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Attorney-Client Privilege Protection Act of 2009

Congress: 111 (2009–2011, Ended)
Chamber: Senate
Policy Area: Crime and Law Enforcement
Introduced: Feb 13, 2009
Current Status: Read twice and referred to the Committee on the Judiciary.
Latest Action: Read twice and referred to the Committee on the Judiciary. (Feb 13, 2009)
Official Text: https://www.congress.gov/bill/111th-congress/senate-bill/445

Sponsor

Name: Sen. Specter, Arlen [R-PA]
Party: Republican • **State:** PA • **Chamber:** Senate

Cosponsors (5 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Carper, Thomas R. [D-DE]	D · DE		Feb 13, 2009
Sen. Cochran, Thad [R-MS]	R · MS		Feb 13, 2009
Sen. Kerry, John F. [D-MA]	D · MA		Feb 13, 2009
Sen. Landrieu, Mary L. [D-LA]	D · LA		Feb 13, 2009
Sen. McCaskill, Claire [D-MO]	D · MO		Feb 13, 2009

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Referred To	Feb 13, 2009

Subjects & Policy Tags

Policy Area:

Crime and Law Enforcement

Related Bills

Bill	Relationship	Last Action
111 HR 4326	Related bill	**Apr 26, 2010:** Referred to the Subcommittee on Crime, Terrorism, and Homeland Security.

Summary (as of Feb 13, 2009)

Attorney-Client Privilege Protection Act of 2009 - Amends the federal criminal code to prohibit any U.S. agent or attorney, in any federal investigation or criminal or civil enforcement matter, including any form of administrative proceeding or adjudication, from: (1) demanding or requesting that an organization, or a current or former employee, officer, director, or agent of such organization, waive the protections of the attorney-client privilege or attorney work product doctrine; (2) offering to reward or actually rewarding an organization, or current or former employee, officer, director, or agent, for waiving such protections; or (3) threatening adverse treatment or penalizing an organization, or current or former employee, officer, director, or agent, for declining to waive those protections.

Prohibits a U.S. agent or attorney in any federal investigation or criminal or civil enforcement matter, including any form of administrative proceeding or adjudication, from considering specified conduct in: (1) making a civil or criminal charging or enforcement decision relating to an organization, or one of its current or former employees or agents; or (2) determining whether an organization, or a current or former employee, officer, director, or agent, is cooperating with the government.

Numbers among the actions a U.S. agent or attorney may not use as a charging decision condition or a cooperation-determining factor: (1) any valid assertion of the protection of the attorney-client privilege or attorney work product doctrine; (2) the provision of counsel to, or contribution to the legal defense fees or expenses of, a current or former employee, officer, director, or agent of an organization; (3) entry into, or existence of, a valid joint-defense, information-sharing, or common-interest agreement between an organization and a current or former employee or officer or director or agent, or among its current or former employees; (4) the sharing of relevant information in anticipation of or in response to an investigation or enforcement matter between an organization and a current or former employee or officer or director or agent, or among its current or former employees, unless shuch sharing is itself an offense; or (5) the failure to terminate the employment or affiliation of or otherwise sanction any employee, officer, director, or agent of the organization because of the employee's, officer's, director's, or agent's decision to exercise personal constitutional rights or other legal protections in response to a government request.

Prohibits a U.S. agent or attorney from demanding or requesting that an organization or an affiliated person not take any such action.

Actions Timeline

- **Feb 13, 2009:** Introduced in Senate
- **Feb 13, 2009:** Sponsor introductory remarks on measure. (CR S2331-2332)
- **Feb 13, 2009:** Read twice and referred to the Committee on the Judiciary.