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17 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

18 **COUNTY OF RIVERSIDE**

19 AMERICAN CIVIL LIBERTIES UNION OF
20 NORTHERN CALIFORNIA, INC. a non-profit
21 corporation,

21 Petitioner/Plaintiff,

22 v.

23 THE COUNTY OF RIVERSIDE; ENJO'LAI
24 BURTON, in their official capacity as
25 Custodian of Records of the County of
26 Riverside; KEVIN JEFFRIES, KAREN
27 SPIEGEL, CHUCK WASHINGTON, V.
28 MANUEL PEREZ, and YXSTIAN
GUTIERREZ, in their official capacities as
Supervisors of the County of Riverside,

Respondents/Defendants.

Case No. **CVRI 2303654**

**VERIFIED PETITION FOR
PEREMPTORY WRIT OF MANDATE
AND COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF**

INTRODUCTION

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2 1. This lawsuit seeks to enforce the California Public Records Act (“PRA”) set forth
3 at Government Code sections 7920.000 *et seq.* against the County of Riverside (“Riverside
4 County”), which has refused to comply with its legal obligations under the PRA by repeatedly
5 denying access to information essential for public oversight of its provision of legal counsel to
6 indigent criminal defendants.

7 2. Both the United States Constitution and California Constitution guarantee a
8 criminal defendant the right to legal counsel. U.S. Const., amend VI; Cal. Const., art. 1, § 15.
9 The Supreme Court of the United States and the California Supreme Court have held that the
10 constitutional right to counsel requires the State to provide a competent lawyer to indigent
11 criminal defendants. *See Gideon v. Wainwright* (1963) 372 U.S. 335; *Ex parte Newbern* (1960)
12 53 Cal.2d 786, 790. California has delegated its constitutional obligation to individual counties,
13 which have the choice of creating a public defender’s office, contracting with an individual
14 attorney or law firm in the private sector, using assigned private sector counsel as appointed by
15 the court, or some combination of these methods. Riverside County has an established Office of
16 the Public Defender, which it funds on an annual basis. When the Public Defender deems a
17 conflict of interest to exist regarding its representation of a client, Riverside County contracts
18 such indigent defense services to private attorneys.

19 3. The American Civil Liberties Union of Northern California (“ACLU”) has long
20 been engaged in advocacy regarding the provision of competent legal counsel to indigent criminal
21 defendants. In 2021, to better inform its advocacy, the ACLU submitted requests for records
22 under the PRA to most of the counties in the State seeking information as to how each county is
23 and has been complying with its obligations under *Gideon* and *Newbern*. The requests were
24 promulgated to determine whether and how the choices that individual counties make in the
25 provision of indigent defense services impact the quality of those services. The goal of the
26 ACLU’s PRA requests is to identify and publicize what does and does not work and where
27 additional resources are needed to ensure constitutional indigent defense statewide.

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1 4. The ACLU on October 14, 2021 sent Riverside County requests for records under
2 the PRA (“PRA Request”). Riverside County, through its Custodian of Records, Enjo’lai Burton,
3 failed to provide a substantive response to the PRA Request and refused to produce any
4 documents or information. Riverside County wholly disregarded its obligations under the PRA
5 and thwarted the PRA’s objectives, preventing public oversight of the County’s actions.

6 5. The ACLU has made repeated attempts to secure Riverside County’s compliance
7 with the PRA Request, including by letter, email, and phone, to no avail. The ACLU also
8 requested assistance from Riverside County’s Board of Supervisors to obtain compliance with the
9 PRA. The Board of Supervisors failed to respond.

10 6. Riverside County’s flagrant stonewalling of the PRA Request is unique among the
11 counties that received the ACLU’s PRA request—it is the only county to entirely rebuff the
12 Request and refuse to produce or identify any documents at all. And contrary to the PRA’s
13 statutory directive and the ACLU’s PRA Request, Riverside County did not even produce readily
14 retrievable documents, such as its annual proposed and approved budgets. Nor did it direct the
15 ACLU to relevant publicly-available documents, such as those on its own website. In short,
16 among the 50-plus counties subject to identical PRA requests, Riverside County was the only
17 county to act with complete contempt for the public’s right to access vital information.

18 7. Riverside County’s failure to respond to the ACLU’s PRA Request and refusal to
19 produce any responsive documents or information constitutes a clear violation of the PRA and the
20 California Constitution. Riverside County’s refusal to comply with its legal obligations harms
21 both the ACLU and the general public. The California Constitution expressly guarantees to its
22 citizens the right to know what public bodies are doing on the public’s behalf. (Cal. Const., art. 1,
23 § 3, subd. (b), par. (1). Here, Riverside County has thwarted the public’s ability to exercise that
24 constitutional right and denied the public’s ability to confirm whether the County is respecting the
25 separate constitutional rights, guaranteed by *Gideon* and *Newbern*, of indigent defendants in the
26 criminal legal system.

27 8. The ACLU therefore respectfully requests that the Court issue a writ of mandate
28 compelling Riverside County, and specifically the Riverside County Custodian of Records and its

1 Board of Supervisors, to comply with the PRA and the California Constitution, and immediately
2 produce all documents and information responsive to ACLU's PRA Request, as well as to order
3 declaratory and injunctive relief to the same effect. Absent the issuance of a writ of mandate and
4 the other relief requested, the ACLU has no plain, speedy, or adequate remedy at law to enforce
5 its rights under the PRA.

6 **THE PARTIES**

7 9. Petitioner/Plaintiff ACLU is a non-profit organization under the laws of the State
8 of California and is an affiliate of the national American Civil Liberties Union, a non-profit, non-
9 partisan civil liberties organization with more than 1.7 million members dedicated to the
10 principles of liberty and equality embodied in our civil rights laws and in both the United States
11 and California Constitutions.

12 10. The ACLU is also dedicated to advancing government transparency and
13 accountability. As part of its advocacy, the ACLU relies on public records to gather information
14 and ensure that the public is informed about the conduct and practices of local, state, and federal
15 government officials. The ACLU routinely uses information from public records to support civil
16 rights litigation, publish reports, and work with the press and the public at large to promote
17 participation in civic affairs. The ACLU is a member of the public with the right under the PRA
18 to inspect public records and to seek relief in a court of competent jurisdiction to enforce that
19 right. (*See* Gov. Code §§ 7920.510-7920.520, 7923.000-7923.005, 7923.100-7923.500.)

20 11. Respondent/Defendant Riverside County is a local public agency within the
21 meaning of Government Code sections 7920.510 and 7920.525(a).

22 12. Respondent/Defendant Enjo'lai Burton, in the official capacity as the Custodian of
23 Records for Riverside County, is a county official in the Riverside County Assessor-County
24 Clerk-Recorder Office. The Riverside County Assessor-County Clerk-Recorder Office is a
25 California local agency within the meaning of the PRA. (Gov. Code §§ 7920.510, 7920.525,
26 subd. (a). The records that the ACLU requested are, or should be, maintained by the Custodian of
27 Records.

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1 13. Respondent/Defendant Kevin Jeffries, in his official capacity as First District
2 Supervisor, is a county official who serves on Riverside County’s Board of Supervisors.

3 14. Respondent/Defendant Karen Spiegel, in her official capacity as Second District
4 Supervisor, is a county official who serves on Riverside County’s Board of Supervisors.

5 15. Respondent/Defendant Chuck Washington, in his official capacity as Third
6 District Supervisor, is a county official who serves on Riverside County’s Board of Supervisors.

7 16. Respondent/Defendant V. Manuel Perez, in his official capacity as Fourth District
8 Supervisor, is a county official who serves on Riverside County’s Board of Supervisors.

