

Thomas Lupo and Dana Mehlman Discuss Court Decision Addressing Document Privilege Protections Involving Environmental Consultants

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Thomas Lupo and Dana Mehlman authored the case summary, “District Court in Michigan Determines Consultant Document Privilege Issues,” which was published on December 2, 2015, on the American Bar Association (ABA) Section of Environment, Energy, and Resources’ website.

The case summary focuses on the U.S. District Court for the Eastern District of Michigan’s decision in *Ford Motor Company v. Michigan Consolidated Gas Company*, No. 08 cv 13503 (2015), a case in which plaintiffs “changed their previously considered privilege log classifications from attorney work-product to attorney-client privilege protections in support of their common-interest privilege assertions concerning communications with their non-party environmental consultant.” Mr. Lupo and Ms. Mehlman explain that “[t]he related Opinions and Orders are useful reading for environmental litigators. While they do not provide the perhaps expected discussion of the role of and interplay with an environmental consultant, they set forth in one place a useful reflection of the four protections and partial interdependence, including where a party retains an environmental consultant in part or whole for purposes of providing legal advice in anticipation of litigation.”

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