

In The News

Luis Perez, Francisco Rodriguez Co-Author Article on Attorney-Client Privilege in International Arbitration

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Latin America & The Caribbean Practice Co-Chair Luis A. Perez and Francisco Rodriguez co-authored an article in the *Daily Business Review* titled, “Attorney-Client Privilege in International Arbitration: Another Consideration to Take into Account when Drafting Arbitration Clauses.” Perez and Rodriguez described how, unlike several other countries, the United States has clear rules and a highly developed case law on the scope of privileged communications. In the event of international arbitration or litigation, the authors noted, it is not clear which rules might then apply and the extent, if any, to which communications between counsel and the client receives appropriate protection. Further, the authors outlined best practices to draft effective international arbitration clauses. This and other elements, Perez and Rodriguez wrote, are among the factors companies and their legal counsel should consider to protect privileged communications and materials.

Perez and Rodriguez wrote, “... the law governing attorney-client privilege deserves more consideration at the time of drafting the arbitration agreement, and parties should be aware of the risks of not addressing these issues in the arbitration clause.”

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