



The Selective-Waiver Doctrine: Is It Still Alive?

Published in *Business Crimes Bulletin*

December 2008

The "selective-waiver" doctrine has been raised as a possible safeguard against waiver of the attorney-client privilege when a company is seeking the benefits of cooperation in a criminal investigation. However, in its 30-year history, the doctrine has been repeatedly rejected by U.S. courts. This article discusses the origins of the doctrine and recent court decisions that have attempted a revival.

Attorney advertising. Published as a source of information only. The material contained herein is not to be construed as legal advice or opinion.

©2025 Katten Muchin Rosenman LLP.

All rights reserved. Katten refers to Katten Muchin Rosenman LLP and the affiliated partnership as explained at katten.com/disclaimer.