



MIKE SCHMIDT, District Attorney for Multnomah County

1200 SW First Ave, Suite 5200 • Portland, Oregon 97204 • 503 988-3162 • FAX 503 988-3643
www.mcda.us

January 27, 2023

via email only

Kevin McPherson
swravine@gmail.com

Jollee Faber Patterson
Miller Nash LLP
Jollee.Patterson@MillerNash.com

Re: Petition of Kevin McPherson seeking unredacted invoices for legal services paid by the Riverdale School District.

Dear Mr. McPherson and Ms. Patterson:

Mr. McPherson has petitioned this office, as authorized by ORS 192.415, requesting that we order the Riverdale School District to provide unredacted copies of invoices pertaining to legal services paid by the Riverdale School District between September 6, 2022, and December 1, 2022.

The Riverdale School District provided to petitioner four invoices for legal services rendered by the Hungerford Law Firm, LLP and Miller Nash, LLP to the District, but redacted the descriptions of those services from each of the invoices. The invoices show the dates of services, the attorneys that performed services, the number of hours, the amounts charged for the services, payment of services, and any balances owing.

Petitioner asserts that the descriptions of services should be unredacted “in the interest of transparency and accountability for public monies spent.”

For the reasons discussed below, we deny the petition.

DISCUSSION

A. Attorney-client privilege - ORS 192.355(9), ORS 40.225

ORS 192.333(9) exempts from disclosure under the public records law:

Public records or information the disclosure of which is prohibited or restricted or otherwise made confidential or privileged under Oregon law.

The confidentiality of communications between an attorney and the attorney’s client is a foundational principle of our system of laws. *Upjohn Co. v. United States*, 449 U.S. 383 (1981). The attorney-client privilege extends to public agencies, except as expressly provided otherwise by the legislature. *Port of Portland v. Or. Ctr. For Envntl. Health*, 238 Or App 404, 409 (2010).

As applied to the public records law by ORS 192.355(9), this creates an unconditional exemption from disclosure. If we find the requirements to establish privilege are met, we may not weigh the public's interest in the records. *Petition of Manning*, MCDA PRO 19-19 (2019).

It is clear that all four invoices were generated for legal services. The Riverdale School District, consistent with our previous rulings in both *Petition of Meisner*, MCDA PRO 21-42, and *Petition of Slaney*, MCDA PRO 21-53 (2021), has released copies of the invoices with hours and costs visible, but the descriptions of legal services provided redacted. There is no basis to distinguish this case from either *Meisner* or *Slaney*. We find that the redacted material is properly exempt from disclosure.

ORDER

Accordingly, the petition is denied.

Regards,

A handwritten signature in black ink, appearing to read 'Mike Schmidt', with a stylized flourish extending to the right.

MIKE SCHMIDT
District Attorney
Multnomah County, Oregon