

Who is the Client? Attorney-Client Privilege in the Growing Complexity of the ANC Corporate Family

1<[412/C 8U1Z/C 4UZH84HQOSZQF

> L] V P - b +] ? P L ™

3. **ЗАДАЧА 3**
Составьте текст на тему «Моя семья».
Используйте в нем как можно больше слов, в которых
имеются согласные звуки, произносимые смычкой.

¶[H₂S] < [IOPQ-ε][OX < : NI<P[SU^ING<C
OX < AN<f [d] < c X Q < PM _ H₂H₂O[H<[OX < C; NI<P[SU^ING<SSN<Zc_HatZc Q
[H<C NI<P[(C)IPWNN dHZd8S<L(OP, N); ZQ OBLIPGt k OOO P, B[OPZdH[ZH] N dHNS) O* Zb
dWdWdKGP<WNN d NZLSPS&J[P[CUSCLB]IOPZ u[B PdH<SSN N[dQ; OP[UNFH<SSN; B[OPQ-ε
[H<B[OX < : NI<P[SU^ING<C[H<C OOO P; B[OPZdH[HZ] 9Z; I8J c USCLB]IOPZc

-Z<2\$]_PVL2j *FBRLV?^?F%12T^2(TV P%-2.VCTMTP5*TPL5?-2L)?%F?]j

4 HKG[OX < ` : NK P[SU ^ IN G< O SQ_ < UZ NK P[Zc QF NN c OPC; < dP c Hk U8[[CLP< ZG c
SUQ< [IPGc < U[B P[QD O] PI: B[OPZD DQ c IZ: MZ] UK'c Q_ < ^ < dP c Hk F NK9U8 [HQ< dHk SUQ< [IOPC
G1 ^ < PdQc NK P[c OPC; < P. < ZG P, Z< UK[Zc 8PPQ[QdP, < UZ QO c I [HQ] [8VQ; IZ] ZZIPG&Pc
B[[OX < ZG[H: 8N] [Qc OPC; < P[18N] #7 HN< HZ< QSUQ< [OPZUkUN8< dPO 8P c 8 Zc
[H< dUk c IZ[IP: [c IB < UPGdPdHk dO SUQ[8P[CLZS< [ZQ< Z OS< 8P, 8SSN: B[OPC4HZd 8M[CU[Zc

НиGјод ојс ТQрGј ` qc\GрdгcoДl yhi гđ Qđ HјQg` yHнGgaoj I yqчH i yб \Qđ C'Qрrj f l uкGV cpу
hi VVl Sl јq]l ѡt pTl cyGcpri Сapоyrl уQрgk l uлGV cphi VVl Sl ys \bГyTl yHbryuJ yGcKХ cрdQ\bufy
TNST]NSTpdcSyTl yJ hgi pccD ygJyJ cgs VcSys TgyTl уQрgk l u.оGv cрjбP i ЕgptУhi гđ Qđgcdy

A. Attorney-Client Privilege Under Alaska Rule of Evidence 503

6 ppgk l uлGV cphi VVl Sl ybccy r VH cpD ujql yTQphi l r l cpojTl ySgr l n l cpfli yog` l gcl y
qdцSуSgr l l b l cphi gB ad oyVl l yGqxEhgl cOjRg` yG` hl]]VcSyTl yHнGgaoj l ygJyB i pdcy
Gg` ` qc\GрdгcoEl ps l l cyccyQppk l uyCcHyl l yGV cpу? Tbьhi гđ Qđgcybly` hgi pccpoyuJ uQрgk l uw
GV cphi l]QđgcoTbьCcHyl SqCE]uygcl ygJyTl yg]H qphi VVl Sl oyбggqi ybqHnGc]uap` !%` Tl
hi VVl Sl ybь ECd HycyTl y` gi CyH Сapоyrl уQрgic` uTjhi VCCuTjCCHjy qap` l f CjGV cpCcHyl Vb
Qрgk l uy] cgs yTQphi l Vyg` ` qc\Gрdгcyblyhi гđ Qđ HјQg` yHнGgaoj l fjd l yGV cpjб` gi l yVl]uyg
d l [yl SQjyCoaQccD yl A tycCcHryGgcr l uyQ]ygJyTl y` Qpojcl D coD uyP i ydTl уQрgml uygjhi gr VH ydTl y
FI cp%dr VVl

)

consider defining the scope of the shared counsel's representation of each entity. While a written agreement may not be required, it is advised because it is evidence that the subsidiary gave fully-informed consent to the limitations placed on the representation and agreed to limit its control over assertion of attorney-client privilege over some of its communications with counsel and the parent.¹⁷

B. The Duty of Confidentiality Under the Alaska Rules of Professional Conduct

Another related yet distinct protection of client communications is effected through the duty of confidentiality imposed by Rule 1.6 of the Alaska Rules of Professional Conduct. This rule prohibits an attorney from revealing client "confidences" and "secrets" without the client's informed consent, implied authorization, or under a Rule 1.6(b) exception. The Alaska Supreme Court has defined a client "confidence" as any information covered by attorney-client privilege, and a client "secret" as any other information learned by the attorney in the course of representing the client's legal interests that the client has either requested the attorney to keep secret or "it is reasonably foreseeable that disclosure of the information would be embarrassing or detrimental to the client."¹⁸ As you can see, the duty of confidentiality is much broader than the related attorney-client privilege.

The duty of confidentiality is a core concept of legal ethics. As the Alaska Bar Association Ethics Committee put it:

2 XÀ• µ€ BÉD• µ€ Õ s 0

affect. While the answer to this question is highly dependent upon the specific relationship and the claim at issue, a few general principles should be followed. The attorney should discuss the implications of a co-client relationship on the attorney-client privilege, her duty of confidentiality, and potential conflicts analyses.³⁵ Then, the attorney should execute an engagement letter outlining the agreed-upon scope of her representation, using clear and definite statements.³⁶ If, at any time, the attorney senses that the interests of the corporations are beginning to diverge, she must reengage this discussion between the privy

s at 9

h