

S 2450

A bill to amend the Federal Rules of Evidence to address the waiver of the attorney-client privilege and the work product doctrine.

**Congress:** 110 (2007–2009, Ended)

**Chamber:** Senate

**Policy Area:** Law

**Introduced:** Dec 11, 2007

**Current Status:** Became Public Law No: 110-322.

**Latest Action:** Became Public Law No: 110-322. (Sep 19, 2008)

**Law:** 110-322 (Enacted Sep 19, 2008)

**Official Text:** <https://www.congress.gov/bill/110th-congress/senate-bill/2450>

Sponsor

**Name:** Sen. Leahy, Patrick J. [D-VT]

**Party:** Democratic • **State:** VT • **Chamber:** Senate

Cosponsors (2 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Specter, Arlen [R-PA]	R · PA		Dec 11, 2007
Sen. Graham, Lindsey [R-SC]	R · SC		Dec 17, 2007

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Reported By	Feb 25, 2008
Judiciary Committee	House	Referred To	Feb 28, 2008

Subjects & Policy Tags

**Policy Area:**

Law

Related Bills

Bill	Relationship	Last Action
110 HR 6610	Identical bill	<b>Jul 24, 2008:</b> Referred to the House Committee on the Judiciary.

**(This measure has not been amended since it was introduced. The summary of that version is repeated here.)**

Amends the Federal Rules of Evidence with respect to the disclosure of a communication or information covered by the attorney-client privilege and work product protection.

Provides that, when such a disclosure is made in a federal proceeding or to a federal office or agency, and waives the attorney-client privilege or work-product protection, the waiver extends to an undisclosed communication or information in a federal or state proceeding only if: (1) the waiver is intentional; (2) the disclosed and undisclosed communications or information concern the same subject matter; and (3) they ought in fairness to be considered together.

States that, when the disclosure is made in a federal proceeding or to a federal office or agency, it does not operate as a waiver in a federal or state proceeding if: (1) the disclosure is inadvertent; (2) the holder of the privilege or protection took reasonable steps to prevent disclosure; and (3) the holder promptly took reasonable steps to rectify the error.

Declares that, when the disclosure is made in a state proceeding and is not the subject of a state-court order concerning waiver, it does not operate as a waiver in a federal proceeding if the disclosure: (1) would not be a waiver under this rule if it had been made in a federal proceeding; or (2) is not waived under law of the state where the disclosure occurred.

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## Actions Timeline

- **Sep 19, 2008:** Signed by President.
- **Sep 19, 2008:** Became Public Law No: 110-322.
- **Sep 11, 2008:** Presented to President.
- **Sep 8, 2008:** Ms. Jackson-Lee moved to suspend the rules and pass the bill.
- **Sep 8, 2008:** Considered under suspension of the rules. (consideration: CR H7817-7820)
- **Sep 8, 2008:** DEBATE - The House proceeded with forty minutes of debate on S. 2450.
- **Sep 8, 2008:** Passed/agreed to in House: On motion to suspend the rules and pass the bill Agreed to by voice vote.(text: CR H7817)
- **Sep 8, 2008:** On motion to suspend the rules and pass the bill Agreed to by voice vote. (text: CR H7817)
- **Sep 8, 2008:** Motion to reconsider laid on the table Agreed to without objection.
- **Sep 8, 2008:** Cleared for White House.
- **Feb 28, 2008:** Received in the House.
- **Feb 28, 2008:** Message on Senate action sent to the House.
- **Feb 28, 2008:** Referred to the House Committee on the Judiciary.
- **Feb 27, 2008:** Passed/agreed to in Senate: Passed Senate without amendment by Unanimous Consent.(consideration: CR S1317-1319; text as passed Senate: CR S1318-1319)
- **Feb 27, 2008:** Passed Senate without amendment by Unanimous Consent. (consideration: CR S1317-1319; text as passed Senate: CR S1318-1319)
- **Feb 25, 2008:** Committee on the Judiciary. Reported by Senator Leahy without amendment. With written report No. 110-264.
- **Feb 25, 2008:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 580.
- **Jan 31, 2008:** Committee on the Judiciary. Ordered to be reported without amendment favorably.
- **Dec 11, 2007:** Introduced in Senate
- **Dec 11, 2007:** Sponsor introductory remarks on measure. (CR S15141-15142)
- **Dec 11, 2007:** Read twice and referred to the Committee on the Judiciary. (text of measure as introduced: CR S15142)