Chapter 9 focuses on the doctrine of legal professional privilege. Technically, this encompasses two separate privileges: legal advice privilege, which protects communications between client and legal adviser; and litigation privilege, which protects communications between client or legal adviser and a third party, so long as preparation for litigation is the dominant purpose of the communication. Legal advice privilege, unlike litigation privilege, is regarded as ‘absolute’ and incapable of being overridden. The chapter also briefly looks at ‘without prejudice privilege’, aspects of which the House of Lords and Supreme Court have considered in relatively recent years.
9. Legal Professional Privilege

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