

## Case Summary

### Baptiste v. Cushman & Wakefield, Inc.

2004 WL 330235 (S.D.N.Y. Feb. 20, 2004)

#### **Court Protects Attorney-Client Privilege of an Email Containing Legal Advice**

In an employment discrimination lawsuit, the court addressed the issue of whether the contents of an email were protected by attorney-client privilege. The plaintiff contended that the email was not protected by the attorney-client privilege because it was not labeled as being privileged; the plaintiff also contended that the email was not privileged because it did not refer to legal advice.

The court stated that, "the attorney-client privilege affords confidentiality to communications among clients and their attorneys, for the purpose of seeking and rendering an opinion on law or legal services, or assistance in some legal proceeding, so long as the communications were intended to be, and were in fact, kept confidential."

#### **Decision**

The court found that the email sent to an employee of the defendant was clearly conveying information and advice. The advice referred to what the defendant's outside counsel anticipated would occur, and his advice as to how the defendant should conduct itself during pending legal matters. Accordingly, the court ordered that the original email be returned to the defendant and that the plaintiff receive a redacted version that did not contain privileged information.

Privileged Electronic Documents