

LAW OFFICES OF
LINDSEY A. BANNERMAN

NOTICE OF ATTORNEY-CLIENT PRIVILEGE
AND POSSIBLE THIRD-PARTY WAIVER

Pursuant to California law, “the client, whether or not a party, has a privilege to refuse to disclose, and to prevent another from disclosing, a confidential communication between client and lawyer.” [Evidence Code, Section 954]. Potential clients are included within the attorney-client privilege, as a “client” is defined as “a person who, directly or through an authorized representative, consults a lawyer for the purpose of retaining the lawyer or securing legal service or advice from him in his professional capacity.” [Evidence Code, Section 951]. Therefore, communications between attorneys and clients are privileged so long as they are “transmitted between a client and his or her lawyer in the course of that relationship and in confidence by a means which, so far as the client is aware, discloses the information to no third persons other than those who are present to further the interest of the client in the consultation or those to whom disclosure is reasonably necessary for the transmission of the information or the accomplishment of the purpose for which the lawyer is consulted, and includes a legal opinion formed and the advice given by the lawyer in the course of that relationship.” [Evidence Code, Section 952].

During your consultation with the attorney, you may elect to have third parties present with the attorney, such as friends and family members. This notice serves to inform you that communications between you and the attorney are covered by attorney-client privilege. However, the presence of third parties may waive attorney-client privilege and may result in the disclosure of such information and communications if sought by other parties during the course of litigation and if ordered by a court.

I, _____, have been informed of my above rights regarding attorney-client privilege and elect to proceed as follows during my consultation:

The following Third Parties to be Present During Consultation:

Dated:

Name:

Signature: