



**CLERGY -
PENITENT
PRIVILEGE
UNDER
TEXAS LAW**

Presentation Overview

- Discuss the legal concept of Clergy-Penitent Privilege
- Define key terms
- The Scope and when privilege applies
- Review a relevant case
- The test of privilege
- The final ruling
- Key takeaways

Our Team



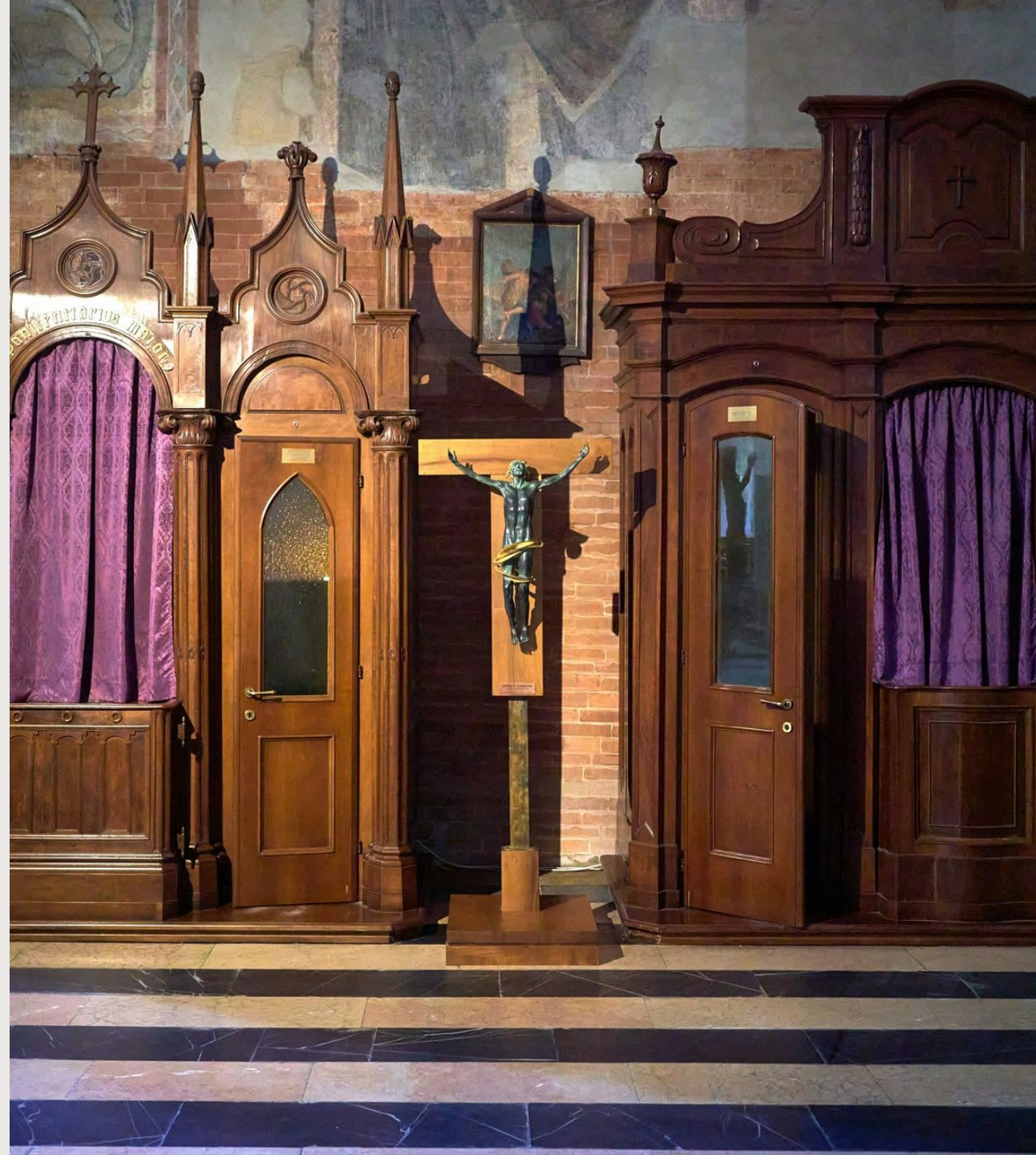
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Research Issue:

Whether communications made to a member of the clergy regarding an injury are protected by the clergy-penitent privilege under Texas law.

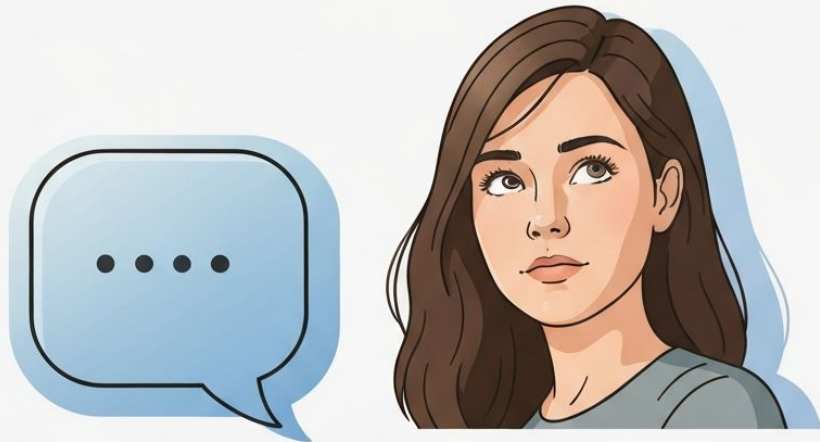


The background of the image is a close-up, slightly blurred view of an open book. The pages are filled with intricate Arabic calligraphy in a dark ink, likely from a historical or religious text. The text is arranged in curved lines following the shape of the pages. The lighting is soft, highlighting the texture of the paper and the depth of the ink. The overall tone is warm and scholarly.

