

Counsel & Coffee

Thoughtful counsel for your business and your legacy, poured monthly. ☕

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QUICK TIP OF THE MONTH

You have privilege with your lawyer. You do NOT have it with an A.I. chatbot.

Now that everyone is using AI, I get asked about this more and more, so it's front and center this month: **most consumer-grade AI tools are not privileged.** Tell your lawyer something in confidence and the law protects it. Type the same thing into a free chatbot at 11 p.m. to "get a head start," and nothing protects it. The other side is very likely entitled to read *exactly* what you told ChatGPT, Gemini, or Claude. The whole conversation.

That is no longer hypothetical. In *United States v. Heppner*, in Manhattan federal court, a defendant facing fraud charges used a consumer chatbot to analyze his own legal situation and draft documents, some of which he later shared with his lawyers. He argued the chats were privileged. Judge Jed Rakoff disagreed. Looping his lawyers in afterward didn't fix it, and **he was forced to turn the chats over to the other side.**

The practical rule is simple. Your conversations with your lawyer are privileged, and that protection generally extends to the tools your lawyer uses under confidentiality obligations (professional-grade, ethics-compliant platforms). **Your own late-night chats with a consumer AI are not.** Tempted to ask a chatbot about a dispute, a deal, or anything you'd rather not hear read aloud in a deposition? *Ask your lawyer first, and let us run the AI.*

 [Watch the short on YouTube](#)

RYAN'S CORNER

Thanks for all the positive feedback on last month's newsletter. If there's a topic you'd like me to cover in a future issue, hit reply and tell me. The privilege-and-AI tip this month came directly from questions I keep getting.

This month was a busy one for me: two work trips (Atlanta and Dallas) on top of work duties and dad duties. Also, this month's trivia is easier than last month's, and unrelated to the quick tip or the name of the newsletter. If you email me the answer without Googling it, I'll believe you.

— Ryan

TRIVIA OF THE MONTH

Long before pumpkins took over the porch, Irish and Scottish families carved their first jack-o'-lanterns out of a different vegetable (pumpkins are native to the Americas). Which vegetable did they use?

The stakes: the first correct answer wins a Law Offices of Ryan Reiffert travel mug, a \$10 Starbucks gift card, and — if you want it — newsletter fame in our next issue.

The fine print: Email your answer to reception@ryanreiffert.com with the subject line "trivia answer." First (fastest) correct answer wins. Your email must include some variation of the sentence: "I promise that I did not use the internet or AI to cheat and get the answer to this trivia question." Honor system. We trust you, counselor.

WORTH YOUR READ — FROM THE BLOG

Business Prenup: A Life Insurance-Funded Buy/Sell Agreement

If you co-own a business, you already know what happens when a partner dies, divorces, or wants out: nothing good, unless you planned for it. A buy/sell agreement is the business prenu that settles who buys whom, at what price, and when. But an unfunded buy/sell is a hollow promise, and life insurance is usually the cleanest way to put real money behind it. This month's article covers cross-purchase versus entity-purchase structures, why the Supreme Court's *Connelly* decision changed the math for some owners, and what to review with your advisors.

[Read the full article →](#)

A THING I'M ENJOYING

Skipping the gas station. I went fully electric a couple of months ago, and the thing I love most isn't the thing I expected. It's that I haven't been to a gas station since. I didn't realize what a low-grade nuisance that little weekly stop was until it stopped. (Bonus: I have no idea what gas costs right now, and I very much prefer it this way.) It is also... not exactly slow. That part I did expect.