

January 25, 2011

The Honorable Tim Owens, Chairperson
Senate Committee on Judiciary
Statehouse, Room 559-S
Topeka, Kansas 66612

Dear Senator Owens:

SUBJECT: Fiscal Note for SB 35 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 35 is respectfully submitted to your committee.

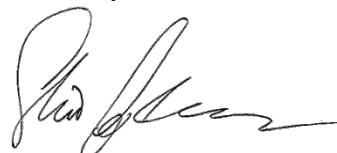
SB 35 sets out provisions for disclosure of communication or information covered by the attorney-client privilege or work-product protection. The five aspects addressed are:

1. Disclosure made in court or agency proceedings; scope of the waiver,
2. Inadvertent disclosure,
3. Disclosure made in a non-Kansas proceeding,
4. Controlling effect of a court order, and
5. Controlling effect of a party agreement.

The bill also provides definitions and technical corrections to KSA 60-426.

Because the passage of SB 35 would establish limitations on whether disclosure of information protected by attorney-client or work-product privilege results in a waiver of the privilege, it is expected that there will be litigation to interpret and apply this law to various legal proceedings. However, it does not appear that there will be a substantial fiscal effect to the Judicial Branch. A precise statement of fiscal effect cannot be given until the courts have had an opportunity to operate under SB 35.

Sincerely,



Steven J. Anderson, CPA, MBA
Director of the Budget

cc: Mary Rinehart, Judiciary