



February 4, 2016

VIA E-MAIL

dan@escamilla.com

Dan Escamilla
Legal Service Bureau, Inc.

Re: Request for Public Records – City of Garden Grove

Dear Mr. Escamilla:

As you are aware, this office serves as City Attorney to the City of Garden Grove. We are in receipt of your January 22, 2016 email correspondence to Deputy City Clerk Denise Kehn, in which you request unredacted invoices for work our firm completed in connection with Administrative Citation No. 002593. For the reasons explained below, your request is denied.

In your initial records request, submitted September 22, 2015, you requested several categories of records, including "[a]ny and all invoices received by the City of Garden Grove from Woodruff, Spradlin & Smart during the period of 9/22/14 through 9/22/15." In the City's response, dated October 5, 2015, Ms. Kehn explained that the time and expense to redact privileged information from all invoices from Woodruff, Spradlin & Smart would be substantial, but offered to provide the amount billed in relation to Administrative Citation No. 002593. On October 22, 2015, Ms. Kehn informed you that Woodruff, Spradlin & Smart had billed the City \$2,051.90 in connection with Administrative Citation No. 002593. You subsequently requested the invoices to support the billing, which were provided to you on November 12, 2015 in redacted form.

You have been provided with complete copies of Woodruff, Spradlin & Smart's invoices for the requested time period with only privileged and irrelevant information redacted. The invoices provided reveal the date, attorney name, hours, and amount billed for all billing related to Administrative Citation No. 002593. The invoices also show the task description for most entries related to Administrative Citation No. 002593, with a small number of descriptions protected by the attorney-client privilege and attorney work product doctrine redacted. (Government Code §6254(k); Code of Civil Procedure §2018.030; Evidence Code §954)

Contrary to the assertions in your email correspondence, it is well established that portions of legal invoices may be protected by the attorney-client privilege and attorney work product doctrine. (See e.g., *Smith v. Laguna Sur Villas Community Assoc.* (2000) 79 Cal.App.4th 639; *United States v. Almani*, 169 F.3d 1189 (9th Cir. 1999)) In fact, the issue of whether legal invoices are protected *in their entirety* by the attorney-client privilege is currently pending before the California Supreme Court. (*County of Los Angeles Board of Supervisor v. Superior Court of*

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Los Angeles County (2015) 235 Cal.App.4th 1154) The protection afforded by the attorney-client privilege is not lost because you have asserted that "the reasonableness of this firm's billing...is being placed under public scrutiny." These records are specifically exempt from disclosure under the California Public Records Act, and the California Supreme Court has made it clear that where the attorney-client privilege applies, disclosure may not be ordered, without regard to relevance, necessity, or the particular circumstances of the case. (*Costco Wholesale Corp. v. Superior Court* (2009) 47 Cal.4th 725, 732)

You have been provided with the non-exempt, non-privileged records responsive to your records request. No further documentation will be produced. Should you have any further questions, please direct them to our office.

Very truly yours,

WOODRUFF, SPRADLIN & SMART
A Professional Corporation


CHRISTINA M. PETTERUTO

cc: Denise Kehn, Deputy City Clerk