



Local Governments Support HB 2533- Compromise Legislation Extending Attorney Client Privilege

Problem: A 2022 Oregon Supreme Court decision struck down permanent attorney client privilege for public agencies requiring confidential litigation documents and sensitive legal advice to be released after 25 years. Litigation involving the Portland Harbor clean-up, water and land-use can be lengthy with similar issues litigated repeatedly. Public agencies will be put at a severe disadvantage in litigation if the law is not changed.

Additionally, investigations conducted by legal counsel would likely also be required to be released upon request. Victims of misconduct and witnesses who were told their information would be kept confidential prior to the 2022 ruling will not face the prospect of information becoming publicly available after the 25 year privilege expires. Sensitive legal advice sought in good-faith would also be subject to release causing embarrassment to a public official who followed advice of their counsel.

Solution: The passage of HB 2533 will extend public sector attorney/client privilege to 50 years providing the protection to agencies and officials for longer than the term of most careers. While the bill does not grant the same permanent protection private parties enjoy, we believe a 50-year protection will allow agencies, officials, witnesses and victims sufficient security to discuss legal matters candidly with their counsel.

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