
Sixth Circuit Strengthens Privilege and Work-Product Protections for Internal Investigation Materials

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External Link:

In *In re FirstEnergy Corporation*, the Sixth Circuit Court of Appeals overturned a district court order requiring FirstEnergy to produce to securities class action plaintiffs materials resulting from a company's internal investigation concerning whether a senior executive participated in a bribery scandal. In a rare grant of mandamus relief, the Sixth Circuit held that materials prepared by the company's outside counsel as part of the internal investigation were protected by the attorney-client privilege and work-product doctrine, even if they were also later used for adjacent business purposes, such as SEC reporting or HR/PR decisions.

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