

Common Interest & Joint Defense Privileges Under Massachusetts Law

Best practices for ensuring common interest communications remain protected

The common interest or joint defense privilege is a widely used tool to shield from discovery strategic communications between separately represented parties who are united against a common adversary. Although the common interest privilege has been relied upon by Massachusetts practitioners for decades, it was only formally recognized by the Supreme Judicial Court in 2007. The limits of the common interest privilege under Massachusetts law are not well defined, and assertions of the common interest privilege are frequently subject to challenge. Much of the case law from other jurisdictions concerning the scope of the privilege is seemingly at odds with how practitioners use common interest agreements in their day-to-day practice.

Join our experts as we look at Massachusetts law concerning the common interest privilege, typical challenges to the assertion of the common interest privilege, and best practices for ensuring that communications between allied parties remain privileged.

Agenda

- What is the Common Interest “Privilege”?
- Common Interest Privileges in Civil, Criminal, and Transactional Matters
- Typical Challenges to Common Interest Privilege Assertions
- Best Practices for Ensuring Communications Between Separately-Represented Litigants and Their Counsel Remain Privileged
- “Ask the Experts” Q&A Session

Faculty

Christian Kiely, Esq., *Todd & Weld LLP, Boston*, Chair
Elizabeth J. McEvoy, Esq., *Hinckley Allen LLP, Boston*
Brian A. Suslak, Esq., *Morrison Mahoney LLP, Manchester*

Dates & Location

Register at www.mcle.org

LIVE WEBCAST

Wednesday, December 18, 2024
3:30 pm–5:00 pm
Program # 2250111WBC

REBROADCAST

Thursday, January 2, 2025
12:00 pm–1:30 pm
Program # 2250111RB1

REBROADCAST

Friday, January 10, 2025
10:00 am–11:30 am
Program # 2250111RB2

ON DEMAND WEBCAST

View after Friday, January 10, 2025
Program # 2250111WBA

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Materials

- E-materials link emailed upon registration
- Transcript & videorecording emailed 2 weeks post-program

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