



## What is Legal Professional Privilege?

When you go to see a lawyer for advice, everything that you discuss is confidential and cannot be used against you in Court. The lawyer cannot tell anyone what you discussed, or share any information or documents about you. This is called 'legal professional privilege'.

The lawyer cannot breach this confidentiality, only you can. You can ask the lawyer to share information about you, when it may be helpful to your case. However, you can also waive or give up this confidentiality in other ways, which may negatively affect your case.

If you tell other people about the advice your lawyer has given you, you have waived legal professional privilege. The same applies if other people are present or overhear when your lawyer is giving you legal advice.

You can also waive privilege by showing other people written legal advice (documents, letters, and emails) that your lawyer has sent or given to you.

**WARNING:** Once you waive legal professional privilege, it is gone forever! The other party to your legal dispute may gain access to confidential information, and use it against you in your legal matter.

You should avoid having other people present when you meet with a lawyer, and make sure that no one can overhear you. If you require a support person to be present, legal professional privilege does not extend to that person.

You should not forward any emails containing legal advice or what you have told your lawyer to anyone else. You should not carbon copy (cc) or blind carbon copy (bcc) any person into an email with your lawyer.

Example 1: Someone has applied to Court, asking you to pay a debt that they say you owe them. You contact a lawyer to get advice about your options and whether a Court will likely make you pay the debt. You ask the lawyer if you should offer that other person a lower amount (or any amount) of money to resolve the issue.

After meeting with the lawyer, they advised that you should not offer the other person any money. The lawyer sends you an email confirming their advice and why they told you not to pay (before the Court decides). You forward this email to the other person and tell them that you won't pay them.

By doing this, you have waived legal professional privilege because you shared legal advice with another person. This person can use this email in Court and request the lawyer's notes from your appointment. This may negatively impact your chances of success.

Example 2: You are a parent who is trying to resolve issues in dispute regarding your children. You and your ex-partner disagree on when the children should spend time with each of you. You meet with a lawyer to seek legal advice about your case. Your lawyer advises you to propose a certain arrangement for your children to spend time with each parent.

You follow your lawyer's advice and propose that arrangement to your ex-partner. They disagree with you, and you tell them "My lawyer told me that my proposal is reasonable and what is in the children's best interests. You are being unreasonable".

By telling your ex-partner what legal advice you received, you have waived legal professional privilege. If your matter goes to Court, your ex-partner may be able to request information about your lawyer's advice from your appointment. This may negatively impact your chances of success.

## Contact us today

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