Michelle Beardslee defines attorney client privilege as:

Michele DeStefano Beardslee: Climenko Fellow and Lecturer on Law, Harvard Law School. “The Corporate Attorney-Client Privilege: Third-Rate Doctrine for Third-Party Consultants.” 62 SMU L. Rev. 727. Spring 2009.

The attorney-client privilege is…. information should be discoverable.

Merriam Webster defines ought as used to express obligation. For this round, obligations should be understood as the obligations imposed by law. Spaak writes.

“Kelsen and Hart on the Normativity of Law.” Torben Spaak. Stockholm Institute for Scandianvian Law 2010.

“On Kelsen’s analysis, a *norm….* corresponding to a legal right”

Therefore, it is possible to interpret certain ought statements as statements about the validity of legal norms. Prefer this interpretation of ought for 3 reasons.

1. Actor specific to government
2. Most educational because we interact w/ the legal system every day. Real world education is the most important thing:

Strait and Wallace write,

THE SCOPE OF NEGATIVE FIAT AND THE LOGIC OF DECISION MAKING; L. Pall! Sirait. George Mason University Brett Wallace. George Washington

The ability to make decisions deriving…. any educational disadvantage weighed against

1. Predictable because most topic lit. deals w/ legal system and predictability bad standard because 1) arbitrary 2) no brightline

Therefore, the value criterion is consistency with current law. The negative’s burden is to demonstrate that allowing truth seeking to take precedence over attorney-client privilege violates a legal norm that is a “higher law”than any legal norms that allow it.

I contend that the law requires individuals have attorney-client privilege protections, even when removing those privileges limits truth seeking. Centuries of federal common law and recent U.S. Supreme Court decisions recognize the attorney-client privilege as an absolute privilege that cannot be superseded by a need to find information. Christensen writes.

Leah Christensen, Associate Professor of Law, Thomas Jefferson School of Law. “A COMPARISON OF THE DUTY OF CONFIDENTIALITY AND THE ATTORNEY-CLIENT PRIVILEGE IN THE U.S. AND CHINA: DEVELOPING A RULE OF LAW.” THOMAS JEFFERSON LAW REVIEW Vol. 34:1. 2011.

In contrast to the duty of confidentiality…. survives even after the client has died

Moreover, removal of the privilege would violate a client’s constitutional rights by forcing the client to choose between surrendering either her 5th or 6th amendment privileges. Dashjian writes.

Michael Dashjian 1982 “The attorney-clinet privilege and the criminal defendant’s constitutional rights” <http://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=2190&context=californialawreview>

When an individual's compelled…. between fifth and sixth amendment rights.