

IADC Defense Counsel Journal Explores Attorney-Client Privilege, In-House Experts, and A31 Performance Bond Issues

Attorney-client privilege, in-house experts, and A312 Performance Bond best practices are the diverse subjects of in-depth analysis in the fourth-quarter 2021 edition of the Defense Counsel Journal (DCJ), published by the International Association of Defense Counsel (IADC).

Including introductions by IADC President Spencer H. Silverglate, who opines on the importance and value of IADC member engagement, and by IADC member and DCJ editor Christopher B. Parkerson, who champions the need for civilized debate and respect for opponents in society, the IADC's fourth-quarter 2021 DCJ is available for free and without a subscription via the IADC's website at <https://www.iadclaw.org/documents/?CategoryId=4>.

Frequently and favorably cited by courts and other legal scholarship, the DCJ is a quarterly forum for topical and scholarly writings on the law, including its development and reform, as well as on the practice of law in general. DCJ articles are written by members of the IADC, which is a 2,500-member, invitation-only, worldwide organization that serves its members and their clients, as well as the civil justice system and the legal profession.

Following are brief summaries of the articles included in the fourth-quarter 2021 issue of the DCJ:

“Center of the Circle: In-House Counsel, the Crime-Fraud

Exception and 'Reasonable Suspicion' " by Mark J. Fucile, co-founder of Fucile & Reising LLP – The article reviews the body of law surrounding in-house lawyers and attorney-client privilege and addresses the various issues faced by in-house counsel as it relates to the crime-fraud exception.

"Turning the Tables: Non-Retained Experts for Defendants" by Stephen P. Huwe, counsel, and Chad R. Hutchinson, a Member, at Butler Snow LLP – The piece analyzes the rules, privilege consequences, and best practices concerning disclosure of current or former employees as non-retained experts.

"The A312 Performance Bond is Not a Blank Check" by Bruce Kahn, senior vice president at Berkley Surety, A Berkley Company, and David W. Kash, a partner at Koeller Nebeker Carlson & Haluck, LLP – The article covers the rights, obligations, and responsibilities of the surety and obligee for an A312 Performance Bond, and reviews several cases addressing these issues.

The IADC is the preeminent invitation-only global legal organization for attorneys who represent corporate and insurance interests. Founded in 1920, the IADC has members who hail from six continents, 49 countries and territories, and all 50 U.S. states. The core purposes of the IADC are to enhance the development of skills, promote professionalism, and facilitate camaraderie among its members and their clients, as well as the broader civil justice community. For more information, visit www.iadclaw.org.