

Court Narrowly Interprets Public Records Act Disclosure Requirement for Attorney Invoices

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Work descriptions and specific billing entries on attorney invoices are exempt from disclosure under the California Public Records Act ("PRA"), and only cumulative fee totals from attorney invoices in long-concluded matters may be subject to disclosure. In *County of Los Angeles v. Superior Court* (ACLU), the California Court of Appeal ruled that specific billing entries and descriptions of work on attorney invoices are exempt from disclosure under the PRA based on the attorney-client privilege. The Court of Appeal also ruled that cumulative fee totals of attorney invoices may be subject to disclosure only in legal matters "concluded long ago" and only if such fee totals reveal nothing about legal strategy or consultation.

In 2016, the California Supreme Court ruled that the attorney-client privilege protects the confidentiality of attorney invoices, including cumulative fee totals, sent from outside counsel to a public entity in pending and active legal matters. The Supreme Court reasoned that the content of such invoices is so closely related to attorney-client communications that its disclosure may reveal legal strategy or consultation. However, with respect to cumulative fee totals on legal matters concluded long ago, the Supreme Court ruled that the attorney-client privilege does not categorically shield everything in an attorney's billing invoice from disclosure under the PRA, and that non-privileged content may be subject to disclosure.

The California Supreme Court sent the 2016 case back to the Court of Appeal for further proceedings. The Court of Appeal rejected the attempt by the ACLU to obtain copies of attorney invoices showing specific billing entries and descriptions of work performed on closed litigation matters. Relying on the Supreme Court's decision, the Court of Appeal ruled narrowly that specific billing entries and descriptions of work contained in attorney invoices are not subject to disclosure under the PRA, whether they relate to pending, on-going or long-concluded legal matters. Cumulative fee totals contained in attorney invoices for pending or on-going legal matters are also protected from disclosure by the attorney-client privilege. However, cumulative fee totals for matters "concluded long ago" may be subject to disclosure, the court held, if the billing totals do not reveal anything confidential about the legal consultation or provide any insight into litigation strategy.

For further information about this decision, please contact **Amy Greyson** or **Bennett Givens**.