

# "German Investigations: Raid on US Law Firm Not Unconstitutional, Country's Highest Court Finds"

## Publications

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A ruling on 6 July 2018 by Germany's Federal Constitutional Court (*Bundesverfassungsgericht*) has held that a prosecutor's raid of the offices of a US law firm and the seizure of certain documents was not unconstitutional.[1] The law firm, Jones Day, had appealed an earlier ruling of the Munich District Court (*Landgericht*), arguing that documents seized by the prosecutor in the raid had been protected under professional secrecy rules. This latest ruling means that the 131 documents seized from Jones Day in the raid, which relate to Jones Day's representation of Volkswagen in the ongoing emissions case, can now be used by the Munich Prosecutor's Office in its investigation.

This ruling removes any uncertainty as to whether documents from an internal investigation in Germany held by lawyers advising a client were protected; it is now clear that they are not under the German concept of professional secrecy rules. This latest ruling raises important questions for both clients and foreign law firms undertaking internal investigations in Germany.

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