



The Law of Privilege

Bankim Thanki QC, Patrick Goodall, Henry King, Chloe Carpenter, James Cutress, Tamara Oppenheimer, Rosalind Phelps, Nik Yeo

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A comprehensive reference to legal professional privilege in both contentious and non-contentious situations, this book also address privilege against self-incrimination. Providing detailed coverage of the nature of privilege, how it arises, how it is lost, and its limits, this second edition builds on the success of the first to provide an authoritative practitioner reference on this widely relevant subject. Written by a leading team from Fountain Court Chambers the book is edited by Bankim Thanki QC, who appeared in the *Three Rivers* litigation which challenged long-established assumptions about the nature and scope of privilege. The book also addresses the impact of the Human Rights Act 1998.

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 relate 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.

The book is clearly laid out, with extensive cross-referencing and useful summaries throughout to ensure ease of understanding and quick access to information. It is an essential reference tool for practitioners in all fields of practice, and for students of Civil and Criminal Procedure. With a foreword by Lord Justice Tomlinson.

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