

Hinderks' *The Legal Intelligencer* Column Discusses PR Consultants and the Attorney-Client Privilege

In the News

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Stinson LLP's former managing partner and current chair of the firm's Legal Ethics & Professional Responsibility practice group [Mark Hinderks](#) published a column in Law.com's *The Legal Intelligencer*, providing insight on the inclusion of a third-party consultant in privileged conversations between attorneys and clients.

"Ordinarily, the inclusion of a third party in otherwise privileged conversations between lawyer and client waives any attorney-client privilege," Hinderks writes. "There are two circumstances recognized in a number of jurisdictions that establish exceptions to this general rule in limited cases."

Hinderks highlights cases detailing how public relations practitioners being present in attorney-client conversations can waive attorney-client privilege because their involvement is unnecessary for legal advice or ordinary public relations. He states that clients do not need these third parties to translate or facilitate communication between the attorney and the client.

He also highlights an area that is protected, writing, "documents that are otherwise protected by the work product doctrine that are provided to third parties, such as hired PR consultants, do not automatically lose work product protection...Of course, this does not protect the content of communications with the outside consultant; it merely protects the work product document itself."

Hinderks leads the firm's Legal Ethics & Professional Responsibility practice. He is the author of *Dear Ethics Lawyer*, a twice-monthly newsletter with questions and answers concerning legal ethics, and a co-founder and presenter of "Ethics for Good," a twice-annual stage show which uses humor, skits and real-world scenarios to teach legal ethics to lawyers. Hinderks has presented more than 125 programs on legal ethics over the past 30 years, has authored many articles and handbook chapters on legal ethics, and has been deeply involved in professional organizations with legal ethics and professional responsibility as their

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focus.

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CONTACT

Mark D. Hinderks

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