

**HB 4095 STAFF MEASURE SUMMARY**

**Carrier:** Rep. Williamson

**House Committee On Judiciary**

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**Action Date:** 02/05/18

**Action:** Do Pass.

**Vote:** 10-0-1-0

**Yeas:** 10 - Barker, Gorsek, Greenlick, Olson, Post, Power, Sanchez, Sprenger, Vial, Williamson

**Exc:** 1 - Stark

**Fiscal:** Has minimal fiscal impact

**Revenue:** No revenue impact

**Prepared By:** Channa Newell, Counsel

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**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:**

- Oregon State Bar's lawyer referral services receive over 74,000 phone calls and 4,000 emails per year from consumers seeking legal services
- Over 48,000 referrals made
- Extending protection to consumers seeking assistance promotes open communication
- Cases in other states in which lawyer referral communications were sought for court proceeding
- No such cases to date in Oregon

**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.