

New Jersey Supreme Court Adopts Common Interest Rule for Attorney-Client Communications and Attorney Work Product

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On July 21, 2014, the Supreme Court of New Jersey issued its decision in *Martin E. O'Boyle v. Borough of Longport*, a case that examined the interplay of the common interest rule, attorney-client privilege, and work product protection on the one hand and the New Jersey Open Public Records Act ("OPRA") and the common law right to access government records on the other. The court ruled that the attorney-client privilege and work product doctrine shield the disclosure of documents otherwise accessible under OPRA. The court further held that a showing of "particularized need" must be made to obtain privileged documents under the common law right of access. *O'Boyle* was the first time the Supreme Court of New Jersey addressed the common interest rule.

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