



Preventing the Inadvertent Waiver of the Attorney-Client Privilege in Litigation or Arbitration

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Although those in the construction industry hope to avoid them, litigation or arbitration are the processes used to resolve claims when parties cannot settle their disputes among themselves or in mediation. Under procedural rules of court or arbitration, each party to the dispute will be required to produce to its adversary the documentation comprising project records. This will usually consist of a significant amount of paperwork and electronic data. The opponent will then scour these records looking for information to support the opponent's position.

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