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## Attorney-Client Privilege

Generally, the attorney-client privilege allows a client to communicate freely with her attorney and receive candid advice in return, knowing that such communication will never be disclosed to a third-party. This privilege is a powerful, bedrock legal principle that is as important in civil law matters, such as estate planning and estate litigation, as it is in criminal law matters. The privilege enables individuals to communicate with their attorneys in confidence, which encourages individuals to obtain advice to conform their conduct to the law.

In California, communications between a client and her attorney remain confidential so long as the communication is necessary to accomplish the purpose for which the client consulted the attorney and so long as the attorney provides some legal advice to the client as a result. One important caveat to this rule is that a communication is not confidential if it is disclosed by the client to a person other than the attorney, unless that person's involvement in the communication is required "to further the interest of the client" or "is reasonably necessary for the transmission of the information or the accomplishment of the purpose for which the [attorney] is consulted." (Cal. Evid. Code, sec. 952.)

This means that a client may speak with her attorney's assistants, paralegals, and other staff about her matter, as well as other "reasonably necessary" individuals. "Reasonably necessary" individuals may also include interpreters, physicians, spouses, and parents. For example, an elderly and infirm client may require a trusted family member to participate in communications in order to convey the attorney's recommendations. That said, if a client discloses an attorney-client communication to a third party, the client may have waived her privilege. For example, if a client forwards her attorney's e-mail to a friend or family member, she may have waived her privilege. Likewise, if a client copies a friend or family member on an e-mail, the client may have waived her privilege.

The best practice is to not share your confidential attorney communications with anyone, or seek your attorney's advice before doing so. It is natural for a client to want to share their attorney's advice with friends and family, or to ask a friend or family member to attend an attorney meeting. Clients often rely on the input and support of friends and family when dealing with legal matters. However, if the friend or family member is not necessary for the protection of the client's interests, the attorney-client privilege may be waived.

The rules summarized here apply while the client is living. Different rules apply after the client's death.