

HOUSE BILL NO. 1069

Introduced by

Judiciary Committee

(At the request of the Commission on Legal Counsel for Indigents)

1 A BILL for an Act to amend and reenact section 54-61-04 of the North Dakota Century Code,
2 relating to confidentiality provisions applicable to the commission on legal counsel for indigents.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 54-61-04 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **54-61-04. Records, files, and information - Accessibility - Confidentiality.**

7 Any~~Except as otherwise provided in this section, any~~ file, record, or information regarding
8 representation of a party under sections 54-61-01 through 54-61-03 which ~~are~~is attorney
9 work-product or otherwise subject to any attorney-client privilege ~~are~~is confidential and may not
10 be disclosed except in accordance with a court order or in response to applicable discovery
11 rules. Any file, record, or information regarding representation of a party under this chapter
12 which is attorney work product or otherwise subject to any attorney-client privilege may be
13 disclosed to the party to whom representation was provided ~~and to the attorney who provided~~
14 ~~representation under this chapter, the attorney who provided the representation, and newly~~
15 assigned counsel with consent of the represented party. All other case-related records are
16 exempt from disclosure except as otherwise provided in rules adopted by the commission.
17 Information or records obtained by the commission relating to allegations of misconduct by an
18 attorney in the employ of, or providing indigent services for, the commission are exempt from
19 disclosure except as otherwise provided in rules adopted by the commission unless and until
20 the matter is referred for formal disposition under rules adopted by the supreme court.