

REVENUE: No revenue impact

FISCAL: No fiscal impact

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<b>Action:</b>	Do Pass the A-Engrossed Measure
<b>Vote:</b>	5 - 0 - 0
<b>Yeas:</b>	Bonamici, Boquist, Dingfelder, Whitsett, Prozanski
<b>Nays:</b>	0
<b>Exc.:</b>	0
<b>Prepared By:</b>	Anna Braun, Counsel
<b>Meeting Dates:</b>	5/18

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**WHAT THE MEASURE DOES:** Extends the attorney-client privilege by expanding the definition of a representative of the client. Defines “representative of the client” as a principal, an officer or a director of the client, a person who has authority to obtain professional legal services on behalf of the client, or to act on legal advice rendered on behalf of the client, or a person who, for the purposes of effectuating legal representation for the client, makes or receives a confidential communication while acting in the scope of the person’s employment with the client.

**ISSUES DISCUSSED:**

- Consistency with the Uniform Evidence Code
- Current practice

**EFFECT OF COMMITTEE AMENDMENT:** No amendment.

**BACKGROUND:** A client of an attorney has the right to refuse to disclose, and the right to prevent others from disclosing, a confidential communication made for the purpose of obtaining legal advice. The privilege rests with the client, not the attorney. The privilege does not extend to communication made in furtherance of the commission of a crime or a fraud.

The privilege is not limited just to the communication between the client and the attorney, but extends to the client’s representatives. Under current law, a representative of a client means only a principal, an employee, an officer or a director of the client. The extension of the privilege to a representative of the client is particularly important for corporations and other business entities. These entities do not only act and communicate through their officers, directors and employees.