9 17. Respondent/Defendant Yxstian Gutierrez, in his official capacity as Fifth District
10 Supervisor, is a county official who serves on Riverside County’s Board of Supervisors.

11 18. Riverside County’s Board of Supervisors is the governing body of the County and
12 is a California local agency within the meaning of the PRA. (Gov. Code §§ 7920.510, 7920.525,
13 subd. (a).)

14 **JURISDICTION AND VENUE**

15 19. This Court has jurisdiction over this lawsuit under Government Code sections
16 7923.000-7923.005 and 7923.100-923.500; Code of Civil Procedure sections 1060 and 1085; and
17 Article VI, section 10 of the California Constitution.

18 20. Venue is proper in this Court because Respondents/Defendants and the records in
19 question, or some portion of them, are situated in this County, and the acts and omissions forming
20 the basis of this lawsuit occurred in this County as well. (*See* Code Civ. Proc., §§ 393, 394, 395;
21 Gov. Code § 7923.100.

22 **THE RIGHT TO PUBLIC RECORDS**

23 21. The California Constitution and the PRA create a presumptive right of access to
24 public records and identify that right as fundamental.

25 22. The California Constitution provides that “[t]he people have the right of access to
26 information concerning the conduct of the people’s business, and, therefore, the meetings of
27 public bodies and the writings of public officials and agencies shall be open to public scrutiny.”
28 (Cal. Const., art. 1, § 3, subd. (b), par. (1).) The Constitution requires that any “statute, court rule,

1 or other authority,” such as the PRA, “be broadly construed if it furthers the people’s right of
2 access, and narrowly construed if it limits the right of access.” (*Id.*, § 3, subd. (b), par. (2).)

3 23. Under the PRA, “access to information concerning the conduct of the people’s
4 business”—business conducted by public agencies on behalf of the people—is a “fundamental
5 and necessary right of every person in this state.” (Gov. Code § 7921.000.)

6 24. The PRA requires that, in response to records requests from members of the
7 public, public agencies “make the records promptly available,” so long as the records are not
8 expressly exempt. (Gov. Code, § 7922.530, subd. (a).) The PRA defines a record to include “any
9 writing containing information relating to the conduct of the public’s business prepared, owned,
10 used, or retained by any state or local agency regardless of physical form or characteristics.” (*Id.*,
11 § 7920.520.) A “writing,” under the PRA, encompasses any “means of recording upon any
12 tangible thing any form of communication or representation” (*Id.*, § 7920.545.)

13 25. The PRA facilitates this transfer of information by codifying specific requirements
14 and deadlines that agencies must observe upon receipt of a public records request. (Gov. Code, §
15 7920.000 *et seq.*) Specifically, an agency has 10 days to respond to a PRA request. Within those
16 10 days, the agency must determine whether the request seeks disclosable public records in its
17 possession, custody, or control, and promptly notify the requestor of its determination and
18 reasoning. (Gov. Code § 7922.535.)

19 26. Only in “unusual circumstances” may an agency extend the time to respond by up
20 to 14 days. (Gov. Code, § 7922.535.) Such “unusual circumstances” are limited to statutorily
21 enumerated reasons for delay.¹ An agency must nonetheless explicitly notify the requestor of this
22 extension in writing, set forth the reasons for the extension, and provide an estimate as to when
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24 ¹ Under the PRA, unusual circumstances “means” only: “(1) The need to search for and collect
25 the requested records from field facilities or other establishments that are separate from the office
26 processing the request. (2) The need to search for, collect, and appropriately examine a
27 voluminous amount of separate and distinct records that are demanded in a single request. (3) The
28 need for consultation, which shall be conducted with all practicable speed, with another agency
having substantial interest in the determination of the request or among two or more components
of the agency having substantial subject matter interest therein. (4) The need to compile data, to
write programming language or a computer program, or to construct a computer report to extract
data.” (Gov. Code, § 7922.535.)

1 the records will be available. (*Ibid.*) The PRA permits delay “only to the extent reasonably
2 necessary to the proper processing of the particular request.” *Id.* The same section of the PRA
3 forbids delay for any other reasons: “Nothing in this chapter shall be construed to permit an
4 agency to delay or obstruct the inspection or copying of public records.” (*Id.*, § 7922.500.)

5 27. It is an agency’s obligation to conduct record searches based on the criteria
6 identified in a specific request. (Gov. Code, §§ 7922.500-7922.545, 7922.600-7922.605.)
7 Officials responding to a PRA request must also: (1) offer assistance in identifying responsive
8 records and information; (2) describe “the information technology and physical location in which
9 the records exist”; and (3) provide “suggestions for overcoming any practical basis” that might be
10 asserted as a reason to delay or deny access to the records or information sought. (*Id.*, §
11 79200.600.) Information produced as an electronic record should be produced “in the format
12 requested if the requested format is one that has been used by the agency to create copies for its
13 own use or for provision to other agencies.” (*Id.*, § 7922.570.)

14 28. If an agency denies a request for records in whole or in part, it must issue a denial
15 in writing. (Gov. Code, § 7922.540, subd. (a).) In that correspondence, the agency must
16 “demonstrat[e] that the record in question is exempt under [the PRA’s] express provisions . . . or
17 that on the facts of the particular case the public interest served by not disclosing the record
18 clearly outweighs the public interest served by disclosure of the record.” (*Id.*, § 7922.000.) The
19 agency must also identify both the name and title of the person or persons responsible for the
20 determination not to disclose requested records. (*Id.*, §§ 7922.540, subd. (b), 7922.540, subd.
21 (a).)

22 29. “Any person” may institute proceedings for injunctive or declaratory relief or for a
23 writ of mandate to enforce the right to inspect or receive a copy of any nonexempt public record.
24 (Gov. Code, § 7923.000; *see also id.*, §§ 7923.005, 7923.100-7923.500; Code Civ. Proc., §§
25 1060, 1085; Civ. Code, § 3422.) The PRA further provides that a “court **shall order** the officer or
26 person charged with withholding the records to disclose the public record or show cause why the
27 officer or person should not do so” where “it is made to appear by verified petition to the superior
28 court of the county where the records or some part thereof are situated that certain public records

1 are being improperly withheld from a member of the public.” (Gov. Code §§ 7923.100-
2 7923.105.)

3 30. To ensure that the public’s access to information is not delayed or obstructed, the
4 PRA requires that “[t]he times for responsive pleadings and for hearings in these proceedings
5 shall be set by the judge of the court with the object of securing a decision as to these matters at
6 the earliest possible time.” (Gov. Code, §§ 7923.000-7923.005.)

7 31. A requestor who prevails in litigating a PRA request for disclosure of specific
8 records is entitled to “court costs and reasonable attorney’s fees.” (Gov. Code, § 7923.115(a).)

9 **FACTUAL BACKGROUND**

10 **A. California’s Provision of Indigent Defense Services**

11 32. California is one of only seven states in the nation that delegates compliance with
12 the constitutional right to counsel for indigent criminal defendants to county governments,
13 providing no oversight of its counties’ compliance. In addition, California’s counties pay 95% of
14 the state’s total costs for public defense out of their own budgets. Only two states pay a lower
15 portion of total public defense costs out of their own budgets than California.

16 33. Each county in California can choose how it provides indigent defense services.
17 Counties may choose to create an internal public defender’s office, contract with individual
18 attorneys or law firms in the private sector to provide indigent defense services, use assigned
19 private sector counsel as appointed by the court, or some combination of these methods.

20 34. Because of this decentralized model, any information about the operation of
21 indigent defense services is necessarily county-specific. The public has limited information about
22 how each county system operates, how the systems compare to each other, and the extent to
23 which these systems are – or aren’t – consistently meeting constitutional requirements. Thus, to
24 assess whether individual counties—or the State as a whole—are meeting their obligations, the
25 public must have access to county records concerning the provision of local indigent defense.

