



Thomas E. Spahn

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PRACTICES

Commercial Litigation

Media and First Amendment

Tom practices as a commercial litigator. He regularly advises a number of Fortune 500 companies on such issues as properly creating and preserving the attorney-client privilege and work product protections when conducting corporate investigations, when hiring outside consultants, when dealing with the government, and during other daily and extraordinary situations. Tom has assisted in creating and defending privilege logs in many product liability and commercial litigation matters. He also advises in-house counsel on ethics issues, including conflict of interest, confidentiality, and dealing with corporate wrongdoing.

Tom was selected as the 2013 metro-Washington, DC “Lawyer of the Year” for “Bet the Company Litigation” by *The Best Lawyers in America* (Woodward/White, Inc.).

In 2013, the Virginia Law Foundation published the latest version of Tom's book on the attorney-client privilege and the work product doctrine – a two-volume 1,500 page book discussing those topics on a national level (all profits go to the Foundation.)

Tom has made available a 300 page summary of the book, which you can access [here](#). Tom has also made available case summaries that he has prepared since the book's publication at the [McGuireWoods Attorney-Client Privilege/Work Product Case Summary Database](#).

Tom has also written books on defamation and ethics issues facing in house lawyers. He has published several book chapters and more than 75 articles in Virginia and national publications on numerous topics. In January 2016, the ABA's Solo, Small Firm and General Practice Division republished Tom's article entitled "The ABA's Puzzling Confidentiality Rule" after selecting it as one of only five "Best of ABA Sections" articles. The ABA similarly honored Tom's article on “Litigation Ethics in the Modern Age” in 2004.

Since 1988, Tom has spoken at more than 1,700 CLE programs throughout the United States, and in several foreign countries. In March 2009, Tom was invited to Reykjavik, Iceland, to discuss an ethics issue on Iceland's leading news and interview show. In July 2012, he was invited to Erbil, Iraq, to participate in a panel assisting the Kurdistan Bar Association in establishing ethics rules.

Tom has served on the ABA Standing Committee on Ethics and Professional Responsibility, and on numerous Virginia State Bar and Virginia Bar Association committees. As chairman of the Virginia State Bar Committee on Publications/Public Information, Tom led the committee in developing public service announcements articulating lawyers' benefit to society, which were extensively published in Virginia, and purchased by the bars of six other states and the Canadian Bar Association. As chairman of the Virginia Bar Association Commission on Professionalism, he acted as principal drafter of Principles of Professionalism that have been endorsed by the Virginia Supreme Court and the Virginia Attorney General's Office, and commended by both of Virginia's federal district courts.

After personally reading, summarizing, and categorizing more than 1,600 Virginia Bar

and American Bar Association legal ethics opinions, he made his work available to the [public online](#).

Since June, 2000, Tom has issued short email alerts every Wednesday afternoon describing [attorney-client privilege and work product developments](#). You can access and sign up for these "Privilege Points" [here](#).

Tom has prepared a chart describing many of his ethics programs, and made his materials available for educational use. The materials total over 9,000 pages of analysis. You can access the chart and the materials [here](#).

EXPERIENCE

- Representation of a Central Asian government in proceeding before a Special Court of Inquiry in New Delhi, India, investigating the deadliest mid air collision in aviation history.
- Representation of an automobile manufacturer in connection with America's worst drunk driving accident.
- Representation of an equipment manufacturer in depositions in Belfast, Northern Ireland.
- Representation of a utility in litigation involving easement rights over one of America's most popular walking and biking path.

