

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT


In the Matter of a Complaint by)
John R. Williams,)
) Notice of Meeting
)
)
)
) against)
City and Town of New Haven and Office) Docket #FIC 81-22
of the Comptroller of the City and)
Town of New Haven,) October 16, 1981
)
Respondents)
)

Transmittal of Proposed Finding

In accordance with Section 4-179 of the Connecticut General Statutes the Freedom of Information Commission hereby transmits to you the proposed finding and decision prepared by the hearing officer in the above-captioned matter.

This will notify you that the Commission will consider and dispose of this matter at its next regular meeting, which will be held in the Freedom of Information Hearing Room, 30 Trinity Street, Hartford, Connecticut, at 2 p.m., on November 12, 1981. At that time and place you will be allowed to offer oral argument concerning this proposed finding and order. Although briefs or written memoranda of law are not required, if you decide to submit a brief it is suggested that it be filed with the Commission no later than the Monday preceding the regular meeting in order to afford the Commissioners ample time in which to review the same.

By order of the Freedom of
Information Commission



Mary Jo Jolicœur
Acting Clerk of the Commission

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

John R. Williams,

Complainant

against

City and Town of New Haven
and Office of the Comptroller
of the City and Town of New
Haven,

Respondents

Report of Hearing Officer

Docket #FIC81-22

September 17, 1981

The above captioned matter was scheduled for hearing on June 1, 1981 at which time the parties appeared and presented evidence and argument on the complaint.

After consideration of the entire record the following facts are found:

1. The respondent is a public agency within the meaning of § 1-18a(a), G.S.

2. By written request dated January 23, 1981 the complainant requested copies of all itemized billings of attorney Henry L. Fisher from May 1, 1980 to the present.

3. The requested records were not provided and disclosure was specifically refused by letter dated January 27, 1981.

4. By appeal filed with the Commission February 3, 1981 the complainant alleged that the respondent had violated the Freedom of Information Act and asked that the respondent be ordered to provide the requested records.

5. The complainant elucidated his request at hearing indicating that he did not require disclosure of billing records which would indicate specific individuals by name, or cases, or the identity of parties, rather the complainant sought the billing records identified by type of work such as "research" or "interview" or "court appearance".

6. A motion to intervene as Party-Respondents was presented on behalf of defendants in the various legal actions, who are being represented by Attorney Fisher and who are the subject of the bills rendered to their insurer and indemnifier, the respondent city.

7. The basis of the motion was that disclosure of the records sought by the complainant would disrupt the confidential relationship between the attorney for the respondent city and defendants in the legal actions.

8. The motion is denied on the basis that the complainant is not seeking information which would be so specific that it could disrupt the attorney-client relationship.

9. The respondent justified the denial of access to the records on the ground that the bills are protected from disclosure by § 1-19(b)(4), G.S. and § 1-19(b)(10), G.S.

10. Section 1-19(b)(4), G.S. provides in relevant part that:

Nothing in sections 1-15, 1-18a, 1-19 to 1-19b, inclusive, and 1-21 to 1-21k, inclusive, shall be construed to require disclosure of . . . (4) records pertaining to strategy and negotiations with respect to pending claims and litigation to which the public agency is a party until such litigation or claim has been finally adjudicated or otherwise settled.

11. The billings which have been submitted by Attorney Fisher are itemized in a manner which indicates specific blocks of time, cases, specific individuals, and items such as telephone conversations, research, interviews and court appearances.

12. The complainant is willing to permit the respondent to block out or delete the names of specific individuals, parties and cases.

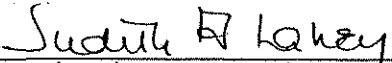
13. It is found that with the names of specific individuals, parties and cases deleted the requested records are not exempt from disclosure under § 1-19(b)(4), G.S.

14. Section 1-19(b)(10), G.S. provides in relevant part that communications privileged by the attorney-client relationship are exempt from disclosure.

15. It is found that with the names of specific individuals, parties and cases blocked out that the requested records are not exempt as communications privileged by the attorney-client relationship under § 1-19(b)(10), G.S.

The following order by the Commission is hereby recommended on the basis of the record concerning the above captioned complaint.

1. The respondents shall provide the complainant with copies of the billings submitted by Henry L. Fisher from May 1, 1980 to the date of the complainant's request. The respondents may delete from the billings those portions which identify specific individuals, parties and cases. However, the respondents shall not delete the number of billing hours shown and general subject matter designations such as, but not limited to, "research", "interviews" or "court appearance".



Commissioner Judith A. Lahey
as Hearing Officer