

From: [Roberts, Christine](#)
To: cjw_media@yahoo.com
Cc: [Hanson, Britt W](#); [Townsend, Debora](#); [McIntyre, Brian M](#); [Gilligan, Edward T](#)
Subject: RE: Form submission from: Public Records Inspection and Copy Request Form
Date: Wednesday, April 17, 2019 3:04:45 PM
Attachments: [Los Angeles County Bd of Supervisors v Superior Court.pdf](#)
[County of Los Angeles Bd of Supervisors v Superior Court.pdf](#)
[State ex rel Anderson v Vermillion.pdf](#)
[State ex rel Dawson v Bloom-Carroll Local School Dist.pdf](#)

Good afternoon, Terri Jo,

The custodian of public records must deny inspection when the record is made confidential by statute. *Berry v. State*, 145 Ariz. 12, 13-14, 699 P.2d 387, 388-89 (App. 1985). A.R.S. § 12-2234 makes attorney-client privileged communications confidential. Therefore, they are exempted from disclosure under public records law.

Although, there are no recorded cases dealing with this specific issue in Arizona case law, there is persuasive authority from neighboring states. In the lack of state specific case law, we look to other states for persuasive authority. Specifically, the California Supreme Court ruled that attorney client privilege protects the confidentiality of legal invoices for work on active and pending legal matters, including the amount of aggregate fees. On remand, the California appellate court ruled that redacted portions of legal bills or invoices (because of attorney-client privileged information on the bill or invoice) other than fee totals, of law firm invoices in concluded litigation were not subject to disclosure under public record law. See the attached cases.

Additionally, the Ohio Supreme Court has also ruled that legal bills are privileged. *State ex rel. Dawson v. Bloom Carroll Local School Dist.*, (2011), 131 Ohio St.3d 10, 2011 Ohio 6009, 959 N.E.2d 524. Further, any document establishing an attorney-client relationship is privileged. *Id.* See attached case. Here, any agreement between Attorney Jellison and Cochise County for legal services is a document that establishes an attorney-client relationship and is privileged. Therefore, is exempt from disclosure.

In *State ex rel. Anderson v. City of Vermillion*, Slip Op. No.2012-Ohio-5320, the Ohio Supreme Court found that the information subject to disclosure from legal bills or invoices is limited to: (1) the general title of the matter being handled; (2) the dates the services were performed; and (3) the hours, rate, and money charged for the services. See attached case.

In sum, all of the information that you requested is attorney-client privileged. Currently,

the litigation is ongoing and active. Upon conclusion of the litigation, you may receive copies of the legal bills invoices, subject to redaction of the attorney-client privileged information. Specifically, the general title of the matter, dates the services were performed, hours, rates and money charged for the services. You may not receive a copy of the agreement to provide legal services.

Best regards,

Christine J. Roberts, Esq., M.B.A.

Civil Deputy County Attorney
Cochise County Attorney's Office
Civil Division
100 Higgins Hill
P.O. Drawer CA
Bisbee, Arizona 85603
(520) 432-8754 Direct
(520) 432-8700 Main
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CRoberts@cochise.az.gov

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www.cochise.az.gov

From: Terri Jo Neff <cjw_media@yahoo.com>

Sent: Wednesday, April 17, 2019 2:10 PM

To: Roberts, Christine <CRoberts@cochise.az.gov>

Cc: Hanson, Britt W <BHanson@cochise.az.gov>; Townsend, Debora <DTownsend@cochise.az.gov>; McIntyre, Brian M <BMcIntyre@cochise.az.gov>; Gilligan, Edward T <EGilligan@cochise.az.gov>

Subject: RE: Form submission from: Public Records Inspection and Copy Request Form

Good afternoon Christine,

1) Can you please provide the legal authority under which the County contends the contract for professional legal services is not subject to disclosure under Arizona's public records law?

2) Can you please provide the legal authority under which REDACTED copies of received invoices/bills for legal services are not **subject to disclosure under Arizona's public records law until after litigation is complete?**

3) You didn't specifically address my 3rd request related to record(s) of payment. Assuming the County contends those records are also not subject to disclosure at this time I'm asking for the legal authority under which the County takes that position.

Respectfully,
Terri Jo

Terri Jo Neff
CJW Media
520-508-3660

On Wed, Apr 17, 2019 at 1:43 PM, Roberts, Christine
<CRoberts@cochise.az.gov> wrote:

Dear Ms. Neff,

The documents that you have requested are attorney-client privileged and cannot be released at this time because there is ongoing, active litigation. Once the litigation has concluded, you may request copies of the legal bills or invoices. Any attorney-client privileged information will be redacted from the legal bills or invoices. However, any agreement between attorney Jim Jellison and Cochise County to provide legal services is not subject to disclosure.

Your request is now CLOSED.

Best regards,

Christine J. Roberts, Esq., M.B.A.

Civil Deputy County Attorney

Cochise County Attorney's Office

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From: Terri Jo Neff <cjw_media@yahoo.com>

Sent: Friday, April 12, 2019 2:46 PM

To: Townsend, Debora <DTownsend@cochise.az.gov>

Subject: Form submission from: Public Records Inspection and Copy Request Form

Submitted on Friday, April 12, 2019 - 2:46pm

Submitted by user:

Submitted values are:

Date Submitted: 4/12/2019

Name of Requesting Party: Terri Jo Neff

Full Address (to include City, State, and Zip): CJW Media 1081 N Tequila Trail Benson AZ 85602

Telephone number: 5205083660

Email Address: cjw_media@yahoo.com

Indicate with specificity the record(s) you wish to have copied or reproduced. Provide date(s) if possible.

I am requesting to VIEW any contract or agreement related to legal services provided to Cochise County by James "Jim" Jellison or Jellison Law related to litigation about the appointment of Pat Call to justice of the peace.

I am requesting to VIEW any invoice or other such payment demand submitted by Mr. Jellison or his law firm related to the Pat Call litigation, whether such demand has been paid or not.

I am requesting to VIEW any record that will show what funds have been paid to Mr. Jellison or his law firm as of April 12. This could include copy of check or ACH payment order, or simply an accounting line item showing the payments.

Thanks!

Non-Commercial/Commercial Purpose Will not be used for commercial purpose.

Give brief explanation

The specific information which will be utilized from the record(s) requested is:

Which will be used for sale or resale to (Identify Market and Price)

Describe document or material and price:

Which will be used for solicitation to (Identify Market for What and Price)

Which will be used for soliciting a business or commercial relationship. Describe and give price or value: