



MIKE SCHMIDT, District Attorney for Multnomah County

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March 24, 2023

VIA EMAIL ONLY

Patrick Cashman
pcashman20@gmail.com

Re: Petition of Patrick Cashman seeking redacted and withheld records from the City of Portland

Dear Mr. Cashman:

On February 16, 2023, petitioner, Patrick Cashman, made a public records request to the City of Portland for, “every communication sent TO and sent BCC by official email address Michaël.montoya@portlandoregon.gov on 1/26/2023.” The City provided petitioner with responsive records on March 15, 2023. The City withheld four pages, citing attorney-client privilege, and made redactions to three pages pursuant to ORS 192.355(2). This appeal followed.

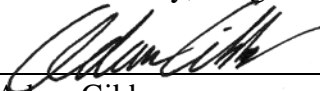
As to the attorney-client privilege claim, the City states that the withheld documents are an email thread soliciting legal advice from a City lawyer. I have reviewed the records, and this is accurate. The City further argues that the emails fit within a category of email thread that this office recognized as privileged in *Petition of Bial*, MCDA PRO 22-11 (2022). Again, I agree.

As to the claim of exemption under ORS 192.355(2) the redacted information is undeniably “personal” in that it relates to an individual. The City has also met its initial burden of production to demonstrate that release of this material would unreasonably invade the privacy of the involved employee. See, *Petition of Cashman*, MCDA PRO 23-33 (2023) (discussing public body’s initial burden of production under this section). As a result of those findings, the City is correct that ORS 192.355(2) then shifts the burden of persuasion to you to show by clear and convincing evidence that the public interest nonetheless requires disclosure. Your petition provides no argument or evidence on this point, and, having reviewed the records at issue, I see none readily apparent on their face.

Accordingly, the petition is denied.

Regards,

MIKE SCHMIDT
District Attorney
Multnomah County, Oregon

By: 
Adam Gibbs
Sr. Deputy District Attorney

Cc: Trevor Byrd, Deputy City Attorney