



## Alerts

### California Court Extends Attorney-Client Privilege to Protect Attorneys' Invoices

June 29, 2015

*Lawyers for the Profession® Alert*

*County of Los Angeles Board of Supervisors et al. v. The Superior Court of Los Angeles County, et al*, 235 Cal. App. 4th 1154 (2015)

#### Brief Summary

A California appellate court analyzed the boundaries of the attorney-client privilege and considered whether it applied to attorneys' invoices. After reviewing inconsistent rulings, the court ultimately concluded that invoices are privileged.

#### Complete Summary

In response to allegations that the Los Angeles County Sheriff's Department used excessive force on inmates housed in the Los Angeles County jail system, the American Civil Liberties Union (ACLU) of Southern California requested invoices from the county specifying the amounts that the county had been billed by any law firm in connection with nine different lawsuits brought by inmates that alleged jail violence. The ACLU likewise requested copies of service agreements between the county and two consultants and an "implementation monitor." The county agreed to produce copies of the requested documents related to three of the nine lawsuits, which were no longer pending. However, it redacted the attorney-client and work-product privileged information.

The county also did not provide the billing for the remaining pending lawsuits on the basis that the information was privileged, and therefore exempt from disclosure. The ACLU filed a petition for writ of mandate in the superior court seeking to compel the county to produce the records for all nine lawsuits. The superior court granted the petition for writ and held that the county failed to show the billing records were attorney-client privileged communications, and ordered the county to disclose all the invoices issued by its outside attorneys in all nine cases. However, the court allowed the county to redact information that reflected legal opinion and advice, or revealed an attorney's mental impressions or theories of the case. The county then filed a petition for writ of mandate, challenging the trial court's ruling.

The appellate court first considered whether billing statements qualify as privileged communications. In analyzing the legislative intent behind California's evidence code on privileged communications, the court noted that the proper focus in the privilege inquiry is not whether the communication contains an

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attorney's opinion or advice, but whether the relationship is one of attorney-client and whether the communication was confidentially transmitted in the course of that relationship. In this case, it was undisputed that the law firms were retained to provide the county with legal advice in the matters to which the invoices pertained. The invoices likewise contained information transmitted by the law firms to the county in the course of the representation. The court ultimately concluded that the requested records were confidential communications within the meaning of the California evidence code, and ordered the superior court to vacate its order compelling disclosure.

### **Significance of Opinion**

This case is significant given the inconsistent rulings on whether attorneys' invoices are protected from disclosure by the attorney-client privilege. The decision broadens the protection afforded by the attorney-client privilege in California. Generally, however, most courts conclude the invoices are discoverable (after redaction of privileged information contained within the invoices).

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