

HB 3249 Strengthens Attorney-Client Confidentiality

Attorney-Client Confidentiality:

Like anyone who retains an attorney's services, those accused of crimes are afforded confidentiality for communications with their attorney.

The Right of Confidentiality:

- ✓ Closely related to the right to counsel;¹
- ✓ Encourages “full and frank communications” for preparing a case;²
- ✓ Extends to communications with all professionals assisting with a client's case.³

Right to Confidentiality Extends to a Client's Defense Team

Problem:

Professionals, such as investigators or psychologists, employed by lawyers to assist in a client's case are often provided less confidentiality protections because they are not attorneys, despite (1) being an essential function of a client's defense and (2) the fact that the law already requires it.

Solution: HB 3249.

- ✓ Codifies and clarifies the right to confer privately and confidentially with one's lawyer as a right that extends to the lawyer's defense team.
- ✓ Provides legal backbone to confidential communications by prohibiting evidence obtained in violation of confidentiality as inadmissible against a client in court.

OCDLA encourages your “aye” vote!

¹ *State v. Lile*, 267 Or. App. 712 (2014).

² *Upjohn Co. v. United States*, 449 U.S. 383, 389, 101 S Ct 677, 66 L Ed 2d 584 (1981).

³ O.R.S. 40.225(1)(d)(B).