

HB 4095 STAFF MEASURE SUMMARY

House Committee On Judiciary

Prepared By: Channa Newell, Counsel

Meeting Dates: 2/5

WHAT THE MEASURE DOES:

Extends the existing evidentiary attorney-client privilege to communications between a potential client and a lawyer referral service. Defines lawyer referral service.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Rule 503 of the Oregon Evidence Code protects confidential communications between clients and their lawyers. The privilege is held by the client, who can refuse disclosure of “confidential communications made for the purpose of facilitating the rendition of professional legal services to the client.” The privilege extends to consultations with a lawyer for the purpose of obtaining legal services. Oregon’s Rule 503 is not clear on whether information shared with a lawyer referral service is given the same protection as information shared directly with a lawyer, even if it is shared with the intention of obtaining legal services.

House Bill 4095 extends the existing attorney-client confidentiality privilege to clients who consult a lawyer referral service with the view to obtain professional legal advice from a lawyer.