

Introduced: 5/12/84  
Referred: Judiciary

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2

SENATE BILL NO. 552

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to discovery of attorneys' trial  
7 preparation efforts."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. POLICY. It is the policy of this state to preserve the  
10 rights of attorneys to prepare cases for trial with the degree of privacy  
11 necessary to encourage them to prepare their cases thoroughly and to inves-  
12 tigate not only the favorable but the unfavorable aspects of their cases  
13 and to prevent an attorney from taking undue advantage of an adversary's  
14 industry or efforts.

15 \* Sec. 2. AS 09.65 is amended by adding a new section to read:

16 Sec. 09.65.140. WORK PRODUCT PRIVILEGE. The work product of an  
17 attorney is not discoverable unless the court determines that denial  
18 of discovery will unfairly prejudice the party seeking discovery in  
19 preparing a claim or defense or will result in an injustice. A writ-  
20 ing that reflects an attorney's impressions, conclusions, opinions, or  
21 legal research or theories is not discoverable under any circum-  
22 stances.