

E-Mails Between League of California Cities and City Attorney May Be Public Records

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E-mails sent to a city attorney by the League of California Cities ("League") may be subject to disclosure under the Public Records Act. In *League of California Cities v. Superior Court* (2015) 241 Cal.App.4th 976, the League sent e-mails to a city attorney who was on its legal advocacy committee. The e-mails were sent to the city attorney's personal account, and were forwarded from his personal account to a work-related account. The Court also addressed two additional issues.

Under the California Public Records Act ("Act"), only a "party" may seek appellate review. However, the Court of Appeal held that the League was deemed a "party" under the Act despite the fact that the records request was not directed at the League. The Court of Appeal held that a "party" under the Act is not limited to the actual parties, but also to nonparties with a beneficial interest in the litigation or those who are affected by the outcome.

Next, the Court also did not find any attorney-client relationship between the city attorney and the League. The Court reasoned that to the extent the city attorney participates in the League to benefit a city and its residents, "the public has a right to know the extent of his participation and his position on matters presented to him by the League."

If you would like more information regarding any aspect of this decision, please contact B. Tilden Kim.