

SENATOR CHAMBERS: Senator Witek, in the first line of your amendment is the term "advised".

SENATOR WITEK: Right.

SENATOR CHAMBERS: It says, whereas, the Legislature's been advised by Special Assistant Attorney General. Was this advice contained in a formal Opinion from the Attorney General's Office?

SENATOR WITEK: There was a formal Opinion from the Attorney General's Office and we also had Mr. Clatterbuck at our hearing.

SENATOR CHAMBERS: No, I meant this comment that you're...these comments you're attributing to Mr. Clatterbuck, were they contained in a formal Opinion that was given to the Legislature by the Attorney General's Office?

SENATOR WITEK: I'm trying right now to get the formal Opinion and see if any of this specific wording was in the Attorney General's.

SENATOR CHAMBERS: Okay. And here's why...members of...thank you, Senator Witek. Here's what I'm trying to get at initially, to make sure that whatever is said in this resolution is accurate and factually correct. When you're talking about a relationship between a lawyer and a client, the term "advice" has a very definite legal meaning and significance. It's not...the Legislature is not advised by an Assistant Attorney General based on testimony that this person gives before a legislative committee. The Legislature has not been advised of anything by this individual in a legal sense, based on the information that I have available to me at this point, and I think we need to look at what some of you might consider sometimes to be legal technicalities that are not interesting, but I think it is very important that we observe them and pay attention to them with reference to everything in this resolution, because an official position is being taken by the Legislature with reference to possible litigation. We sometimes will talk about issues on this floor and not pay attention to them and feel that once we've done it, that's all there is to it and it's over. There will be legal significance accorded whatever we say and do with reference to this resolution because