

Attorney-Client Confidentiality

- ✓ Like anyone who retains an attorney's services, those accused of crimes are afforded confidentiality for communications with their attorney;¹
- ✓ The right to counsel under the 6th Amendment requires confidentiality;²
- ✓ Encourages "full and frank communications" for preparing a case;³
- ✓ Extends to communications with all professionals assisting with a client's case.⁴

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.

HB 3249 is the Solution:

- ✓ 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; and
- ✓ Provides legal backbone to confidential communications by prohibiting evidence obtained in violation of confidentiality as inadmissible against a client in court.

Product of Stakeholder Discussion with Unanimous Passage

- Pre-session & workgroup discussion with law enforcement & other stakeholders⁵
- Passed out of House Judiciary Committee Unanimously with Bi-partisan support
- Passed off House Floor with Unanimous Support

OCDLA Encourages your "aye" vote!

¹ ORS 40.225

² *State v. Lile*, 267 Or. App. 712 (2014).

³ *Upjohn Co. v. United States*, 449 U.S. 383, 389, 101 S Ct 677, 66 L Ed 2d 584 (1981).

⁴ ORS 40.225(1)(d)(B).

⁵ Supported by Oregon State Bar and other stakeholders satisfied/neutral