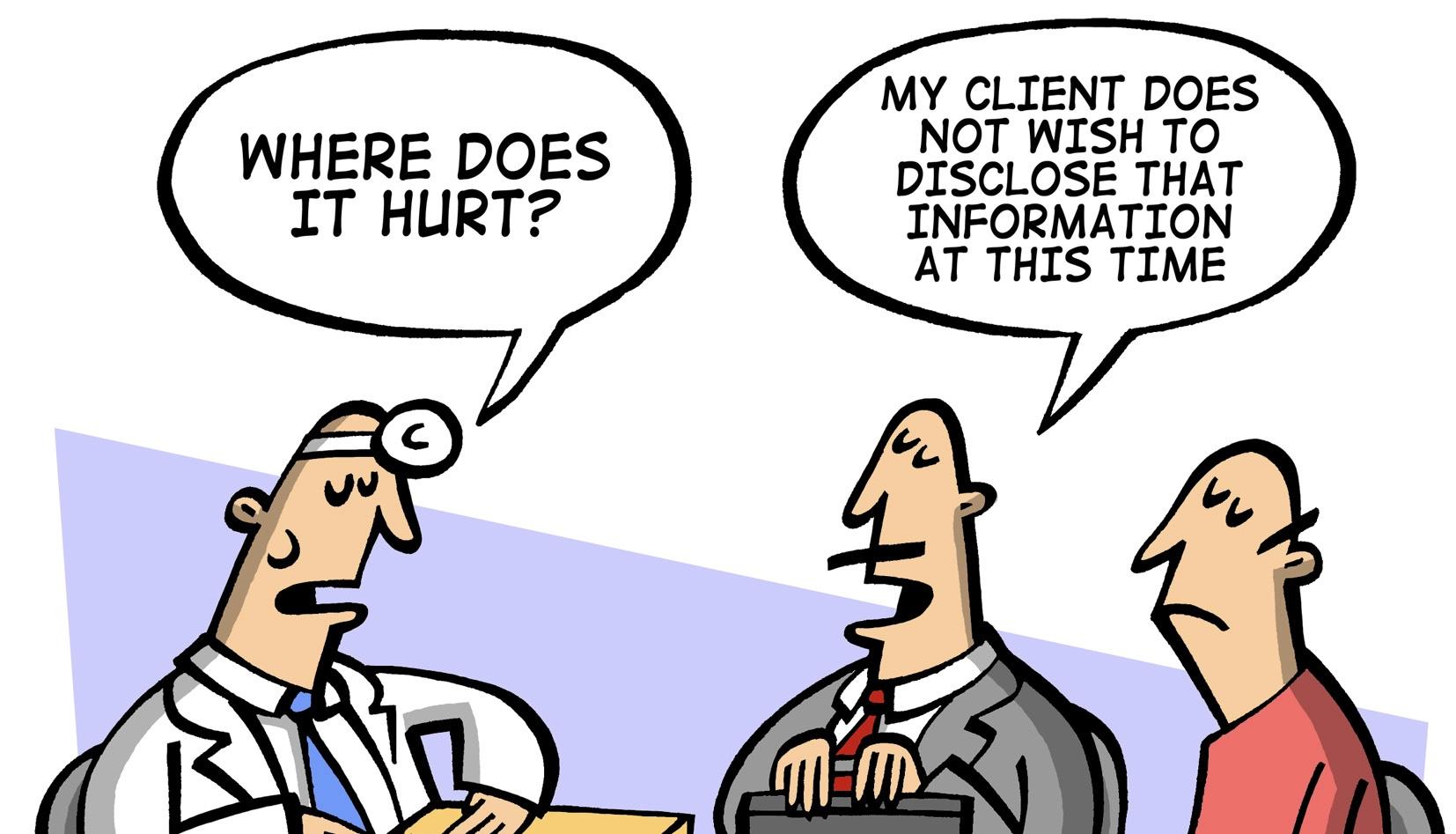
Attorney client Privilege

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**Summary**:

Attorney client privilege (ACP) sounds like a very complex and hard to understand application, but on its face it’s a very simple application, with a very simple goal. But as we know, simple arguments will often have simple responses. As we will discuss those responses.

But first let’s dive into what the context of the application is and what it is saying about the round.

**Negative’s general claim**:

What is attorney client privilege, or ACP? Well, *Cornell Law School* defines ACP as “A legal privilege that works to keep confidential communications between an attorney and his or her client secret.   
  
“The privilege is asserted in the face of a legal demand for the communications, such as a discovery request or a demand that the lawyer testify under oath”

“This privilege exists when there is an attorney-client relationship”

*Busby, John C. “Attorney-Client Privilege.” LII / Legal Information Institute, Legal Information Institute, 15 Oct. 2018,* [www.law.cornell.edu/wex/attorney-client\_privilege](http://www.law.cornell.edu/wex/attorney-client_privilege).

Negatives claim with this, is that with this privilege, there's a protection from unreasonable intrusion upon the information that is shared with the client/attorney during a trial.

So that way, the 5th amendment comes into play and the ability to not incriminate yourself is also protected by this privilege.

The claim, is either:

1. This fulfills justice because all is fair in the world of the ACP and the rest of Criminal Procedure.
2. This protects human rights, because the right to privacy is protected from unauthorized intrusion.

Now, we will also go into some assumptions this application makes. These can be arguments, but much more philosophically rather than contextually.

**Application assumptions**

1. That ACP automatically or always will uphold justice
2. That ACP is a legal rule that can't be broken by the attorney or the client
3. That ACP should be treated as a constitutional right
4. We don’t need to to test truth-seeking in order to vote for this application.

Alright with that out if the way, let's go into some contextual arguments.

1. **No truth-seeking**

Pretty simple, this application is only doing one thing, it’s acknowledging that privacy is a good thing. Awesome. But that’s it. You see, what we need in this resolution is examples that bring the true conflict of the two traits together directly.

All this application does is prove that privacy is a good thing. Awesome. That’s it.

Impact: it doesn’t leave much for the judge to vote on. Just that an attorney and a client have a pretty cool privilege with their information. That’s all.

1. **Privilege not law**

What we understand is that this is just a privilege not necessarily a boundary for the government. Confused? Let me show an example.

* *Search Warrants* are a boundary for the government because they show a clear conflict of privacy and truth seeking the fact as well that the government has to have a warrant in order to search
* *ACP* is not a boundary for the government because criminal procedure can’t even search for the truth in this application.

It’s just a privilege for the individual. Not a rule for the government. Not just that, but this privilege can be violated at any time. According to NOLO legal….

“In that sense, the privilege is the client’s, not the lawyer’s—the client can decide to forfeit (or waive) the privilege, but the lawyer cannot”.

*Schwartzbach, Micah. “The Attorney-Client Privilege.” Www.nolo.com, Nolo, 11 Dec. 2014*, [www.nolo.com/legal-encyclopedia/attorney-client-privilege.html](http://www.nolo.com/legal-encyclopedia/attorney-client-privilege.html).

Impact: this means that individual privacy isn’t really a boundary for the government, but rather (again) just a privilege

**Personal strategy.**

In LD, you need more than just evidence in order to defeat an application. Here are some tips for facing this application.

1. Tone. Your tone when facing this application needs to sound like “judges this isn’t going to help any of us make a decision today” Be dismissive yet courteous.
2. No impact this application. You don’t want to say that this application is wrong, but rather that it doesn’t do anything important to affect the round either way.

Hope this all works out! God bless and stay classy!