26 **B. The ACLU’s PRA Request Process**

27 35. As part of a statewide inquiry regarding the provision of competent legal defense
28 to indigent criminal defendants, the ACLU on October 14, 2021 served the PRA Request on the

1 Riverside County Assessor-County Clerk-Recorder Office via FedEx. A true and correct copy of
2 the PRA Request is attached as **Exhibit 1**.

3 36. The PRA Request to Riverside County, just like the PRA requests served by the
4 ACLU to other California counties, sought records on 19 topics related to the County's provision
5 of services to indigent criminal defendants. Specifically, the ACLU requested:

- 6 1. Contracts or agreements, in effect at any time from January 1, 2015 to
7 present, regarding the engagement of any private attorney, law firm, or
8 other entity (including any conflict panel) for the provision of indigent
9 criminal defense services.
- 10 2. Schedules, exhibits, or addenda, in effect at any time from January 1, 2015
11 to present, regarding allowable fees, costs, remuneration, or reimbursement
12 of attorneys, investigators, experts, qualified immigration specialists or
13 immigration services providers,² or other support staff utilized by any
14 private attorney, law firm, or other entity (including any conflict panel) for
15 the provision of indigent criminal defense services.
- 16 3. Policies, memoranda, or other written guidance, in effect at any time from
17 January 1, 2015 to present, regarding selection criteria and/or qualifications
18 for any private attorney, law firm, or other entity (including any conflict
19 panel) that the County contracts with for the provision of indigent criminal
20 defense services.
- 21 4. Policies, memoranda, or other written guidance, in effect at any time from
22 January 1, 2015 to present, regarding processes and criteria used to assign
23 cases to any private attorney, law firm, or other entity (including any
24 conflict panel) that the County contracts with for the provision of indigent
25 criminal defense services.
- 26 5. Requests for bids, in effect at any time from January 1, 2015 to present,
27 regarding the engagement of any private attorney, law firm, or other entity
28 (including any conflict panel) for the provision of indigent criminal defense
services.
6. Reports, analyses, evaluations, investigations, or other written assessments
(excluding any materials protected by attorney-client privilege) of work
performed by private attorneys, law firms, or other entity (including any
conflict panel) in the provision of indigent criminal defense services, from
January 1, 2015 to present. This request includes, but is not limited to,
reports, analyses, evaluations, investigations, or other written assessments
from any source whatsoever, including the provider of the indigent
criminal defense services.
7. Documents sufficient to show funds paid by the County to each private
attorney, law firm, or other entity (including any conflict panel) for the

² Qualified immigration specialists or immigration services providers refer to employees or contractors responsible for providing indigent defendants with advice regarding the civil immigration consequences of criminal convictions. *See Padilla v. Commonwealth of Kentucky* (2010) 559 U.S. 356.

1 provision of indigent criminal defense services for each year from January
2 1, 2015 to present, including payment for fees, costs, remuneration, or
3 reimbursement of attorneys, investigators, experts, qualified immigration
4 specialists or immigration services providers, or other support staff.

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8. Proposed and approved budgets for each year from January 1, 2015 to present, for each entity that provides indigent defense services in the County, including:
 - i. the Office of the Public Defender (if any);
 - ii. the Office of the Alternate Public Defender (if any); or
 - iii. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.
 9. Organizational charts, dated at any time from January 1, 2015 to present, for each entity that provides indigent defense services in the County, including:
 - i. the Office of the Public Defender (if any);
 - ii. the Office of the Alternate Public Defender (if any); or
 - iii. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.
 10. Documents sufficient to show the number of cases accepted for representation from January 1, 2015 to present, broken out by year and by case type (*e.g.*, felony, misdemeanor, juvenile delinquency, conservatorship, etc.), for each entity that provides indigent defense services in the County, including:
 - i. the Office of the Public Defender (if any);
 - ii. the Office of the Alternate Public Defender (if any); or
 - iii. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.
 11. Documents sufficient to show the number of cases resolved from January 1, 2015 to present, broken out by year and by type of resolution (*e.g.*, by plea, trial, or another identified disposition method), for each entity that provides indigent defense services in the County, including:
 - i. the Office of the Public Defender (if any);
 - ii. the Office of the Alternate Public Defender (if any); or
 - iii. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.

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- 12. Documents sufficient to show the number of cases resolved from January 1, 2015 to present, in which expert services were utilized in connection with the provision of indigent criminal defense services by each entity that provides indigent defense services in the County, including:
 - i. the Office of the Public Defender (if any);
 - ii. the Office of the Alternate Public Defender (if any); or
 - iii. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.

- 13. Documents sufficient to show the number of cases resolved from January 1, 2015 to present, in which investigators were utilized in connection with the provision of indigent criminal defense services by each entity that provides indigent defense services in the County, including:
 - i. the Office of the Public Defender (if any);
 - ii. the Office of the Alternate Public Defender (if any); or
 - iii. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.

- 14. Documents sufficient to show the number of cases resolved from January 1, 2015 to present, in which a qualified immigration specialist or immigration services provider was utilized in connection with the provision of indigent criminal defense services by each entity that provides indigent defense services in the County, including:
 - i. the Office of the Public Defender (if any);
 - ii. the Office of the Alternate Public Defender (if any); or
 - iii. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.

- 15. Contracts or agreements, in effect at any time from January 1, 2015 to present, regarding the engagement of a qualified immigration specialist or immigration services provider in connection with the provision of indigent criminal defense services by each entity that provides indigent defense services in the County, including:
 - i. the Office of the Public Defender (if any);
 - ii. the Office of the Alternate Public Defender (if any); or
 - iii. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.

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16. Policies, memoranda, or other written guidance, in effect at any time from January 1, 2015 to present, regarding the number of cases and/or total workload that may be assigned to an individual attorney or supporting case team working on behalf of each entity that provides indigent defense services in the County, including:

- i. the Office of the Public Defender (if any);
- ii. the Office of the Alternate Public Defender (if any); or
- iii. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.

17. Policies, memoranda, or other written guidance, in effect at any time between January 1, 2015 to present, regarding the presence of defense counsel at arraignment hearings for indigent defendants in criminal court, for each entity that provides indigent defense services in the County, including:

- i. the Office of the Public Defender (if any);
- ii. the Office of the Alternate Public Defender (if any); or
- iii. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.

18. Policies, memoranda, or other written guidance, in effect at any time from January 1, 2015 to present, regarding the process and criteria used to determine a criminal defendant’s eligibility for court-appointed counsel due to indigency.

19. Forms, worksheets, checklists, or questionnaires, in effect at any time from January 1, 2015 to present, regarding the process and criteria used to determine a criminal defendant’s eligibility for court-appointed counsel due to indigency.

37. The PRA Request to Riverside County noted the statutory 10-day period for the County to respond.

38. Nearly every other county in California promptly responded to, or at least acknowledged receipt of, the ACLU’s identical PRA requests and ultimately produced responsive documents.

C. Riverside County Failed to Adequately Respond to the PRA Request

39. The Custodian of Records, Enjo’lai Burton, responded by email on October 22, 2021. Burton stated that the Assessor-County Clerk-Recorder had no documents responsive to

1 the PRA Request and referred the ACLU generally to the website of the Superior Court of
2 Riverside County. Burton’s response on its face demonstrated a misinterpretation of the PRA
3 Request to relate to records about *specific* indigent criminal defendants rather than records about
4 the provision by Riverside County of legal services to *all* indigent criminal defendants.

