



300 SOUTH SPRING STREET, SUITE 1702
LOS ANGELES, CA 90013

Public: (213) 269-6000
Telephone: (213) 269-6384
Facsimile: (213) 897-2801
E-Mail: Catherine.Bidart@doj.ca.gov

August 14, 2018

VIA E-MAIL only to: elsbraal@gmail.com

Mr. Els B. Cooperrider
18451 Orr Springs Road
Ukiah, California 95482

RE: Public Records Act Request
Opinion No. 17-202

Dear Mr. Cooperrider:

This letter is in response to your email correspondence, dated August 13, 2018, in which you sought a draft of Opinion No. 17-202 pursuant to the Public Records Act set forth in Government Code section 6250 et seq.

Specifically, you requested:

the opinion re Measure V-(Opinion 17-202 which was written by Attorney General's office lawyer Katherine Bidart, Bidart finished the opinion by sometime in April 2018 per her communication via email. The original request for an opinion was made by Mendocino County Counsel Katherine Elliott in Feb 2017.

The draft opinion is under executive review. Once approved for publication, the Attorney General's Opinion No. 17-202 will be published (and publicly available on our website and provided upon request).

However, to the extent your request may be understood to call for records of one or more working, or preliminary, drafts of Attorney General's Opinion No. 17-202, such materials are exempt from disclosure pursuant to confidentiality privileges, including the attorney-client privilege and attorney work product exemption.

Confidentiality privileges set forth elsewhere in law, including the attorney-client privilege contained in Evidence Code section 954 which protects confidential communications between the attorney and the client, are expressly incorporated into the Public Records Act. (Gov. Code, § 6254, subd. (k); *Roberts v. City of Palmdale* (1993) 5 Cal.4th 363.)

August 14, 2018

Page 2

In the present case, the attorneys in our department provide legal advice to the Attorney General and his designees. Accordingly, all communications between the Attorney General or his designees and the department's attorneys concerning Opinion No. 17-202 are confidential communications pursuant to the attorney-client privilege, and are exempt from disclosure under the Public Records Act.

The attorney work product exception protects the confidentiality of any writing that reflects an attorney's impressions, conclusions, opinions, legal research or legal theories that is maintained as confidential. (Code Civ. Proc., § 2018.030.) This confidentiality provision is incorporated into the Public Records Act as an exemption from disclosure. (Gov. Code, § 6254, subd. (k); *County of Los Angeles v. Superior Court* (2000) 82 Cal.App.4th 819, 833.)

Records such as confidential analyses, draft language and memoranda prepared by the attorneys employed with the Attorney General's Office are subject to the work product exception and are consequently exempt from disclosure under the Public Records Act.

Accordingly, at this time, we have no records responsive to your request.

Sincerely,



CATHERINE BIDART
Deputy Attorney General

For XAVIER BECERRA
Attorney General

CAB: