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### **HIDING BEHIND THE MASK OF THE ATTORNEY CLIENT PRIVILEGE**

In an August 16, 2011, article written by Brian Kabateck and Douglas Rothen of Kabateck Brown Kellner LLP, the attorneys discuss how California law currently prevents judges from conducting independent reviews of supposedly privileged documents to determine if they are in fact subject to the privilege. Instead, judges must rely solely on voluntary disclosures by the attorneys requesting the privilege.

"While courts require attorneys to offer concrete evidence at trial to prove their case, the Legislature should allow no less scrutiny when asking judges to interpret whether a document is subject to the privilege through in-camera review," Kabateck and Rothen state.