



March 02, 2020

Via Email: sagarwal@aclunc.org

Shilpi Agarwal
Senior Staff Attorney
American Civil Liberties Union Foundation of Northern California
39 Drumm Street
San Francisco, CA 94111

Re: Public Records Act Request – Jury Trial Training

Dear Ms. Agarwal:

We are in receipt of your check No. 39874 in the sum of \$29.60 for copying costs.

Following the County's diligent investigation it was determined that certain records you have requested are privileged and exempt from disclosure under the Public Records Act ("PRA"). Specifically, certain training materials created by the County District Attorney's Office constitute an attorney work product and are therefore exempt under the PRA. (Gov. Code Sec. 6254, subd. (k); Code of Civ. Proc. Sec. 2018.030.)

These records reflect an attorney's impressions, conclusions, opinions, or legal research or theories and are considered core work product. As such, these records are protected and privileged writings whether created by the County District Attorney's Office in anticipation of litigation, or for legal advice when no litigation is threatened. (*League of California Cities v. Superior Court* (2015) 241 Cal.App.4th 976; 71 Ops.Cal.Atty.Gen. 5, 7: "undeniable that the lawyer-client privilege and work-product rule could be relied upon by a public officer to their full extent without concern for the disclosure requirements of the Act.")

To the extent that we can reasonably segregate non-exempt information from exempt information in responsive and non-exempt records, we will do so and produce the responsive record. (Gov. Code Sec. 6253, subd. (a); *County of Santa Clara v. Superior Court* (2009) 170 Cal.App.4th 1301, 1321.)





Please find enclosed all non-privileged records that are responsive to your request. This completes the County's response to your records request, and we will consider this matter closed.

County Counsel Regina A. Garza is the party responsible for asserting the exemption.

Do not hesitate to contact me if you have any questions.

Sincerely,

Matthew M. Lear
Deputy County Counsel

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Enclosures

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