

May 11, 1979

LB 86

SENATOR LANDIS: Senator Murphy, looking at your amendments handed out today, in lines 6, 7, 8 and 9, there is new language concerning the broadening of the expansion of the client-attorney relationship and its work product as being outside the realm of a public record. Can you tell me the origin for this amendment and why it is part of the package of amendments here?

SENATOR MURPHY: I believe that came from the University, Senator Landis, and they feel that in preliminary discussions there should be an attorney-client relationship that is excluded from the demand of exposure as a public record and so in their preliminary work on an issue they want the right of privacy at least to the degree that you or a client would enjoy as an attorney-client relationship.

SENATOR LANDIS: If I could follow up with another question, although this will be somewhat lengthy, looking on the Journal on page 1830 and looking at subsection 4 of the amendments that are now the bill, I read that to say that work product of an existing confidential relationship between an attorney and a client are protected. I read that in the language on lines 18 and 19 or which are confidential communications as defined in section 27-503 Revised Reissued Statutes of Nebraska, 1943. Now is that your understanding as to the meaning of lines 18 and 19 that they do make confidential communications in an attorney-client relationship not a matter of public record.

SENATOR MURPHY: That is my understanding, Senator.

SENATOR LANDIS: I guess I want to ask the rationale, Senator Murphy, why, with respect to this language then, you extend beyond what everyone else has as an attorney-client relationship and a confidential communication which is described in the statutes in 27-503, why we extend to public bodies something that a private citizen does not have and that is, in essence, a broader attorney-client privilege than what we would normally have in the statutes?

SENATOR MURPHY: I would say, Senator Landis, that your private attorney-client relationship is more or less of a sacrosanct, an individual thing, into which the public may not insert itself. We are saying in this law that the public may insert itself into the activities of public bodies and I would assume, and I have to speak on behalf of another attorney, God forbid, that the fact that we are mandating public disclosure should probably extend it more specifically so that they cannot come in under one