

Attorney client confidentiality essays examples

[Law](#), [Criminal Justice](#)



Attorney client confidentiality refers to the non-disclosure of a client's information by an attorney. This is one of the oldest privileges in American legal system that forms part of professional ethics. The doctrine is in nature a shield to the client. The rationale for this doctrine is to enable the clients to open fully to their attorneys in the matters they seek legal advice.

A number of factors need to be established in order to claim this privilege. This is the position in *United States v. United Shoe Machinery Corp.*, where the Defendant objected the production of almost 800 exhibits with reason that they fell within the forgoing privilege. The court set out 4 grounds as prerequisites for claiming attorney-client confidentiality. These are the claimer must be a client; the information must have been disclosed to an attorney, the disclosure relates to the information given and that the privilege has been claimed and not waived by the client.

This privilege is encapsulated in Rule 1.6 of the American Bar Association. Rule 1.6 (a) of ABA provides the general rule that an attorney is not permitted to reveal information shared by a clients unless with the consent of the client. However, there are exceptions to this privilege pursuant to Rule 1.6(b) of ABA where the attorney may disclose client's information. These include, inter alia; prevent reasonably certain death, harm, fraud or furtherance of a crime, to secure legal advice about the lawyer's compliance with these Rules, or to comply with other law or a court order. In this scenario, therefore, it is the paper's position that the attorney in question was indeed justified in revealing the crucial information that led to the conviction of the client for the purpose of preventing furtherance of a crime.

Works Cited

Pollock, Joycelyn. *Criminal Law*. New York: Newnes, 2012.

Scheb, John. *Criminal Law and Procedure*. New York: Cengage Learning, 2010.