

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

IN RE: CONFIDENTIALITY OF  
ATTORNEY-CLIENT  
COMMUNICATIONS

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Standing Order 2023-7

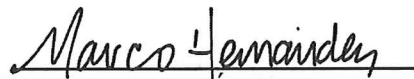
Pursuant to this Order and consistent with Federal Rule of Evidence 502(d), the attorney-client privilege covering a communication with a person held in a detention facility, using any method of communication, including by person, letter, e-mail, phone, or videoconference, is not waived by the presence of third parties or the existence of monitoring, whether or not the monitoring is disclosed. For attorney-client privilege to be preserved and not waived, the following factors must be satisfied:

1. The communication is otherwise covered by the attorney-client privilege;
2. The communication must be made using a system available at the detention facility; and
3. The speaker must make a statement at the beginning of the electronic communication, indicating that the conversation is protected by the attorney-client privilege, unless the context makes clear that the privilege should apply despite the lack of a statement.

Standing Order 2020-10 is vacated.

**IT IS SO ORDERED.**

DATED this 10th day of May, 2023.

  
MARCO HERNÁNDEZ  
CHIEF U.S. DISTRICT JUDGE