

California Court of Appeal Rules that L.A. County's Attorney Invoices Are Not Subject to Disclosure Under the Public Records Act

04.14.2015

A public agency's confidential bills from its attorneys are not discloseable public records. In a decision issued yesterday, the California Court of Appeal ruled that such documents are exempt from disclosure under the Public Records Act.

In *County of Los Angeles v. Superior Court (ACLU)*, the ACLU sought to obtain copies of attorney billing invoices of law firms handling lawsuits filed against the county by inmates alleging jail violence. The court held that the invoices were privileged attorney-client communications and exempt from disclosure under the Public Records Act.

A public agency claiming the attorney-client privilege for its attorney billing invoices has the burden of proving that such documents are a confidential communication in the course of the attorney-client relationship. Additionally, access to the invoices must be limited. Only those individuals necessary to further the agency's interests should have access, which may include those individuals reasonably necessary to receive or transmit the information or to accomplish the purposes for which the lawyer was consulted. In this case, the county produced sufficient evidence to meet each element of the test.

ACLU underscores the importance of maintaining the confidentiality of attorney billing invoices when they are received and processed for payment. To preserve the attorney-client privilege, access should be limited to those individuals who have a need to know or a supervisory role over outside legal counsel. Every public agency should request that its attorneys specifically mark each invoice "Confidential" and "Attorney Client Privilege," if the attorney does not already do so.

If you have questions, or would like more information on how this ruling may affect your agency, please contact Gena Stinnett or any member of our Public Law Department.