

Many people assume that privileges exist where there is no such protection. For instance, the following privileges do not exist or only exist in limited jurisdictions or legal matters:

- *parent-child privilege*
- *employer-employee privilege*
- *accountant-client privilege*

In all privileges, the communication must take place in private and remain confidential. Otherwise, the privilege is considered to be waived.

§ 7.7

Social Media

Understanding Privileged Communications

WHERE IT BEGINS AND WHERE IT ENDS

Privileged communications are not made of concrete. They easily crumble if even one misstep takes place. Consider this.

Communication between a paralegal and a client regarding the case is generally considered to be a privileged communication. But that communication:

1. *Must be private when the communication is made.*
2. *Must remain private.*
3. *Must be within the scope of the paralegal's assigned task.*

But what happens if, after a dinner meeting with your client, who is the Defendant, one or more of the following takes place:

- The client posts comments about your meeting on Facebook.
- You post on Twitter, "The Plaintiff, Jon Turdley, has no case!"

Any of the above may be grounds for violating the privilege.

- The communication has not remained private.
- You have likely acted outside the scope of your duties.

If the communication is deemed to have been waived, there is a chance you could be called to testify as to the meeting. Very bad.