5 40. The ACLU, through its counsel, responded by email on October 28, 2021, to
6 clarify the scope and intent of the PRA Request. Notwithstanding the clarification, Burton
7 responded by email on November 2, 2022 stating that they were “unable to locate any
8 information pertaining to [the] request.” Burton again pointed generally to the Superior Court’s
9 website, again demonstrating a misinterpretation of the PRA Request despite the ACLU’s email
10 of October 28 correcting that erroneous interpretation. A true and correct copy of the October 22-
11 November 2, 2021 email exchange is attached as **Exhibit 2**.

12 41. The ACLU continued to follow up with the Riverside County Custodian of
13 Records to seek compliance with the PRA Request. The ACLU left multiple voicemail messages
14 with Burton, including on December 1, 2021.

15 42. In addition, the ACLU followed up with Burton by email on January 20, 2022, a
16 true and correct copy of which is attached as **Exhibit 3**.

17 43. The ACLU sent another letter by FedEx delivery on March 2, 2022, a true and
18 correct copy of which is attached as **Exhibit 4**.

19 44. Riverside County and the Riverside County Custodian of Records (Burton) wholly
20 ignored all of those communications.

21 45. Faced with stonewalling of the PRA Request by Riverside County and the
22 Riverside County Custodian of Records (Burton), the ACLU attempted to engage directly with
23 the Riverside County Board of Supervisors to facilitate a proper response to the PRA Request.
24 On July 5, 2022, the ACLU sent the Riverside County Board of Supervisors a letter by FedEx
25 detailing Riverside County’s failure to adequately respond to the PRA Request and asking for the
26 County’s proper compliance. A true and correct copy of the July 5, 2022 letter is attached as
27 **Exhibit 5**.

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1 46. The Riverside County Board of Supervisors ignored the ACLU’s July 5, 2022
2 letter and did nothing to respond to the PRA Request.

3 47. The ACLU wrote to then-Board President Jeff Hewitt and the Board of
4 Supervisors again on November 14, 2022, stating that if the County continued to flout its PRA
5 obligations and failed to respond properly to the PRA Request, the ACLU would have no
6 recourse but to seek a writ mandating that the County respond and produce all responsive records.
7 A true and correct copy of the November 14, 2022 letter is attached as **Exhibit 6**.

8 48. The Riverside County Board of Supervisors ignored the ACLU’s letter and again
9 did nothing to respond to the PRA Request.

10 49. Despite the ACLU’s service of its PRA Request in October 2021, more than 20
11 months ago, and the ACLU’s repeated attempts to obtain compliance with the PRA request,
12 Riverside County has produced **no records** in response, given no explanation for its failure to
13 respond, made no formal written denial of the PRA Request, and provided no response of any
14 kind to the ACLU’s numerous follow-up communications seeking compliance. Riverside
15 County’s refusal to respond to the PRA Request and failure to produce any responsive records
16 constitutes a flagrant violation of the PRA and the California Constitution.

17 50. Despite the stonewalling by Riverside County, the Riverside County Custodian of
18 Records, including Enjo’lai Burton, and the Riverside County Board of Supervisors, including
19 former Board president Jeff Hewitt and Supervisors Kevin Jeffries, Karen Spiegel, Chuck
20 Washington, V. Manuel Perez, and Yxstian Gutierrez, it is a matter of public knowledge that
21 Riverside County holds records responsive to at least some of the requests in the PRA Request
22 that are nonexempt and should be searched for, identified, and disclosed. As one example, the
23 PRA Request seeks “proposed and approved budgets . . . for each entity that provides indigent
24 criminal defense services in the County, including [] the Office of the Public Defender (if any).”
25 Attempting to work with the County, the ACLU conducted independent research and identified
26 documents publicly available on the County’s website as examples of the types of some
27 documents that it was seeking. The County ignored that information and continued to refuse to
28 comply with its obligations under the PRA.

1 51. Riverside County stands alone in stonewalling the ACLU’s PRA Request. In
2 response to identical PRA requests served by the ACLU on almost all of California’s other
3 counties, no county, other than Riverside County, represented that it had no documents
4 responsive to the requests. All of the other counties served with the identical PRA request have
5 produced at least some responsive documents. In light of the volume of records sought by the
6 ACLU, the size of Riverside County, and the volume of records produced by other counties
7 subject to identical PRA requests, Riverside County’s claim that it has *no* responsive records is
8 facially implausible.

9 **FIRST CAUSE OF ACTION**

10 **For Writ of Mandate**

11 **California Constitution Art. I, § 3; Government Code § 7920.000 *et seq.*;**

12 **Code of Civil Procedure § 1085**

13 52. The ACLU incorporates by reference the foregoing paragraphs as though fully set
14 forth herein.

15 53. Public entities are obligated to respond to requests for public records and to search
16 for and disclose all nonexempt records, pursuant to the PRA (Gov. Code, § 7920.000 *et seq.*), and
17 the California Constitution, Article I, section 3.

18 54. Riverside County, the Riverside County Custodian of Records, and the Riverside
19 County Board of Supervisors have failed to fulfill their obligations under the PRA and the
20 California Constitution to timely search for and promptly produce public records responsive to
21 ACLU’s PRA Request.

22 55. Issuance of a writ of mandate compelling Riverside County, the Riverside County
23 Custodian of Records, and the Riverside County Board of Supervisors to perform their duties
24 under the PRA and the California Constitution is required because there exists no plain, speedy,
25 and adequate remedy in the ordinary course of law that would protect the ACLU’s rights and
26 interests to the information sought here.

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SECOND CAUSE OF ACTION
For Declaratory and Injunctive Relief
California Constitution Art. I, § 3; Government Code § 7920.000 *et seq.*;
Civil Code § 3422; Code of Civil Procedure § 1060

56. The ACLU incorporates by reference the foregoing paragraphs as though fully set forth herein.

57. Public entities are obligated to respond to requests for public records and to search for and disclose all nonexempt records, pursuant to the PRA (Gov. Code, § 7920.000 *et seq.*), and the California Constitution, Article I, section 3.

58. Riverside County, the Riverside County Custodian of Records, and the Riverside County Board of Supervisors have failed to fulfill their obligations under the PRA and the California Constitution to timely search for and promptly produce public records responsive to ACLU’s PRA Request.

36. A declaration that Riverside County, the Riverside County Custodian of Records, and the Riverside County Board of Supervisors have violated the PRA and the California Constitution by failing to promptly produce disclosable records is therefore appropriate, and an injunction should issue compelling Riverside County, the Riverside County Custodian of Records, and the Riverside County Board of Supervisors to immediately search for and produce all responsive records.

PRAYER FOR RELIEF

WHEREFORE, Petitioner/Plaintiff ACLU prays for judgment as follows:

1. For issuance of a peremptory writ of mandate compelling Riverside County, the Riverside County Custodian of Records, and the Riverside County Board of Supervisors to immediately search for, disclose and produce all non-exempt, requested public records in their possession in response to the ACLU’s PRA Request;

2. For a declaration that the conduct of Riverside County, the Riverside County Custodian of Records, and the Riverside County Board of Supervisors in failing to timely respond to the ACLU’s PRA Request violates the PRA and the California Constitution;

///

1 3. For an injunction requiring Riverside County, the Riverside County Custodian of
2 Records, and the Riverside County Board of Supervisors to immediately produce all non-exempt,
3 requested public records in their possession in response to the ACLU's PRA Request;

4 4. For reasonable attorneys' fees and costs pursuant to Code of Civil Procedure
5 section 1021.5 and Government Code sections 7923.100-7923.500; and

6 5. For such other and further relief as the Court may deem just and proper.

7

8 Dated: July 17, 2023

MORGAN, LEWIS & BOCKIUS LLP

9

10

By: /s/ Phillip J. Wiese

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Robert A. Lewis
Phillip J. Wiese
Jesse S. Krompfer
Attorneys for Petitioner/Plaintiff
American Civil Liberties Union of
Northern California

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VERIFICATION

I, Phillip J. Wiese, am an attorney representing the American Civil Liberties Union of Northern California (“ACLU”), Petitioner/Plaintiff in this action.

