

# Client-attorney privilege in the age of AI



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It's business. But it's personal.

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# Welcome.

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# Speakers



**Jonathan Barnett**

Partner

T: +44 20 3321 6365

E: [Jonathan.Barnett@Mishcon.com](mailto:Jonathan.Barnett@Mishcon.com)



**Leah Alpren-Waterman**

Legal Director, Knowledge Lawyer

T: +44 20 3321 6938

E: [Leah.Alpren-Waterman@Mishcon.com](mailto:Leah.Alpren-Waterman@Mishcon.com)

# Our presence in Israel



**Noa Mayer**

Country Representative

E: [Noa.Mayer@Mishcon.com](mailto:Noa.Mayer@Mishcon.com)

Throughout the firm's history, Mishcon de Reya has acted for clients in Israel and supported Jewish causes in the UK and around the world.

We have worked with Israeli businesses and families for many decades and represent leading Israeli clients across various sectors, including Hi Tech & Life Sciences, Disputes & Investigations, Privacy & Data, Employment and Immigration.

We have increased our support and presence in the Israeli market. Our aim is to expand and deepen our ties with Israeli companies and families.

In 2025 we opened offices in Dubai and Abu Dhabi, enabling us to assist our clients with legal and market entry matters.

# Agenda

Foundations for in-house lawyers

The impact of AI

Cross-border issues

Practical tips for instructing external lawyers

# Foundations of privilege

## Legal advice privilege

- Confidential communications
- Between a client and their lawyer
- Made for the dominant purpose of giving or receiving legal advice

## Litigation privilege

- Confidential communications
- Between a client and their lawyer, or either of them and a third party
- Where the dominant purpose is litigation that is pending, reasonably contemplated or already on foot

# Foundations of privilege

1. Confidentiality is the cornerstone
2. The dominant purpose test
3. Privilege does not attach retrospectively
4. Wide circulation = waiver

# Issues for in-house lawyers



“Double hatting”



Interactions with non-lawyers



Identifying the client



Dealing with the board



Internal investigations

# AI and privilege

**CONFIDENTIALITY**  
is key

# AI and privilege



*Munir v  
Secretary of  
State for the  
Home  
Department*



*United  
States v  
Heppner*

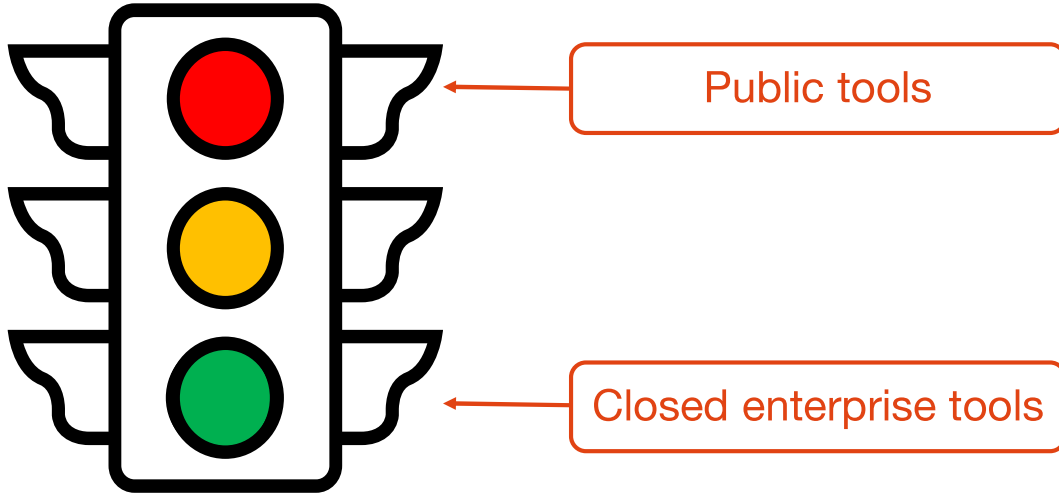


*Warner v  
Gilbarco*



*Morgan v  
V2X*

# AI and privilege



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# AI and privilege

1. Where are inputs and outputs stored?
2. Who can access them?
3. How long are they retained?
4. Are they used to train the system?
5. Are they automatically shared with third parties?

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# AI and privilege

Risk areas

Shadow AI

AI notetakers

# Cross border issues



National courts apply their own rules



UK lawyers' position pre- and post-Brexit



EU privilege and in-house lawyers

# Instructing external lawyers

1. Ask about AI use
2. Identify the client group
3. Control internal distribution
4. Remember cross-border limitations

# Key takeaways

Confidentiality is the foundation

Your “hat” matters (and so does the dominant purpose)

Scrutinise the AI tools you and your advisors are using

Label your communications

# Key takeaways

Confidentiality is the foundation

Your "hat" matters (and so does your dominant purpose)

Scrutinise the law and your advisors are using

Legal communications

**The law is developing rapidly. We don't yet have all the answers.**

# Questions?

# Thank you.

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