EDUCATION

- Yale Law School, JD, 1977
- Yale University, BA, magna cum laude, 1974

ADMISSIONS

- Virginia

HONORS

- Selected for inclusion into the Virginia Lawyers Hall of Fame, 2018
- Selected as the metro-Washington DC "Lawyer of the Year," Bet-the-Company Litigation, The Best Lawyers In America, Woodward/White, Inc., 2013
- Selected for inclusion in The Best Lawyers In America, Commercial Litigation, 2007-2018; Bet-the-Company Litigation, 2013-2018, Woodward/White, Inc.
- Named "Legal Services of Northern Virginia Pro Bono Consultant of the Year," 2018
- Named to "Virginia Super Lawyers," Business Litigation, Super Lawyers, Thomson Reuters, 2006-2017
- Named to "Washington, D.C. Super Lawyers," Business Litigation, Super Lawyers, Thompson Reuters, 2007-2017
- Named to "Legal Elite," Litigation, 2000; Civil Litigation, 2003; Legal Services/Public Service, 2004-2005; Civil Litigation, 2006; Civil Litigation, 2008, 2010, *Virginia Business*
- Recipient, commendation from The Northern Virginia Chapter of the Federal Bar Association in recognition of "outstanding and dedicated service," 2014

- Recipient, Virginia Bar Association William B. Spong, Jr. Professionalism Award, 2010
- Named to "Leaders in Law," *Virginia Lawyers Weekly*, 2008
- Recipient, Virginia Bar Association Walker Award of Merit "in recognition and appreciation of exceptional leadership within the Bar," 2004
- Recipient, Special Commendation from the Virginia State Bar for "his outstanding service to the bar," 2002
- Recipient, Burton Foundation Award for Legal Achievement (for the article "Virginia Corporate Directors' Duties - A Recent History"), 2002
- Recipient, Gardener G. DeMallie Jr. Continuing Legal Education Award, Virginia Law Foundation, Virginia CLE, 1999
- AV Preeminent Rated, Martindale-Hubbell

PUBLICATIONS

- [Privilege Points: Weekly Updates on the Attorney-Client Privilege and Work Product Doctrine](#)
- [Virginia State Bar and American Bar Association Legal Ethics Opinion Summaries](#)
- Thomas E. Spahn, *The Attorney-Client Privilege and the Work Product Doctrine: A Practitioner's Guide* (3d. ed. 2013)
- [View complete list of publications](#)

EVENTS

- View complete list of speaking engagements

AFFILIATIONS

- Member, Editorial Advisory Board, Legal Ethics, *Law360*, 2018 - present
- Member, The American Law Institute
- Fellow, American Bar Foundation
- Member, American Bar Association Standing Committee on Ethics and Professional Responsibility, 2004-2006
- Fellow, Virginia Law Foundation
- Member, Virginia Judicial Ethics Advisory Committee (re-established), 2015-
- Member, 2001-2010; Chairman, 2005-2006; Vice Chairman, 2003-2004, Virginia Judicial Ethics Advisory Committee
- Member; Standing Committee on Legal Ethics, 2004-2010; Special Committee on the Future of Law Practice, 2014-2015; Task Force on Legal Writing, 2013; Task Force on Emergency Legal Services, 2007-2012; Special Committee to Review Procedural Rules Governing Bar Disciplinary Proceedings, 2000-2002; The Joint Virginia State Bar and Virginia Bar Association Commission on Multidisciplinary Practice, 2000-2002; Member, 1994-2000; Reporter 1996-2000, Special Committee to Study the Virginia Code of Professional Responsibility; Faculty, Course on Professionalism, 1996-1999; Chair, Committee on Publications/ Public Information, 1996-2001, Virginia State Bar

- Chair, Commission on Professionalism, 2006-present; Chair, Professionalism Task Force, 1997-2000, Virginia Bar Association
- Member, Digital Archive of the Birth of the Dot Com Era, Advisory Counsel (sponsored by the Library of Congress, and The Robert H. Smith School of Business, University of Maryland), 2005-2009
- Former Member, Boyd-Graves Conference on Virginia Procedure
- Former Member, John Marshall Inn of Court
- Member; Chair, Committee on Admissions, 1987-1988; Chair, Committee on Continuing Legal Education, 1990-1991; Committee on Administration of Justice, 1995-1999, Richmond Bar Association

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