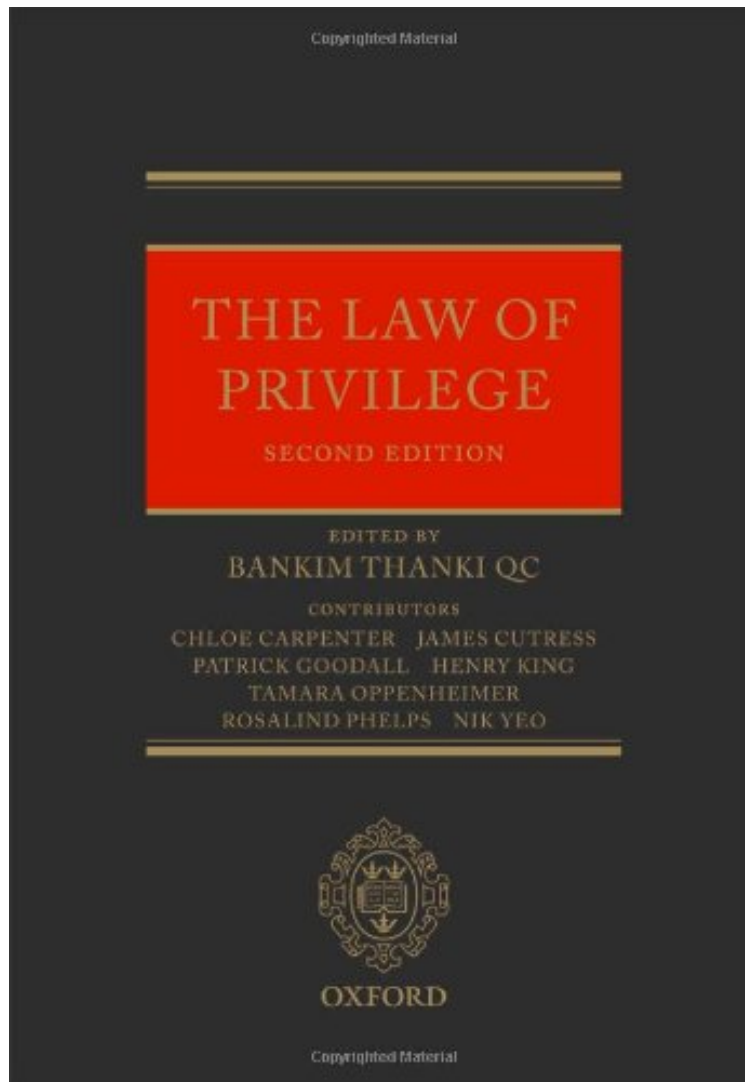


(Ebook free) The Law of Privilege

The Law of Privilege

Bankim Thanki QC, Patrick Goodall, Henry King, Chloe Carpenter, James Cutress, Tamara Oppenheimer, Rosalind Phelps, Nik Yeo

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Bankim Thanki QC, Patrick Goodall, Henry King, Chloe Carpenter, James Cutress, Tamara Oppenheimer, Rosalind Phelps, Nik Yeo : The Law of Privilege before purchasing it in order to gauge whether or not it would be worth my time, and all praised The Law of Privilege:

0 of 0 people found the following review helpful. Confidentiality v Disclosure....By Phillip Taylor MBEP RIVACY v- FREE SPEECH: HERES THE EXPERT AND DEFINITIVE GUIDE TO PRIVILEGE FOR NOW! An appreciation by Phillip Taylor MBE and Elizabeth Taylor of Richmond Green Chambers Privilege, says the editor of this very readable work, is a potential obstacle to the discovery of truth and the common law accordingly recognizes very few categories

of privilege. Take legal professional privilege, for example. Yes, the client should be able to seek legal advice with the expectation that what passes between him and his legal adviser remains confidential, i.e. privileged. However, public interest demands that all the materials documents, etc. pertinent to the case should be available to the court, particularly if such materials would affect the outcome of the case. Here, then arises a perpetual clash of interests, the issues arising from which form the core content of this fascinating book from the OUP, now in its second edition, the first having been published in 2006 with the encouragement and support of Lord Bingham. Five years on, the second edition has been produced once again by an expert and erudite team comprising members of Lord Bingham's old chambers, Fountain Court and certainly reveals the same thoroughness and insight as the previous edition. The result is what we would certainly term the definitive work on this subject, which is not an easy one to come to grips with. Nonetheless, as Stephen Tomlinson points out in the foreword, the book is enjoyable to use and to read and therefore a gift to just about every member of the legal profession, many of whom will confront this subject on an almost daily basis, particularly those who just know in their bones that the other side is hiding something on grounds of privilege. This is where we emerge into the privacy versus free speech debate which must inevitably continue. Staying up to date in this area of law is therefore vital for the practitioner and here the book admirably provides. All recent case law is considered, including, to cite just one example, the House of Lords decision in *McE v Prison Service of Northern Ireland*. Chapters 2 and 3 address new developments in legal advice privilege and litigation privilege. Subsequent chapters deal with such issues as exceptions to privilege loss of privilege joint and common interest privilege the without prejudice privilege and privilege against self-incrimination. Within its four hundred (at least) pages, this meticulously footnoted volume offers ample resources for research, including 30 or so pages of Tables of Cases, Tables of Legislation and Tables of Legislation of Other Jurisdictions. The detailed index at the back provides a useful shortcut to looking things up. The law is stated as at 3 May 2011. It is the expert and definitive current handbook on privilege law.

