



MEDFORD
CITY ATTORNEY'S OFFICE

February 4, 2025

Re: Testimony in support of HB 2533

To whom it may concern,

I am writing to testify in support of HB 2533, which extends the duration of attorney-client privilege for government lawyers from 25 years to 50 years. I cannot emphasize enough that attorney-client privilege for private-sector attorneys has no expiration date. However, under current Oregon law, attorney-client privilege often may not even last the length of an attorney's career with the public entity. This erosion of attorney-client privilege is not necessary for government transparency; after all, whatever action the public entity actually takes after receiving legal advice is not confidential and would be information that is immediately available to the general public. Finally, the statute as currently drafted has the unintended consequence of incentivizing public entities to use independent contractors for legal support instead of public employees for legal support, at least on issues where the public entity does not want its attorney's file to become public record in just a couple decades. For all of these reasons, I support HB 2533.

Sincerely,

/s/ Eric B. Mitton

Eric B. Mitton
City Attorney