

March 1, 1982

LB 335

SPEAKER MARVEL: You have about thirty seconds.

SENATOR DeCAMP: You are making that change back. Is that correct?

SENATOR LANDIS: We retain existing law, yes, that's right.

SENATOR DeCAMP: Do you believe you can compel a lawyer to break the attorney-client privilege?

SENATOR LANDIS: As a matter of fact I think you can in the event, as you state, you can violate a physician-patient relationship by legal order, my guess is that you can with the attorneys as well. I see no constitutional distinction between an attorney and a physician with respect to being a professional that would allow the Legislature to draw rules for one but not the other.

SENATOR DeCAMP: Well, Mr. President, let me simply finish by saying...

SPEAKER MARVEL: You have about one minute left.

SENATOR DeCAMP: ...it makes no sense to suddenly exempt the one area where you might get some information on adult abuse if it does exist and it does and that is the doctor. He is the one with access to all the places and it makes no sense to pass laws here that say you are going to change the system of the Catholic confessional or the clergy that has existed for a couple thousand years and certainly two hundred years in this country and there is an Attorney General's opinion which I haven't circulated but I think it will be printed in the Journal tomorrow, there is no way you are going to crack the attorney-client privilege. So what you are giving up, the physician on the one hand and what you are putting in on the other is just patently absurd and you are destroying your own bill, Senator Marsh, and I would urge you to retain the bill in its present form. I think you've got a much better situation.

SPEAKER MARVEL: Senator Haberman, then Senator Cullan, and then Senator Marsh.

SENATOR HABERMAN: Mr. President, members of the Legislature, we've heard the talk about the priests and the confessional. This has been bothering me because I felt somewhere along the line a priest, if he is responsible for the adult, surely he is responsible for a child. So for many years we did the photography work for Piux X and over the number of years I made some friends, some real good close friends and being an Episcopalian I'm halfway a Roman Catholic anyway, so I