

NEWS RELEASE

Arizona Supreme Court
Administrative Office of the Courts

Contact: Alberto Rodriguez
Phone: 602-452-3656
Email: arodriguez@courts.az.gov



July 17, 2026

Arizona Supreme Court Clarifies When Attorney-Client Privilege Applies to Third Parties

PHOENIX – The Arizona Supreme Court today issued an opinion that clarifies when conversations involving a lawyer, a client, and a third person are protected by the attorney-client privilege.

The Court explained that the attorney-client privilege exists to encourage honest communications between lawyers and their clients. But when a third person is involved in those communications, the privilege does not automatically apply.

The case involves a divorce between Cristina and Kerr Gelvin. During the divorce, Cristina Gelvin asked her lawyers to include her mother in communications about the case. She and her mother signed agreements stating that they intended those communications to remain confidential.

The Court held that communications involving a third party are protected only when that person's involvement is objectively necessary to help the lawyer and client communicate or provide legal representation. Examples may include a translator, a parent helping a minor child, or an expert whose assistance is needed.

The Court also ruled that a client cannot create attorney-client privilege simply by signing an agreement saying a third party should be included in confidential communications. Instead, the person claiming the privilege has the burden of showing that the third party's involvement was necessary.

In reaching its decision, the Court overruled part of a previous Arizona Court of Appeals decision, *Accomazzo v. Kemp*, because it gave too much weight to a client's expectation of confidentiality and improperly shifted the burden to the party challenging the privilege.

Because parties and courts relied on the earlier decision, the Court also decided that its new rule will apply only going forward.

The Court sent the case back to the trial court for further proceedings consistent with its opinion.

Justice Clint Bolick wrote the opinion for a unanimous Court.

###

This summary is intended solely to notify the public about an Arizona Supreme Court Opinion. It is not to be considered an official commentary by the Court or any member of the Court, nor may it be cited as legal authority for any reason or purpose. The full Opinion is available [here](#) for those seeking details about the Court's reasoning.

To learn more about Arizona's judicial branch, visit azcourts.gov. Follow @AZCourts on Instagram and YouTube and @ArizonaSupremeCourt on Facebook.