

paragraph 92 to Mr Myloc's evidence that "Burton Copeland were given every financial document which could possibly be relevant to the paper's dealings with Alucentre and they confirmed that they could find no evidence from these documents or their other enquiries which suggested complicity by The News of the World or other members of its staff beyond Clive Goodman in criminal activities".

18 The Firm draws attention to this evidence because it indicates that there has been some confusion in the mind of Mr Rupert Murdoch, or perhaps that he has been misinformed, about the role of the Firm. As stated above, his account of the instructions to the Firm were that it had been retained "to find out what the hell was going on"²⁴. It is quite clear that that is not what the Firm was instructed to do. But the evidence above suggests that Mr Rupert Murdoch may in fact have been thinking of the instructions given to Burton Copeland²⁵. Given that News International has waived privilege over its instructions to and advice from the Firm, the CMSC might consider asking News International similarly to waive privilege over its instructions to and advice from Burton Copeland.

Privilege and Confidentiality

19 It has been suggested that if the Firm had found evidence, in the course of its retained by News International, of criminal offences having been committed by News International executives, then the Firm would have been entitled (or even obliged) to report its findings directly to the police. The Firm wishes to explain the correct position, as to which the law is clear.

20 When a client consults a lawyer to take advice in a relevant legal context, then what the client tells the lawyer is subject to legal advice privilege. This means that the lawyer is obliged to keep what he or she learns about the client's affairs in the course of the retainer completely confidential, unless and until the client decides otherwise. (It is for this reason that it has been so difficult for the Firm to provide this response to the Committee.) We have set out in Appendix C a summary of the relevant law.

²⁴ Evidence given by Mr Rupert Murdoch before the CMSC on 19 July 2011 (a) referred to Q166.
²⁵ A further indication that Mr Rupert Murdoch may have been thinking of the role of Burton Copeland rather than the Firm is his answer to Q169 in his evidence before the CMSC on 19 July 2011: "Q169 Mr Watson: With the News International do correspond to the arrest of Clive Goodman and Glenn Mulcaire to get to the point? Rupert Murdoch: We worked with the police on a number of investigations and eventually we appointed - very quickly appointed - a very leading firm of lawyers in the City to investigate it further." The Firm was not retained till May 2007, which cannot be viewed as being "very quickly appointed" after the arrests in August 2006.

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