

Pierre Grosdidier in Texas Bar Journal: E-Discovery

October 3, 2017

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Protect the contents of cloud file-sharing accounts with fused hyperlinks.

A party uploaded privileged documents into a cloud file-sharing account unprotected by a password. Opposing counsel found the hyperlink through discovery happenstance, accessed the account, and downloaded and read the documents. The court held that the party waived both the attorney-client communication privilege and the work-product doctrine immunity as to the documents. The decision, *Harleysville Ins. Co. v. Holding Funeral Home, Inc.*, illustrates how an e-discovery fluke can compromise a case.

Excerpted from *Texas Bar Journal*, October 2017. To read the full article, click [here](#).

Note: The District Court Judge reversed the Magistrate Judge in this case as to the waivers of privilege. See *Harleysville Ins. Co. v. Holding Funeral Home, Inc.*, No. 1:15CV00057, 2017 WL 4368617 (W.D. Va. Oct. 2, 2017) (slip op.).