A comprehensive reference to legal professional privilege in both contentious and non-contentious situations, this book also addresses privilege against self-incrimination. Providing detailed coverage of the nature of privilege, how it arises, how it is lost, and its limits, this second edition builds on the success of the first to provide an authoritative practitioner reference on this widely relevant subject. Written by a leading team from Fountain Court Chambers the book is edited by Bankim Thanki QC, who appeared in the Three Rivers litigation which challenged long-established assumptions about the nature and scope of privilege. The book also addresses the impact of the Human Rights Act 1998. The text is divided into eight logical themes. It looks first at the policy underlying privilege and its nature, and then at the definitions of legal advice privilege, which relate to communications between lawyer and client; and litigation privilege, which can attach to third party communications in the context of litigation. It goes on to provide expert guidance on issues that arise regularly in practice, such as exceptions (including a detailed analysis of the crime/fraud exception), multi-jurisdictional issues, procedural matters, and problem areas, such as pre-existing and partly privileged documents. It also covers loss of legal professional privilege (loss of confidence, and implied and express waiver); joint and common interest privilege; the linked area of without prejudice privilege, its scope, exceptions, rules governing waiver, and the position in respect of mediation; and the privilege against self-incrimination. The book is clearly laid out, with extensive cross-referencing and useful summaries throughout to ensure ease of understanding and quick access to information. It is an essential reference tool for practitioners in all fields of practice, and for students of Civil and Criminal Procedure. With a foreword by Lord Justice Tomlinson.

Authoritative yet at the same time never afraid to express controversial views, this is an excellent book and the new edition is to be welcomed. * Charles Hollander QC, Brick Court Chambers * It is the expert and definitive current handbook on privilege law. * Phillip Taylor MBE and Elizabeth Taylor of Richmond Green Chambers (see the full review on <http://www. .co.uk>) * There is no better or clearer exposition of the law of privilege than Mr Thanki's book. It provides a comprehensive and practical explanation of this complex area of the law in a way that is admirably straightforward and refreshingly accessible [T]his textbook is, in my view, now the seminal work on the topic and an essential purchase for all busy civil and commercial law practitioners. It is also a relative bargain for its price. I highly recommend it. * Jamie Goldsmith, One Essex Court * A book of unrivalled academic excellence. Written with admirable clarity... this book is a pleasure to consult. * Tom Adam QC, Brick Court Chambers * This is a timely new edition of *The Law of Privilege*, which is sure to become a well-thumbed practitioners' guide. The impressive author team - well known and successful Fountain Court barristers - know their stuff and are well versed in the practical implications of the law in this field. Thanki QC as editor is a reassuringly authoritative voice on privilege. His involvement in the leading cases in the field means he speaks from a commanding position. This is an essential reference tool for litigators. * Andrea Monks, Partner, Hogan Lovells International LLP * The fluency of writing in this comprehensive guide and the breadth and detail of discussion make this seminal work an essential component of all commercial law libraries. It should have a place in every solicitors' office operating in the commercial field. * Nick Marsh, Partner, DLA Piper * About the Author Bankim Thanki QC is a barrister at Fountain Court Chambers,

specializing in commercial law. He appeared for the Bank of England before the Court of Appeal, the House of Lords in the Three Rivers litigation, and for the Bar Council (intervening) in the matter of R (on the application of Prudential PLC) v HMRC. The other members of team are also barristers at Fountain Court Chambers with a broad practice across commercial law. Patrick Goodall specializes in banking and financial services, insurance and reinsurance, professional negligence and civil fraud. He appears regularly in first instance and appellate courts and has significant experience of arbitration and mediation. Henry King has particular experience in banking cases and those involving the interpretation and understanding of financial reports. He is also Chartered Accountant. Chloe Carpenter specializes in arbitration, commercial litigation, banking and insurance work and professional negligence. She also has extensive experience of professional discipline, administrative law, public law and regulatory law. James Cutress specializes in insurance and reinsurance, professional negligence, commercial contracts, banking and finance, including securitisations, swaps and derivatives, aviation and civil fraud. Tamara Oppenheimer practices in professional negligence, banking and finance, insurance and reinsurance, all aspects of commercial litigation, conflicts of law and private international law, civil fraud, arbitration and judicial review. Rosalind Phelps has substantial experience in both large scale commercial disputes and also acting in smaller trials, arbitrations and interlocutory matters. She specializes in banking, civil fraud, professional negligence, commercial contracts and aviation. Nik Yeo has particular experience in complex finance litigation and arbitration, professional negligence (especially with a financial element) and insurance/reinsurance. He has prior experience as a transactional solicitor practicing in structured finance (including securitisations) and project finance.