

Price Of Privilege

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the law of privilege is recognized as a fundamental right essential to the function of the rule of law this book provides a comprehensive reference to legal professional privilege in both contentious and non contentious contexts addressing legal advice and litigation privilege as well as privilege against self incrimination and without prejudice privilege providing detailed coverage of the nature of privilege how it arises how it is lost and its limits the book begins with an outline of the law and policy underlying privilege before providing guidance on issues that arise regularly in practice these issues include exceptions with a detailed analysis of the iniquity exception multi jurisdictional issues procedural matters and challenges like pre existing and partly privileged documents it also covers the loss of legal professional privilege including loss of confidence and implied and express waiver the linked area of being without prejudice privilege its scope exceptions rules governing waiver and the position in respect of mediation as well as joint and common interest privilege systematically updated to cover all significant

developments in privilege law this fourth edition considers the wealth of recent case law that has been published and includes new sections addressing the issues of privilege that arise in criminal proceedings and Britain's withdrawal from the European Union written by experts from Fountain Court Chambers the law of privilege is unrivalled for its logical structure and clarity with extensive cross referencing and useful summaries ensuring ease of understanding and quick access to information it is an essential reference tool for practitioners in all fields of practice and students of civil and criminal procedure providing a concise route through the complexities of privilege law

recent scholarship and a list of suggested readings forty seven illustrations complement the text

this text provides a comprehensive guide to legal professional privilege as it applies to litigation and non litigation situations the book contains authoritative guidance on the law as it stands today following the landmark decisions of the Court of Appeal and House of Lords in the Three Rivers litigation which challenged long established assumptions about the nature and scope of privilege and the impact of the Human Rights Act 1998 written by Bankim Thanki QC who appeared in the Three Rivers cases and a leading team from Fountain Court Chambers it provides detailed coverage of the nature of privilege how it arises how it is lost and its limits the text is divided into eight logical themes it looks first at the policy underlying privilege and its nature and then at the definitions of legal advice privilege which relates to communications between lawyer and client and litigation privilege which can attach to third party communications in the context of litigation it goes on to provide expert guidance on issues that arise regularly in practice such as exceptions including a detailed analysis of the crime fraud exception multi jurisdictional issues procedural matters and problem areas such as pre existing and partly privileged documents it also covers loss of legal professional privilege loss of confidence and implied and express waiver joint and common interest privilege the linked area of without prejudice privilege its scope exceptions rules governing waiver and the position in respect of mediation and the privilege against self incrimination

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