

Paterno Ruling Highlights Broad Pa Work Product Protections

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Tom Wilkinson, a member of Cozen O'Connor's Commercial Litigation Department, discusses a Pennsylvania appeals court's decision from a suit stemming from the Penn State University's internal probe of the Jerry Sandusky sex abuse scandal being hailed by attorneys as a critical affirmation of the state's broad protection of attorney work product. The state's Superior Court ruled that notes and interview summaries prepared by Free Sporkin & Sullivan LLP during the Jerry Sandusky sex abuse scandal investigation should not be turned over to Joe Paterno's estate. This conclusion clarifies that Pennsylvania's work product protections are squarely at odds with those on the federal level. Tom agreed that lawyers often didn't appreciate the differences between state and federal law regarding the contours of work product protections. "There is a common misconception among lawyers that the same standard applies in state and federal court," he said.

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