

Bond Case Briefs

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ATTORNEY-CLIENT PRIVILEGE - CALIFORNIA

Guidiville Rancheria of California v. United States

United States District Court, N.D. California - September 20, 2013 - Not Reported in F.Supp.2d - 2013 WL 5303748

LLC sought an order compelling the production of certain legal memoranda authored by the City of Richmond's in-house and outside counsel. The City argued that the legal memoranda were subject to the attorney-client privilege and thus protected from disclosure. LLC asserted that the City waived the attorney-client privilege as to the legal memoranda when a council member quoted a portion of their contents in a letter he sent to an outside third party.

City asserted that "a city council can only authorize waiver of the privilege by vote or other similar approval by the council as a whole—the unilateral, unauthorized acts of a single council member do not constitute a waiver." The court agreed, find that, "In short, the acts of a single councilmember, acting unilaterally and without the requisite authority, cannot erode the protections of the City Council's attorney-client privilege."