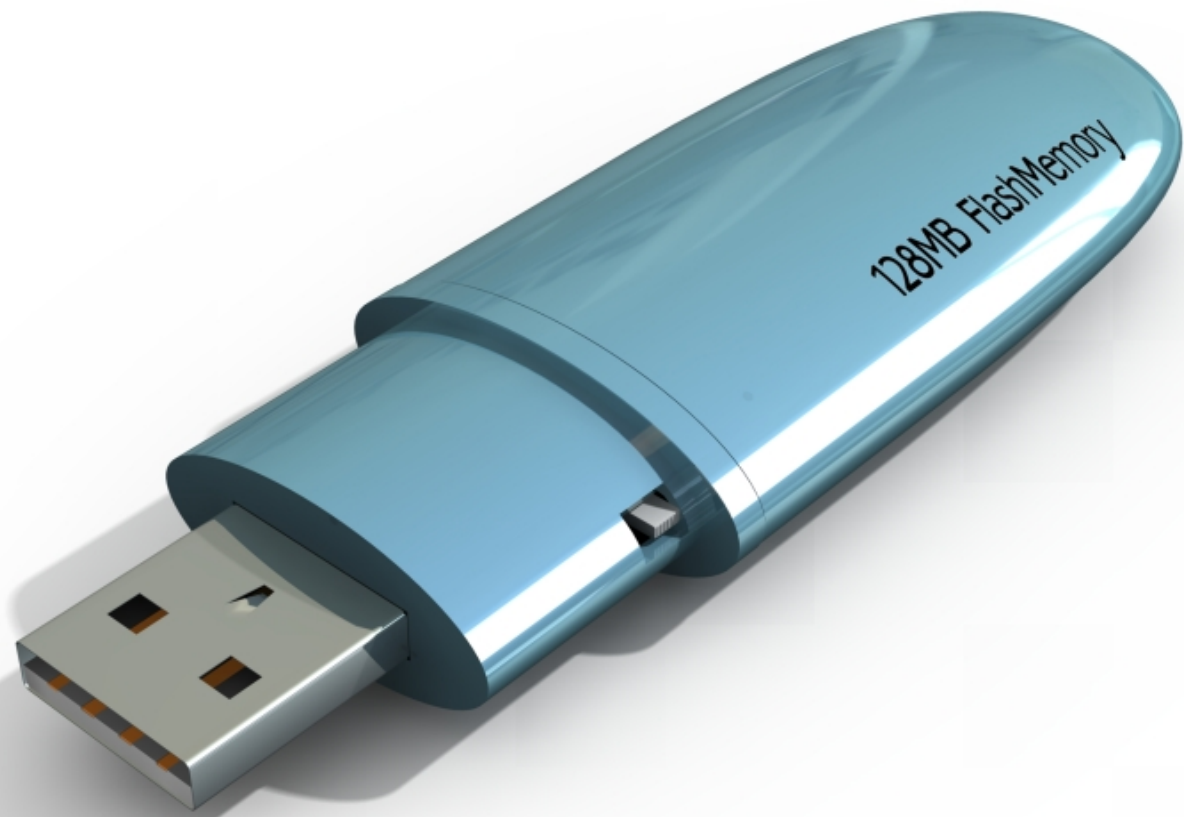
False Claims Act  
Dodd Frank  
IRS



# Organization's Privileged Documents

Opportunity  
for  
Exposure









Whistleblower  
has  
Documents  
that may be  
Privileged

What  
do  
Whistleblower  
Lawyers  
do  
?



Tell client:  
“Don’t  
provide  
privileged  
documents”

Delegates  
to client  
privilege  
review

Lawyer  
herself  
reviews

Other  
lawyer  
in firm  
reviews

Paralegal  
in firm  
reviews

# LPO reviews

# Predictive Coding

United States  
ex rel. Frazier  
v.

IASIS Healthcare



Ordinary  
civil  
litigation

Discovery

# Privilege Log

# Criminal Investigations

Review  
by  
non-litigator

Court

# Court

- judge / magistrate
- special master

# Taint / privilege Team



Organization  
has  
opportunity  
to  
object

United States  
ex rel. Frazier  
v.  
IASIS Healthcare

Recommendation:  
separate  
taint team / LPO

After review:  
Segregate  
& Return  
Privileged Doc's

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kathleen@wustl.edu

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