



## **2023 Legislative Issue Form**

*To propose a CCI legislative issue, please complete this form.*

*Feel free to use more than one page and include any supplemental materials.*

1.) **Contact Information** (of person bringing forth issue):

- a. **Name:** David Ayraud
- b. **Title:** Deputy County Attorney
- c. **County:** Larimer County
- d. **Phone Number:**
- e. **E-Mail Address:**

2.) **Issue/Problem to be addressed** (What is the problem this legislation is seeking to solve?)

A recent ruling found that a person *who is the topic of discussion* between a government attorney and their government client, has a right under CORA to get a copy of the attorney/client communication.

3.) **Background on this Issue/Problem** (How did this come to be? Why are you seeking a legislative remedy?)

The issue originated from a CORA lawsuit that a Colorado municipality is currently involved in. A former employee of the municipality made CORA requests asking for copies of emails and other records that discussed them. The attorney/client emails between staff and the Attorney's Office about the former employee were not disclosed because they were deemed protected by the attorney/client privilege. However, the judge presiding over the case issued an order finding that, under CORA, even attorney/client privilege documents must be disclosed to a "person in interest" which is defined as the subject matter of the communication.

4.) **Proposed Solution/Legislative Remedy to this issue.**

Update the CORA legislation to protect all attorney/client privilege communications in these types of situations

5.) **Have you explored a non-legislative solution to this problem?**

The issue is on appeal to the Court of Appeals, where it is currently pending. If the finding is rejected, a legislative fix will not be needed.

6.) **Statutory Citation to be modified AND proposed/revised language (The Colorado Revised Statute is available for free at [this link](#), by selecting "Colorado Revised Statutes").**

7.) **Relationship of this issue to County Commissioner's roles and/or authorities.**

8.) **Has this proposal been approved by the Board of County Commissioners? Yes**

9.) **List any potential Proponents/Opponents & their perspective; indicate any groups/individuals with whom you have already discussed this issue.**

10.) **Have you visited with your legislator(s) about this proposal? What was their reaction? Are members of your delegation likely to sponsor, support, or oppose this proposal?**

11.) **Anticipated Fiscal Impact (to counties, state, other stakeholders, etc.).**

**Please submit this completed form to Katie First at [kfirst@ccionline.org](mailto:kfirst@ccionline.org)**

**By Friday, July 8.**



- 12.) Please list the local subject matter experts CCI staff can follow-up with for more information on this proposal.
  
- 13.) If your county is submitting multiple issue forms, please rank each issue. 4/4

**Please submit this completed form to Katie First at [kfirst@ccionline.org](mailto:kfirst@ccionline.org)  
By Friday, July 8.**