

BILL ANALYSIS

Senate Research Center

S.B. 953
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Jurisprudence
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As Filed

DIGEST

Currently, Texas courts use the "control group" test to determine the applicability of the attorney-client privilege to corporate employees. Essentially, the "control group" test only protects communications between those employees with the authority to retain or control the corporation's legal counsel. This test has prevented effective representation and investigation of lawsuits in large corporations due to the corporations' inability to have privileged discussions with lower level employees and managers. The "subject matter" test protects communications between the corporation's attorney and a corporate employee when the subject matter of the conversation is connected to the litigation. This bill will extend the attorney-client privilege to certain communications between an attorney and a representative of a client.

PURPOSE

As proposed, S.B. 953 extends the attorney-client privilege to certain communications between an attorney and a representative of a client.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 30, Civil Practice and Remedies Code, by adding Section 30.011, as follows:

Sec. 30.011. ATTORNEY-CLIENT PRIVILEGE. Provides that the attorney-client confidentiality privilege extends to a communication between an attorney and a representative of a client if the client meets certain criteria. Defines "agent."

SECTION 2. Effective date: September 1, 1997.
Makes application of this Act prospective.

SECTION 3. Emergency clause.