April 3, 2013

Commercial Litigation Attorneys Author Implied Waiver of Privilege Article for *Boston Bar Journal*

Partner Jonathan Handler, counsel Jillian Hirsch and associate Emily Zandy contributed an article to the spring edition of the *Boston Bar Journal*. In the article, "The Sword and the Shield Revisited: Developments in the Implied Waiver of Privilege," the attorneys discuss the ramifications of recent court decisions in Massachusetts for the implied waiver of attorney-client privilege and the work product doctrine. They write that *Clair v. Clair* and *Columbia Data Products v. Autonomy Corp. Ltd.* "[make] clear that litigants cannot use privileged material as both a sword and a shield. In other words, litigants may not base their legal positions on privileged material while simultaneously denying their opponent access to that information on the ground that it is privileged." The article appeared on the journal's website on April 3.

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