

**HB 2533 STAFF MEASURE SUMMARY**

**House Committee On Judiciary**

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**Meeting Dates:** 2/4

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**WHAT THE MEASURE DOES:**

The measure extends the time to fifty years in which confidential lawyer-client communications and records prohibited from disclosure or made confidential by law will not be subject to inspection.

**ISSUES DISCUSSED:**

**EFFECT OF AMENDMENT:**

No amendment.

**BACKGROUND:**

ORS 192.355 (9) exempts records from disclosure if the disclosure is prohibited or otherwise made confidential or privileged under Oregon law. ORS 40.225 protects lawyer-client communications from disclosure to others if certain requirements are met. The client is vested with the privilege to prevent any other person from disclosing confidential communications made for the purpose of facilitating the rendition of professional legal services to the client. The purpose of the privilege is to encourage clients to make "full and frank" disclosures to their attorneys, so the attorneys can provide candid advice and effective representation. *Upjohn Co. v. United States*, 449 U.S. 383, 389 (1981).

ORS 40.230 to ORS 40.275 identify approximately sixteen additional privileges, such as the physician-patient privilege, and the clergy and spousal privileges, that protect communications from disclosure in legal actions. ORS 40.295 also recognizes all existing privileges created under Oregon's Constitution or statutes, or developed by Oregon courts, unless changed or repealed. Existing privileges include such things as juvenile court records, income tax returns, a voter's choice in an election, and media source identification, among others.