



**PLANET DATA**  
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**Planet Data** and Law.com host a timely webinar on **June 16 at 2pm** discussing the recently enacted Federal Rule of Evidence 502, which governs Attorney-client Privilege and Work Product; Limitations on Waiver. The session will offer practical guidelines for navigating the new rule. Moderated by **Planet Data** CEO, Howard J. Reissner, Esq, the webinar features Judge Michael M. Baylson (United States District Court, Eastern District of Pennsylvania and author of the Rhoads Industries, Inc. v. Building Materials Corp. of Am. opinions), Mr. David J. Kessler (Partner, Drinker Biddle and Reath) and Mr. James J. Stricker (Partner, Kasowitz Benson Torres and Friedman) as guest speakers.

### **OVERVIEW:**

FRE 502 adopts a national standard that an inadvertent disclosure of privileged information does not waive the privilege if the holder of the privilege took reasonable steps to prevent disclosure and to rectify the error. Judges have often grappled with this issue, adjudicating disputes as to whether the allegedly inadvertent production of privileged materials was truly inadvertent, or careless, or reflected a complete absence of control over the discovery process.

### **DISCUSSION:**

Our panel explores important case decisions and the practical implications of navigating the recently enacted Federal Rule of Evidence 502 which President Bush signed into law in September 2008.

Judge Baylson and our practicing litigators discuss some of the issues that have arisen since the Rule's enactment and Judge Baylson will offer his views the new Rule.

"Recently enacted FRE 502 adopts a national standard that an inadvertent disclosure of privileged information does not waive the privilege if the holder of the privilege took reasonable steps to prevent disclosure and to rectify the error. A dispute in this case requires review of the procedure used by the Plaintiff, which resulted in the inadvertent disclosure of over eight hundred documents. Should this result in a waiver of the privilege? Judges have often grappled with this issue, adjudicating disputes as to whether the allegedly inadvertent production of privileged materials was truly inadvertent, or

careless, or reflected a complete absence of control over the discovery process”.

Judge Michael M. Baylson  
(Rhoads Industries v. Building Materials Corp. of America)

This session will openly discuss practical issues presented by these provisions of the Rule and whether the Rule is likely to reduce costs of discovery.

The practical issues addressed include:

- Avoiding the production of privileged data
- The recapturing of privileged data
- Ethical issues regarding the receipt of privileged data
- And agreements broader than FRE 502B

**For free registration and details please visit**  
[www.planetds.com](http://www.planetds.com).

**OR**

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