I have read the foregoing VERIFIED PETITION FOR PEREMPTORY WRIT OF MANDATE AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF and know the contents thereof. The facts as alleged therein are true to the best of my knowledge, except as to those matters alleged on information and belief, and as to those matters, I believe them to be true. I make this verification for and on behalf of the Petitioner/Plaintiff because the facts alleged herein are within my knowledge.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on July 17, 2023 in San Francisco, California.

By: /s/ Phillip J. Wiese
Phillip J. Wiese

EXHIBIT 1

Morgan Lewis

Phillip J. Wiese

Associate
+1.415.442.1483
phillip.wiese@morganlewis.com

October 14, 2021

VIA FEDEX

Riverside County Assessor-County Clerk-Recorder
4080 Lemon St.
Riverside, CA 92501

Re: California Public Records Act Request

To the County of Riverside (“County”):

Morgan, Lewis & Bockius LLP writes on behalf of the American Civil Liberties Union of Northern California and the American Civil Liberties Union (collectively the “ACLU”) to obtain information about the County’s arrangements for providing counsel to indigent criminal defendants and the scope of legal representation afforded to indigent criminal defendants under the County’s arrangements, and particularly the use of private sector attorneys to provide that representation.

As you may know, both the United States and California Supreme Courts have held that the right to counsel requires the State to provide a competent lawyer to indigent criminal defendants. *Gideon v. Wainwright*, 372 U.S. 335 (1963); *Ex parte Newbern*, 53 Cal. 2d 786, 790 (1960). California historically has delegated its Constitutional obligation to individual counties. To ensure representation to indigent criminal defendants, California counties have the choice of creating a public defender’s office, contracting with an individual attorney or law firm in the private sector, using assigned private sector counsel as appointed by the court, or some combination of these methods. California does not track how each county meets this delegated obligation. In the absence of such tracking by the State, inadequate public information exists about how the counties provide this important government function, which is why we are seeking this information.

Pursuant to the California Public Records Act (“CPRA”)¹ and the California Constitution,² the ACLU therefore requests the records in the possession or control of the County set out in Attachment A (together with this cover letter, the “Request”). The Request seeks records that provide information the public requires to understand how the counties are meeting their delegated obligation to ensure competent representation to indigent criminal defendants. For informational purposes, we have also provided a courtesy copy of the Request to the public defender’s office.

¹ Gov’t Code §§ 6250 *et seq.*

² Cal. Const., art. I, § 3(b)(2).

Morgan, Lewis & Bockius LLP

One Market
Spear Street Tower
San Francisco, CA 94105-1596
United States

T +1.415.442.1000
F +1.415.442.1001

In responding to this Request, please note that the CPRA broadly defines the term “record.” Specifically, the term includes “any writing containing information relating to the conduct of the people’s business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.”³ The CPRA defines, in turn, a “writing” as any “means of recording upon any tangible thing any form of communication or representation.”⁴ The present Request therefore applies to all paper documents, as well as to all emails, videos, audio recordings, text messages, or other electronic records within the County’s possession or control. Even if a record was created by a member of another government agency or a member of the public, it still must be produced so long as it is (or was) “used” or “retained” by the County.⁵

As permitted by the CPRA, this Request sets forth the specific categories of information that we are seeking, rather than asking for documents by name.⁶ It is your obligation to conduct record searches based on the criteria identified herein.⁷ Should you come to believe the present Request is overly broad, you are required to (1) offer assistance in identifying responsive records and information; (2) describe “the information technology and physical location in which the records exist;” and (3) provide “suggestions for overcoming any practical basis” that you assert as a reason to delay or deny access to the records or information sought.⁸

The CPRA requires that you respond to this Request in 10 days.⁹ If you contend that an express provision of law exempts a responsive record from disclosure, either in whole or in part, you must make that determination in writing. Such a determination must specify the legal authority on which you rely, as well as identify both the name and title of the person(s) responsible for the determination not to disclose.¹⁰ Additionally, even if you contend that a portion of a record requested is exempt from disclosure, you still must release the non-exempt portion of that record.¹¹ Please note that the CPRA “endows” your agency with “discretionary authority to override” any of the Act’s statutory exemptions “when a dominating public interest favors disclosure.”¹²

Because the ACLU is a non-profit organization and because this Request pertains to a matter of public concern, the ACLU requests a fee waiver. None of the information obtained will

³ Gov’t Code § 6252(e).

⁴ *Id.* § 6252(g).

⁵ *Id.* § 6252(e); *see California State Univ. v. Superior Ct.*, 90 Cal. App. 4th 810, 824–25 (2001) (concluding that documents which were “unquestionably ‘used’ and/or ‘retained’ by [an agency]” were public records); *see also Cty. of Santa Clara v. Superior Ct.*, 170 Cal. App. 4th 1301, 1334 (2009) (“[W]hile section 6254.9 recognizes the availability of copyright protection for software in a proper case, it provides no statutory authority for asserting any other copyright interest.”).

⁶ Gov’t Code § 6253(b).

⁷ *See id.* §§ 6253–6253.1.

⁸ *Id.* § 6253.1(a).

⁹ *Id.* § 6253(c).

¹⁰ *Id.* § 6255; *see also id.* § 6253(d)(3).

¹¹ *Id.* § 6253(a), (c).

¹² *CBS, Inc. v. Block*, 42 Cal. 3d 646, 652 (1986); *Nat’l Conference of Black Mayors v. Chico Cmty. Publ’g, Inc.*, 25 Cal. App. 5th 570, 579 (2018) (construing the CPRA’s exemptions as “permissive, not mandatory—they allow nondisclosure but do not prohibit disclosure”).

be sold or distributed for profit. The ACLU also requests that, to the extent possible, documents be provided in electronic format. Doing so will eliminate the need to copy the materials and provides another basis for the requested fee waiver. If, however, you are unwilling to waive costs and anticipate that costs will exceed \$50, or that the time needed to copy the records will delay their release, please contact us so that we can arrange to inspect the documents or decide which documents we wish to have copied and produced. Otherwise, please copy and send all responsive records to phillip.wiese@morganlewis.com or: Phillip Wiese, Morgan Lewis & Bockius LLP, One Market, Spear Street Tower, San Francisco, CA 94105.

Thank you in advance for your assistance with this Request. We look forward to receiving your response within 10 days. And once again, if you require any clarification of this Request, please let us know.

Sincerely,



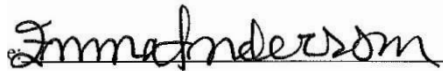
Phillip Wiese
Morgan, Lewis & Bockius LLP

Sincerely,



Chessie Thacher
Senior Staff Attorney
American Civil Liberties Union
Foundation of Northern California

Sincerely,



Emma Andersson
Senior Staff Attorney
American Civil Liberties Union

Enclosure: Attachment A – Requests

c: Riverside County Public Defender
4200 Orange Street
Riverside, CA 92501

Attachment A

1. Contracts or agreements, in effect at any time from January 1, 2015 to present, regarding the engagement of any private attorney, law firm, or other entity (including any conflict panel) for the provision of indigent criminal defense services.
2. Schedules, exhibits, or addenda, in effect at any time from January 1, 2015 to present, regarding allowable fees, costs, remuneration, or reimbursement of attorneys, investigators, experts, qualified immigration specialists or immigration services providers,¹³ or other support staff utilized by any private attorney, law firm, or other entity (including any conflict panel) for the provision of indigent criminal defense services.
3. Policies, memoranda, or other written guidance, in effect at any time from January 1, 2015 to present, regarding selection criteria and/or qualifications for any private attorney, law firm, or other entity (including any conflict panel) that the County contracts with for the provision of indigent criminal defense services.
4. Policies, memoranda, or other written guidance, in effect at any time from January 1, 2015 to present, regarding processes and criteria used to assign cases to any private attorney, law firm, or other entity (including any conflict panel) that the County contracts with for the provision of indigent criminal defense services.
5. Requests for bids, in effect at any time from January 1, 2015 to present, regarding the engagement of any private attorney, law firm, or other entity (including any conflict panel) for the provision of indigent criminal defense services.
6. Reports, analyses, evaluations, investigations, or other written assessments (excluding any materials protected by attorney-client privilege) of work performed by private attorneys, law firms, or other entity (including any conflict panel) in the provision of indigent criminal defense services, from January 1, 2015 to present. This request includes, but is not limited to, reports, analyses, evaluations, investigations, or other written assessments from any source whatsoever, including the provider of the indigent criminal defense services.

