

ITEM 10.04 | EXAMINATION UNDER OATH

The lawyer-client privilege has been held to apply to an examination under oath ("EUO"), conducted by an insurer with its insured. The statements made during the examination were not discoverable in a subsequent criminal case involving the insured, and, the presence of criminal defense counsel at the EUO did not waive the privilege.²⁵

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Conference of Circuit Court Judges
Conference of County Court Judges*

Footnotes

²⁵ *Reynolds v. State*, 963 So. 2d 908 (Fla. 2d DCA 2007) ("The examination is part of the insurer's fact gathering for the dual purposes of (1) defending the insured, and (2) determining whether the policy covers the incident giving rise to the claim against the insured.").

