

# Publications

## White Paper: The Who and Whose of the Attorney-Client Privilege in Mergers and Acquisitions

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In the midst of negotiations of any M&A transactions, the parties give brief, if any, attention to whether their confidential communications with their attorneys may fall into the other party's hands following closing. However, courts over the past several years have cautioned that the protection of the attorney-client privilege may be limited under certain circumstances in mergers and acquisitions or may be lost altogether if selling parties do not appropriately address the privilege's ownership in the definitive agreement. To retain the protection of this privilege for pre-closing communications in mergers and acquisitions, parties will want to understand the "who and whose" of the attorney-client privilege.

[Click here](#) to download a white paper, authored by members of the Vorys M&A and Private Equity Groups, that addresses these attorney-client communication issues and more.

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