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Gibson Dunn Secures Precedential Ruling on Marital Communications Privilege

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Gibson Dunn has secured a precedential ruling protecting individuals whose communications with spouses are seized by the government during an investigation.

In the case, *United States of America v. David Sanson, and Trent Sanson*, the U.S. Department of Justice seized documents and communications from our client as part of a criminal investigation, including iMessages with the client's spouse. Our team sought to bar the government from accessing this information as privileged confidential communications between the client and their spouse.

The DOJ argued that the marital communications privilege did not bar their prosecution team from seizing and reviewing the communications and that the privilege is a testimonial privilege that applies only at trial, and as such did not apply in the context of a seizure conducted during an investigation. Our team successfully argued the opposite: the marital communications privilege applies because it is not testimonial only and the DOJ prosecution team was not entitled to view even seized confidential communications between spouses in this context.

The firm's winning team included partners Winston Chan and Elizabeth McCloskey and associates Duncan Taylor, Christina Krokee, Cheyenne Joshua-Gross, Erin Williams, and Makena Kauhane.

Related Capabilities

White Collar Defense and Investigations

Related People

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