



April 1, 2021

Chair Smith Warner, Vice-Chairs Drazan and Holvey, and Members of the House Rules Committee,

I write today in support of HB 2478, a bill to maintain indefinitely from public disclosure records subject to attorney-client privilege.

AOC represents all 36 of Oregon's counties on many diverse issues and serves as a forum to discuss issues of importance to counties. Representing Oregon counties since 1906, the Association of Oregon Counties unites counties to advocate, communicate, and educate through information sharing and consensus development.

Counties depend on quality and forthright legal advice when navigating complex policy issues and solving problems in their communities. Having attorney-client privileged records subject to public disclosure means that county counsels are discentivized from providing honest feedback in challenging situations. This chilling effect results in taxpayer dollars being less effective as county counsels hedge their advice against the political risk of disclosure.

Public sector attorneys need certainty when providing advice to clients. Outstanding litigation on the topic of public disclosure of privileged records shatters that certainty. As such, counsels may be less inclined to propose innovative solutions in favor of avoiding risk of disclosure. This measure would provide the certainty counties need to explore creative answers to vexing problems.

In closing, I'd ask you to consider the effect of a 25-year limit on the public health and public safety functions that counties provide. Parties to a legal discussion may have their identities revealed. In the midst of a global pandemic, the last thing we want is for public health and public safety officials fearing to offer honest opinions for the betterment of their communities.

Sincerely,

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