¹³ Qualified immigration specialists or immigration services providers refer to employees or contractors responsible for providing indigent defendants with advice regarding the civil immigration consequences of criminal convictions. *See Padilla v. Commonwealth of Kentucky*, 559 U.S. 356 (2010).

7. Documents sufficient to show funds paid by the County to each private attorney, law firm, or other entity (including any conflict panel) for the provision of indigent criminal defense services for each year from January 1, 2015 to present, including payment for fees, costs, remuneration, or reimbursement of attorneys, investigators, experts, qualified immigration specialists or immigration services providers, or other support staff.
8. Proposed and approved budgets for each year from January 1, 2015 to present, for each entity that provides indigent defense services in the County, including:
 - a. the Office of the Public Defender (if any);
 - b. the Office of the Alternate Public Defender (if any); or
 - c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.
9. Organizational charts, dated at any time from January 1, 2015 to present, for each entity that provides indigent defense services in the County, including:
 - a. the Office of the Public Defender (if any);
 - b. the Office of the Alternate Public Defender (if any); or
 - c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.
10. Documents sufficient to show the number of cases accepted for representation from January 1, 2015 to present, broken out by year and by case type (*e.g.*, felony, misdemeanor, juvenile delinquency, conservatorship, etc.), for each entity that provides indigent defense services in the County, including:
 - a. the Office of the Public Defender (if any);
 - b. the Office of the Alternate Public Defender (if any); or
 - c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.
11. Documents sufficient to show the number of cases resolved from January 1, 2015 to present, broken out by year and by type of resolution (*e.g.*, by plea, trial, or another identified disposition method), for each entity that provides indigent defense services in the County, including:
 - a. the Office of the Public Defender (if any);
 - b. the Office of the Alternate Public Defender (if any); or

- c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.

12. Documents sufficient to show the number of cases resolved from January 1, 2015 to present, in which expert services were utilized in connection with the provision of indigent criminal defense services by each entity that provides indigent defense services in the County, including:
 - a. the Office of the Public Defender (if any);
 - b. the Office of the Alternate Public Defender (if any); or
 - c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.

13. Documents sufficient to show the number of cases resolved from January 1, 2015 to present, in which investigators were utilized in connection with the provision of indigent criminal defense services by each entity that provides indigent defense services in the County, including:
 - a. the Office of the Public Defender (if any);
 - b. the Office of the Alternate Public Defender (if any); or
 - c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.

14. Documents sufficient to show the number of cases resolved from January 1, 2015 to present, in which a qualified immigration specialist or immigration services provider was utilized in connection with the provision of indigent criminal defense services by each entity that provides indigent defense services in the County, including:
 - a. the Office of the Public Defender (if any);
 - b. the Office of the Alternate Public Defender (if any); or
 - c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.

15. Contracts or agreements, in effect at any time from January 1, 2015 to present, regarding the engagement of a qualified immigration specialist or immigration services provider in connection with the provision of indigent criminal defense services by each entity that provides indigent defense services in the County, including:
 - a. the Office of the Public Defender (if any);

- b. the Office of the Alternate Public Defender (if any); or
 - c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.
16. Policies, memoranda, or other written guidance, in effect at any time from January 1, 2015 to present, regarding the number of cases and/or total workload that may be assigned to an individual attorney or supporting case team working on behalf of each entity that provides indigent defense services in the County, including:
- a. the Office of the Public Defender (if any);
 - b. the Office of the Alternate Public Defender (if any); or
 - c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.
17. Policies, memoranda, or other written guidance, in effect at any time between January 1, 2015 to present, regarding the presence of defense counsel at arraignment hearings for indigent defendants in criminal court, for each entity that provides indigent defense services in the County, including:
- a. the Office of the Public Defender (if any);
 - b. the Office of the Alternate Public Defender (if any); or
 - c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.
18. Policies, memoranda, or other written guidance, in effect at any time from January 1, 2015 to present, regarding the process and criteria used to determine a criminal defendant's eligibility for court-appointed counsel due to indigency.
19. Forms, worksheets, checklists, or questionnaires, in effect at any time from January 1, 2015 to present, regarding the process and criteria used to determine a criminal defendant's eligibility for court-appointed counsel due to indigency.

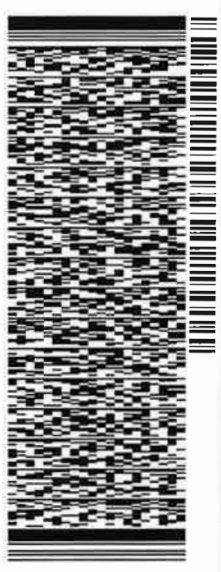
ORIGIN: WJYKA (413) 442-1000
CHRIS L. MARANO
MORGAN LEWIS & BOCKLIUS LLP
1 MARKET
SPEAR STREET TOWER
SAN FRANCISCO, CA 941 05
UNITED STATES US

SHIP DATE: 14OCT17
ACTWGT: 0.50 LB
CAD: 253863943MNSX13600
BILL SENDER

TO **CLERK-RECORDER**
RIVERSIDE COUNTY ASSESSOR-COUNTY
4080 LEMON ST

RIVERSIDE CA 92501
(415) 442-1605
REF: 95902-105431-0001
DEPT

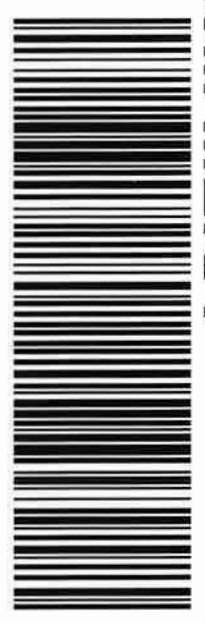
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FRI - 15 OCT 10:30A
PRIORITY OVERNIGHT

WMM MERA
CA-US **92501**
SBD



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3. Keep the second page as a receipt for your records. The receipt contains the terms and conditions of shipping and information useful for tracking your package.

