

## Can I Request Attorney Bills?

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Some public agencies routinely deny access to invoices for attorney services, claiming that such bills contain information protected by the attorney-client privilege. OPRA, however, specifically mandates that these bills must be made available in response to an OPRA request. The public bills may, however, “be redacted to remove any information protected by the attorney-client privilege.”

Recently, a public agency attempted to charge a requestor an hourly rate for its attorney’s time to review the legal bills and redact them for privileged information. The public agency required the requestor to pay for three hours of time at \$150 per an hour. The requestor filed suit and the court agreed with the requestor that such a charge was unlawful. If the public agency needed counsel to review its responsive records, the court held that the public agency was required to bear that cost and not shift it to the requestor.

In addition to requesting the legal bills, it is common practice to also request the engagement/retainer letter and the resolution passed by the public body to approve the contract. This allows the requestor to verify that the rates being charged are authorized by the contract.

If you encounter a problem gaining access to legal invoices, it is imperative that you speak to an OPRA attorney immediately. Lawsuits for wrongful denials of access to records must be filed within 45 days of the denial.