

DOYLE ARP
Loudon County Mayor

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June 5, 2007

Mr. Van Shaver
568 Ford Road
Lenoir City, TN 37772

Re: Request to View Public Records

Dear Mr. Shaver:

Your recent request to review "the actual legal bills submitted to the county by the firm of [sic] Kramer Rayson from July 1, 2006 to present" was received on May 31, 2007. As always, I am pleased to comply with your request to view public records.

The Public Records Act establishes a broad right of public access to governmental records, TCA § 10-7-503, however there are exceptions. The Act specifically excepts from public inspection the work product of the Attorney General and the Tennessee Supreme Court has held that the work product of a government attorney is not subject to public access. Memphis Publ'g Co. v. City of Memphis, 871 S.W.2d 681, 684, (Tenn. 1994).

The courts have justified the exception for government attorneys by noting that the Public Records Act allows for public access of documents "unless otherwise provided by state law" and the Tennessee Rules of Evidence, as state law, prohibit public disclosure of an attorney's work product. Arnold v. City of Chattanooga, 19 S.W.2d 779, 785 (Tenn. Ct. App. 1999) Furthermore, a given document could also be protected by the attorney-client privilege which likewise prohibits public disclosure of attorney records.

As for your request to inspect the invoices, a Tennessee Appellate Court has specifically held that only the amounts of government money spent on attorney's fees are reviewable by members of the public under the Public Records Act. Knoxville News Sentinel v. Husky, 982 S.W.2d 359 (Tenn Ct. App. 1998). The Court said, "many of the

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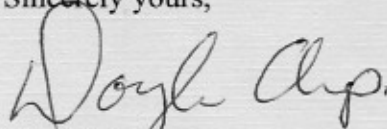
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documents . . . might reveal a defense confidences such as the names of potential experts and the subjects of their research, . . . [but] the coversheet which merely reflect totals paid to the attorneys and experts do not reveal any defense confidences." *Id. at 362.*

I am happy to provide you with the billing cover sheets for Kramer Rayson's invoices. If you wish to see the detailed billing records, I will have to ask the attorney(s) to redact their work product or any matter covered by the attorney-client privilege before you review them. Please let me know what you want to do.

If you request to see the detail, it will take some time for the attorneys to redact the confidential material before the bills are ready for your review. Nevertheless, I am more than happy to provide you with whatever information you request.

Sincerely yours,

A handwritten signature in black ink that reads "Doyle Arp". The signature is written in a cursive style with a large initial "D".

Doyle Arp
Mayor of Loudon County

cc: Loudon County Commissioners