

Webinar AEA-ELA

Confidentiality of correspondence between Lawyers

By : Alex TALLON

Partner Miles Legal



The different types of communication of lawyers:

- communication between lawyers
- communication with clients
- communication with third parties (opponents, experts, notaries)
- communication with courts
- communication in another capacity (judicial representative)



Confidentiality v/ professional secrecy

- professional secrecy is a matter of public order
- confidentiality is a deontological rule or an agreement

Purpose of confidentiality

- possibility of open dialogue
- content cannot be used in procedures
- it can also protect the professional secrecy



CCBE Code of conduct : **art. 5.3. : correspondence between lawyers**

- Article 5.3.1.
- Article 5.3.2.
- Apply in member states of CCBE

Different systems on national level :

- principle is confidentiality
- principle is not confidential
- official with obligation to inform the client



Some points of attention :

- be informed of the national rules
- ask the other Lawyer
- respect the instructions and the mandate of the client
- respect of confidentiality

THANK YOU FOR YOUR ATTENTION

