

Sixty-sixth
Legislative Assembly
of North Dakota

ENGROSSED 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 AnyExcept 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 areis attorney
9 work-product or otherwise subject to any attorney-client privilege areis 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, the attorney who provided the
14 representation, and newly assigned counsel with consent of the represented party. All other
15 case-related records are exempt from disclosure except as otherwise provided in rules adopted
16 by the commission. Information or records obtained by the commission relating to allegations of
17 misconduct by an attorney in the employ of, or providing indigent services for, the commission
18 are exempt from disclosure except as otherwise provided in rules adopted by the commission
19 unless and until the matter is referred for formal disposition under rules adopted by the supreme
20 court.