

VI.B | PROCEDURE FOR RESOLVING CLAIMS OF PRIVILEGE OR OTHER PROTECTION AGAINST DISCOVERY WITH THE COURT

1 - A party asserting a privilege or other protection against discovery normally has the obligation to establish, by affidavit of a competent witness or other evidence, all facts essential to the establishment of the privilege or protection. The attorney asserting the privilege or other protection against discovery should also file a memorandum of law specifically defining the privilege or protection being asserted and citing relevant legal authority;

2 - Any affidavits used to support a claim of privilege or other protection against discovery should be tested by the rules of evidence; and

3 - Documents or other privileged information should not be furnished to the Court for in camera review without prior court approval.