**Statute
Tex. R. Evid 505**

Defining the Privilege

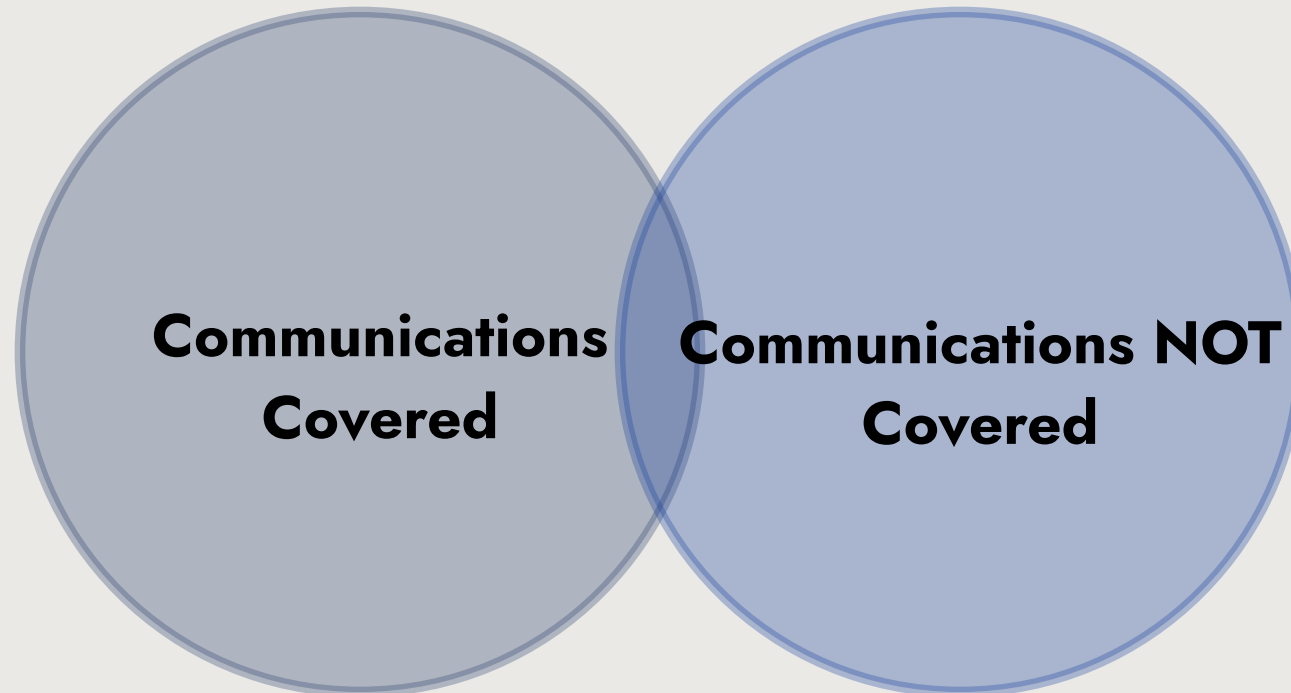
What Constitutes a Privileged Communication?



- **Clergy Member**
Is a minister, priest, rabbi, accredited Christian Science Practitioner, or other similar functionary of a religious organization or someone whom a communicant reasonably believes is a clergy member.
- **Communicant**
Is a person who consults a clergy member in the clergy member's professional capacity as a spiritual adviser.
- **Communication**
Must be made in confidence, seeking or offering religious or spiritual advice.
- **Waiver of Privilege**
Occurs when the communicant intentionally discloses the communication.

Scope and Limitations: Navigating the Boundaries

Where the Privilege Applies and Where It Doesn't



Relevant Case of Clergy-Client Privilege

Key Legal Precedent

Simpson v. Tennant, 871 S.W.2d 301 (Tex. App.—Houston [14th Dist.] 1994, writ denied)

Summary

One day, Keith and Margaret Simpson's daughter was playing on the monkey bars at church. Prior to this day, the monkey bars had been taken down for repairs, but someone had set them upright. During the investigation, the Simpsons learned that the church's minister had obtained information about the accident from an unidentified source. The minister stated that the information that they obtained and the identity of the source were privileged, and the court agreed. The Simpsons appealed and requested a writ of mandamus demanding the court to force the minister to reveal the information and source.



The Test of Privilege

Wigmore's Four Principles of Privilege



Origination

The communications must originate in confidence that they will not be disclosed.



Confidentiality

The element of confidentiality must be essential to the full and satisfactory maintenance of the relation between the parties .



Relationship

The relationship should be one that the community believes should be carefully supported and encouraged.



Harm

If sharing the communication would hurt the relationship more than it would help the case, it should not be disclosed

Ruling

Petition for Writ of Mandamus Denied

The court held that the communications and the identity were protected by the communications-to-clergymen privilege.



Key Takeaways

- **Understand the definitions**

Clergy, Communicant, and Confidential Communication are the core elements.

- **Know the Boundaries**

Recognize what information is protected by privilege and what is not.

- **Paralegal's Crucial Role**

Diligence in identifying, protecting, and managing privileged information is key.

- **Stay Informed**

Be aware of case law nuances and jurisdictional differences. For example, the ruling may be different in criminal law.

Questions
