

Proposal 11-02
Creates New Supreme Court Rule
Offered by attorney Steven M. Puiszis

New Supreme Court Rule ____ . Asserting Privilege or Work Product Following Discovery Disclosure

If information produced in discovery is subject to a claim of privilege or of work product protection, the party making the claim may notify any party that received the information of the claim and the basis for it. After being notified, each receiving party must promptly return, sequester, or destroy the specified information and any copies; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the receiving party disclosed the information to third parties before being notified; and may promptly present the information to the court under seal for a determination of the claim. The producing party must also preserve the information until the claim is resolved.