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package id
1068378

ship date
Thu, Oct 14 2021

to
Clerk-Recorder
Riverside County Assessor-
County
4080 LEMON ST
RIVERSIDE, CA 92501-
3609
United States
415-442-1605

residential address
No

return label
No

notification type
Delivery
Tendered

notification recipients
chris.altamirano@mor...
jose.montalvo@morgan...

from
Chris Altamirano (95902)
Morgan, Lewis & Bockius
LLP
1 Market
Spear Street Tower
San Francisco, CA 94105
US
+1.415.442.1605

billing
client id: 10543100.matter
id : 105431-0001
(10543100.105431-0001)
Letters

operator
Jose Montalvo
+1.415.442.1491
jose.montalvo@morganlewis

create time
10/14/21, 10:59AM

vendor
FedEx

tracking number
284899503524

service
FedEx Priority Overnight®

packaging
FedEx® Envelope

courtesy quote
12.22

*Quote may not reflect all
accessorial charges*

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 MORGAN, LEWIS & BOCKIUS LLP
 1 MARKET
 SPEAR STREET TOWER
 SAN FRANCISCO, CA 94105
 UNITED STATES US
 SHIP DATE: 14OCT21
 ACTWGT: 0.50 LB
 CAD: 253863943/MMSX13600
 BILL SENDER

RIVERSIDE COUNTY PUBLIC DEFENDER
 4200 ORANGE ST

RIVERSIDE CA 92501
 (415) 442-1805 REF: 959021054310001
 DEPT



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package id
1068467
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Thu, Oct 14 2021
to
Riverside County Public
Defender
4200 ORANGE ST
RIVERSIDE, CA 92501-
3827
United States
415-442-1605
residential address
No
return label
No
notification type
Delivery
Tendered
notification recipients
chris.altamirano@mor...
jose.montalvo@morgan...

from
Chris Altamirano (95902)
Morgan, Lewis & Bockius
LLP
1 Market
Spear Street Tower
San Francisco, CA 94105
US
+1.415.442.1605
billing
client id: 10543100.matter
id : 105431-0001
(10543100.105431-0001)
Letter
operator
Jose Montalvo
+1.415.442.1491
jose.montalvo@morganlewis.
create time
10/14/21, 2:03PM

vendor
FedEx
tracking number
284913733600
service
FedEx Priority Overnight®
packaging
FedEx® Envelope
courtesy quote
12.22

*Quote may not reflect all
accessorial charges*

EXHIBIT 2

Lee, Lisa S.

Subject: FW: California Public Records Act Request- Morgan Lewis
Attachments: Sgw-21-clr21101812170.pdf
Importance: High

From: Burton, Enjolai <Enjolai.Burton@srclkrec.com>
Sent: Tuesday, November 2, 2021 9:27 AM
To: Wiese, Phillip J. <phillip.wiese@morganlewis.com>
Cc: Faulkner, Billy <bfaulkne@srclkrec.com>; Ellingwood, Andrew <aellingw@srclkrec.com>
Subject: RE: California Public Records Act Request- Morgan Lewis
Importance: High

[EXTERNAL EMAIL]
Good morning Phillip,

Thank you for your response. I understand your request and our staff have conducted a search throughout our database. Unfortunately, we were unable to locate any information pertaining to your request. However, I believe the Superior Court of California may be able to further assist you with this matter.

I have provided information to the Superior Court of California with the County of Riverside below.

Superior Court of California County of Riverside
All Departments
(951) 777-3147

Please see the link for more information:
<https://www.riverside.courts.ca.gov/OnlineServices/SearchCourtRecords/public-access.php>

Thank you,

Enjolai Burton

Custodian of Records
Assessor- County Clerk-Recorder Division (ACR)
T-951-472-3352
Enjolai.Burton@srclkrec.com

"Action is the foundational key to all success." -Pablo Picasso



ASSESSOR-COUNTY CLERK-RECORDER
Riverside County, CA

From: Wiese, Phillip J. <phillip.wiese@morganlewis.com>
Sent: Thursday, October 28, 2021 2:20 PM
To: Burton, Enjolai <Enjolai.Burton@asrclkrec.com>
Cc: Faulkner, Billy <bfaulkne@asrclkrec.com>; Ellingwood, Andrew <aellingw@asrclkrec.com>
Subject: [EXTERNAL] RE: California Public Records Act Request- Morgan Lewis

Hi Enjolai,

Thanks for your response. There many have been some confusion, though. We're not looking for records related to any individual indigent criminal defendants. Rather, we're looking for documents related to the provision of legal services to indigent criminal defendants as a whole, including budgets and contracts with lawyers/law firms for provision of legal services to those defendants. I believe that those documents may be in the possession of the Assessor-County Clerk-Recorder. I am happy to have a call with you to discuss further what we are looking for if it would be helpful. Thanks again.

Phillip J. Wiese

Morgan, Lewis & Bockius LLP

One Market, Spear Street Tower | San Francisco, CA 94105
Direct: +1.415.442.1483 | Main: +1.415.442.1000 | Fax: +1.415.442.1001
phillip.wiese@morganlewis.com | www.morganlewis.com
Assistant: Chris M. Altamirano | +1.415.442.1605 | chris.altamirano@morganlewis.com
Pronouns: He/Him/His



From: Burton, Enjolai <Enjolai.Burton@asrclkrec.com>
Sent: Friday, October 22, 2021 6:24 PM
To: Wiese, Phillip J. <phillip.wiese@morganlewis.com>
Cc: Faulkner, Billy <bfaulkne@asrclkrec.com>; Ellingwood, Andrew <aellingw@asrclkrec.com>
Subject: FW: California Public Records Act Request- Morgan Lewis

[EXTERNAL EMAIL]

Good evening,

Thank you for submitting your public records request. Unfortunately, the Assessor-County Clerk- Recorder does not possess records for indigent criminal defendants. However, I have provided information to the Superior Court of California with the County of Riverside as they may be able to further assist you.

Please see the link for more information:

<https://www.riverside.courts.ca.gov/OnlineServices/SearchCourtRecords/public-access.php>

Have a great weekend!

Thank you,

Enjo'lai Burton

Custodian of Records
Assessor- County Clerk-Recorder Division (ACR)
T-951-472-3352
Enjolai.Burton@asrclkrec.com

"Action is the foundational key to all success." -Pablo Picasso



ASSESSOR-COUNTY CLERK-RECORDER
Riverside County, CA

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[Assessor-County Clerk-Recorder, County of Riverside, California](#)

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[Assessor-County Clerk-Recorder, County of Riverside, California](#)

EXHIBIT 3

Wiese, Phillip J.

From: Wiese, Phillip J.
Sent: Thursday, January 20, 2022 2:29 PM
To: Burton, Enjolai
Cc: Faulkner, Billy; Ellingwood, Andrew
Subject: RE: California Public Records Act Request- Morgan Lewis

Hi Enjo'lai,

I just left a voicemail but wanted to follow up by email as well. Do you have time for a call this week or next to discuss the PRA request? I understand that your office does not have the documents I requested, but other requests to county recorder/assessor offices around have returned documents. Perhaps there is another office I need to reach out to? Let me know when you are available for a call, or feel free to call directly. My cell is the best number to reach me at, and the number is 563-210-2067. Thanks so much.

Phillip J. Wiese

Morgan, Lewis & Bockius LLP

One Market, Spear Street Tower | San Francisco, CA 94105
Direct: +1.415.442.1483 | Main: +1.415.442.1000 | Fax: +1.415.442.1001
phillip.wiese@morganlewis.com | www.morganlewis.com
Assistant: Chris M. Altamirano | +1.415.442.1605 | chris.altamirano@morganlewis.com
Pronouns: He/Him/His



From: Burton, Enjolai <Enjolai.Burton@asrclkrec.com>
Sent: Tuesday, November 2, 2021 9:27 AM
To: Wiese, Phillip J. <phillip.wiese@morganlewis.com>
Cc: Faulkner, Billy <bfaulkne@asrclkrec.com>; Ellingwood, Andrew <aellingw@asrclkrec.com>
Subject: RE: California Public Records Act Request- Morgan Lewis
Importance: High

[EXTERNAL EMAIL]

Good morning Phillip,

Thank you for your response. I understand your request and our staff have conducted a search throughout our database. Unfortunately, we were unable to locate any information pertaining to your request. However, I believe the Superior Court of California may be able to further assist you with this matter.

I have provided information to the Superior Court of California with the County of Riverside below.

