



**Testimony of Kimberly McCullough, Policy Director  
In Support of HB 3249A  
Senate Judiciary Committee  
May 8, 2019**

Chair Prozanski and Members of the Committee:

The American Civil Liberties Union of Oregon<sup>1</sup> supports HB 3249A, which would extend the right of attorney-client confidentiality to a person's entire defense team. HB 3249A upholds our constitutional rights by ensuring meaningful access to the right of counsel.

Professionals, such as investigators or psychologists, employed by lawyers to render legal services are sometimes provided less confidentiality protections because they are not attorneys, despite being an essential function of a client's defense and despite the fact that the law already requires it.

Communication between a defendant and their lawyer's defense team must remain confidential for the right to counsel to have any meaning. Without the promise of full confidentiality, defendants will not confide in their defense team. The predictable result would be to undermine the quality of the legal representation guaranteed by the Sixth Amendment.

HB 3249A codifies and clarifies that the right to confer privately and confidentially with one's lawyer extends to the lawyer's defense team and provides that any evidence derived in violation of this privilege cannot be used as evidence against the client in court.

For these reasons, the ACLU of Oregon urges you to support HB 3249A. Please feel free to contact us if you have any questions, comments, or concerns.

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<sup>1</sup> The American Civil Liberties Union of Oregon (ACLU of Oregon) is a nonpartisan, nonprofit organization dedicated to preservation and enhancement of civil liberties and civil rights, with more than 45,000 members and supporters statewide.