



October 4, 2021

To those entrusted with the stewardship of the Southern Baptist Convention,

I am Mark Lanier, a trial lawyer by profession, but a Christian believer and teacher by passion. I have prepared a statement assessing the legal implications of waiving the attorney-client privilege, something I am dead set against. I thought it might be helpful to accompany that statement by some summary bullet points:

- The attorney-client privilege, like that of a counselor and counselee, is of paramount importance. It enables anyone to secure the best legal advice, to ensure that proper steps are taken in the face of a crisis, and to understand and follow the law. To waive that privilege puts any future reliance in jeopardy. Why would anyone seek legal counsel if one knew it might be disclosed?
- The attorney-client privilege cannot be used to defraud a court, cover up a crime, or enable perjury. That should not be an issue when deciding whether to waive the privilege.
- Exercising the privilege in a beginning stage of an investigation is especially important, for once the privilege is waived, it is waived for all purposes and all time. That is why it typically waives insurance coverage.
- Lawyers in litigation can always make strategic waivers should such be important for fairness or justice. However, that should never be done in a sweeping way without input of the litigating counsel.
- This is *not* a case of weighing the value of a woman's rights against those of litigation. The rights of everyone should be sacrosanct. But, those rights exist within a privilege. This privilege ensures our courts work to their best. These privileges exist when murderers are on trial, when corporate finances are on the line, and when the court is deciding which parent takes custody of a child. All of these are important judicial matters, but all include the exercise of the attorney client privilege.
- I do not speak for my church (Champion Forest Baptist Church; Houston, Tx.), but for 20 years, I have taught a class at church with attendance up to 800 on a great Sunday. In other words, I take my role serious in ministry as well as law, and those wondering, can check through my class website www.Biblical-Literacy.org.

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My prayers go out to all concerned in this important matter.

With Christian charity and blessings,

A handwritten signature in blue ink that reads "Mark Lanier". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Mark Lanier

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