

THE SIXTH AMENDMENT DOES NOT APPLY TO PRE-INDICTMENT PROCEEDINGS.

Epstein's assertion of a Sixth Amendment violation is meritless. The right to effective assistance of counsel does not attach until adversary judicial proceedings have been initiated against a defendant. *Kirby* ■ *Illinois* , 406 U.S. 682 (1972). For this reason, the Sixth Amendment does not apply to a grand jury investigation, and a demand for information related to the attorney-client relationship prior to that time does not violate the client's right to counsel or interfere with his future right to counsel. *In re Special September 1978 Grand Jury (II)* , 640 F.2d 49, 64 (7th Cir. 1980); *Tornay* ■ *United States* , 840 F.2d 1424 (9th Cir. 1988).

Adversary judicial proceedings have yet to begin in the federal system and also had not begun in the state system at the time the computers were removed; thus, the Sixth Amendment is not implicated.

Furthermore, the attorney-client privilege does not excuse a witness from testifying on the ground that his entire attorney-client relationship would be endangered, for it is confidential communications that are protected, not the relationship as a whole. *McKay* ■ *C.I.R.* , 886 F.2d 1237 (9th Cir. 1989).