

Privileged Communications

written by Richard Leslie | May 24, 2016

... If you are covered by the psychotherapist-patient privilege or a similarly titled privilege, be sure to find out if the privilege exists in criminal proceedings as well as civil proceedings. This is most important in cases where the patient may be the victim of a rape. If the privilege applies, the defense attorney should have a difficult time obtaining psychotherapy records, even upon subpoena. While there are times when a judge may rule that the privilege must give way, the general rule is that as long as the patient hasn't put her mental condition into issue in the legal proceedings, the privilege applies.