



## No 'Gotcha' Privilege Waivers Under Calif. Public Records Act, *Law360*, by Louie Castoria

On March 21st, *Law360*, NY published an *Expert Analysis* by Louie Castoria on a recent California Supreme Court attorney-client privilege case:

Public agencies in California can breathe a sign of relief after the state Supreme Court's ruling on March 17, 2016, unanimously overturning an appellate court's decision that would have turned inadvertent productions of privileged documents under the state's open records law into blanket waivers of the privilege as to those documents. One clerical mistake could have made a highly sensitive document fair game for any use by anyone

The California Public Records Act is similar to the federal Freedom of Information Act. It allows citizens of the state to require public agencies to produce, at the requestor's cost, "any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency." [1] The act, passed in 1968, declares public access to public records "a fundamental and necessary right of every person in this state [.]"