

Bond Case Briefs

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PUBLIC RECORDS - MONTANA

Nelson v. City of Billings

Supreme Court of Montana - February 28, 2018 - P.3d - 2018 WL 1078964 - 2018 MT 36

Records requester filed petition against city and Montana Municipal Interlocal Authority (MMIA) for the release of documents relating to a civil judgment MMIA paid on behalf of city.

The District Court granted summary judgment to city and MMIA. Requester appealed.

The Supreme Court of Montana held that:

- As a matter of first impression, documents subject to attorney-client or work-product privileges need not be disclosed under state constitution's right-to-know, and
- Documents that city and MMIA claimed were protected by privileges were not subject to release.

Documents that city and Montana Municipal Interlocal Authority (MMIA) claimed were protected by attorney-client and attorney-work-product privileges were not subject to release under state constitution's right to know, where records requester presented blanket challenge, insisting that no documents could be withheld on privilege grounds, and requester did not object to claims of privilege on legal grounds that privileges should not have applied to protect particular documents.