Superior Court of California County of Riverside
All Departments

(951) 777-3147

Please see the link for more information:

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Thank you,

Enjo'lai Burton
Custodian of Records
Assessor- County Clerk-Recorder Division (ACR)
T-951-472-3352
Enjolai.Burton@asrclkrec.com

"Action is the foundational key to all success." -*Pablo Picasso*



ASSESSOR-COUNTY CLERK-RECORDER
Riverside County, CA

From: Wiese, Phillip J. <phillip.wiese@morganlewis.com>
Sent: Thursday, October 28, 2021 2:20 PM
To: Burton, Enjolai <Enjolai.Burton@asrclkrec.com>
Cc: Faulkner, Billy <bfaulkne@asrclkrec.com>; Ellingwood, Andrew <aellingw@asrclkrec.com>
Subject: [EXTERNAL] RE: California Public Records Act Request- Morgan Lewis

Hi Enjolai,

Thanks for your response. There many have been some confusion, though. We're not looking for records related to any individual indigent criminal defendants. Rather, we're looking for documents related to the provision of legal services to indigent criminal defendants as a whole, including budgets and contracts with lawyers/law firms for provision of legal services to those defendants. I believe that those documents may be in the possession of the Assessor-County Clerk-Recorder. I am happy to have a call with you to discuss further what we are looking for if it would be helpful. Thanks again.

Phillip J. Wiese

Morgan, Lewis & Bockius LLP

One Market, Spear Street Tower | San Francisco, CA 94105

Direct: +1.415.442.1483 | Main: +1.415.442.1000 | Fax: +1.415.442.1001

phillip.wiese@morganlewis.com | www.morganlewis.com

Assistant: Chris M. Altamirano | +1.415.442.1605 | chris.altamirano@morganlewis.com
Pronouns: He/Him/His



From: Burton, Enjolai <Enjolai.Burton@asrclkrec.com>
Sent: Friday, October 22, 2021 6:24 PM
To: Wiese, Phillip J. <phillip.wiese@morganlewis.com>
Cc: Faulkner, Billy <bfaulkne@asrclkrec.com>; Ellingwood, Andrew <aellingw@asrclkrec.com>
Subject: FW: California Public Records Act Request- Morgan Lewis

[EXTERNAL EMAIL]
Good evening,

Thank you for submitting your public records request. Unfortunately, the Assessor-County Clerk-Recorder does not possess records for indigent criminal defendants. However, I have provided information to the Superior Court of California with the County of Riverside as they may be able to further assist you.

Please see the link for more information:
<https://www.riverside.courts.ca.gov/OnlineServices/SearchCourtRecords/public-access.php>

Have a great weekend!

Thank you,

Enjo'lai Burton
Custodian of Records
Assessor- County Clerk-Recorder Division (ACR)
T-951-472-3352
Enjolai.Burton@asrclkrec.com

"Action is the foundational key to all success." -*Pablo Picasso*



ASSESSOR-COUNTY CLERK-RECORDER
Riverside County, CA

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[Assessor-County Clerk-Recorder, County of Riverside, California](#)

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[Assessor-County Clerk-Recorder, County of Riverside, California](#)

EXHIBIT 4

Morgan Lewis

Phillip J. Wiese

Associate
+1.415.442.1483
phillip.wiese@morganlewis.com

March 2, 2022

VIA FEDEX

Enjo'lai Burton
Custodian of Records
Riverside County Assessor - County Clerk-Recorder Division
4080 Lemon St.
Riverside, CA 92501

Re: California Public Records Act Request

Dear Ms. Burton:

I write to follow up on our Public Records Act ("PRA") request, dated October 14, 2021, and your email correspondence of October 22, 2021 and November 2, 2021 relating to it. As you may recall, our PRA request relates to Riverside County's provision of counsel to indigent criminal defendants. For your information, we have served identical requests on most California counties.

Your emails represented that your office was unable to locate any records or information pertaining to our PRA request. Since your November 2 email, we have received documents from numerous other California counties in response to identical PRA requests. The documents those counties provided include, among other things (1) contracts with private attorneys to provide indigent criminal defense services; (2) county budgets related to the amount spent on the provision of indigent criminal defense services; and (3) the number of cases accepted for representation for each person or office that provides indigent criminal defense services for the respective county. No county – other than Riverside – has represented it has no documents responsive to the PRA request.

In the circumstances, we are concerned that Riverside County has either insufficiently reviewed its available materials for documents responsive to the PRA request or interpreted the requests more restrictively than the language permits. In any event, we request that Riverside County made an additional thorough search for documents responsive to our PRA request and promptly inform us in writing of the results of that additional search. I have attached my original letter for your reference. Thank you for your attention to this matter.

Morgan, Lewis & Bockius LLP

One Market
Spear Street Tower
San Francisco, CA 94105-1596
United States

T +1.415.442.1000
F +1.415.442.1001

Enjo'lai Burton
March 2, 2022
Page 2

Sincerely,

A handwritten signature in blue ink, appearing to read "Phillip J. Wiese", written over a light blue rectangular background.

Phillip J. Wiese

ATTACHMENT A

Morgan Lewis

Phillip J. Wiese

Associate
+1.415.442.1483
phillip.wiese@morganlewis.com

October 14, 2021

VIA FEDEX

Riverside County Assessor-County Clerk-Recorder
4080 Lemon St.
Riverside, CA 92501

Re: California Public Records Act Request

To the County of Riverside (“County”):

Morgan, Lewis & Bockius LLP writes on behalf of the American Civil Liberties Union of Northern California and the American Civil Liberties Union (collectively the “ACLU”) to obtain information about the County’s arrangements for providing counsel to indigent criminal defendants and the scope of legal representation afforded to indigent criminal defendants under the County’s arrangements, and particularly the use of private sector attorneys to provide that representation.

As you may know, both the United States and California Supreme Courts have held that the right to counsel requires the State to provide a competent lawyer to indigent criminal defendants. *Gideon v. Wainwright*, 372 U.S. 335 (1963); *Ex parte Newbern*, 53 Cal. 2d 786, 790 (1960). California historically has delegated its Constitutional obligation to individual counties. To ensure representation to indigent criminal defendants, California counties have the choice of creating a public defender’s office, contracting with an individual attorney or law firm in the private sector, using assigned private sector counsel as appointed by the court, or some combination of these methods. California does not track how each county meets this delegated obligation. In the absence of such tracking by the State, inadequate public information exists about how the counties provide this important government function, which is why we are seeking this information.

Pursuant to the California Public Records Act (“CPRA”)¹ and the California Constitution,² the ACLU therefore requests the records in the possession or control of the County set out in Attachment A (together with this cover letter, the “Request”). The Request seeks records that provide information the public requires to understand how the counties are meeting their delegated obligation to ensure competent representation to indigent criminal defendants. For informational purposes, we have also provided a courtesy copy of the Request to the public defender’s office.

¹ Gov’t Code §§ 6250 *et seq.*

² Cal. Const., art. I, § 3(b)(2).

Morgan, Lewis & Bockius LLP

One Market
Spear Street Tower
San Francisco, CA 94105-1596
United States

T +1.415.442.1000
F +1.415.442.1001

In responding to this Request, please note that the CPRA broadly defines the term “record.” Specifically, the term includes “any writing containing information relating to the conduct of the people’s business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.”³ The CPRA defines, in turn, a “writing” as any “means of recording upon any tangible thing any form of communication or representation.”⁴ The present Request therefore applies to all paper documents, as well as to all emails, videos, audio recordings, text messages, or other electronic records within the County’s possession or control. Even if a record was created by a member of another government agency or a member of the public, it still must be produced so long as it is (or was) “used” or “retained” by the County.⁵

As permitted by the CPRA, this Request sets forth the specific categories of information that we are seeking, rather than asking for documents by name.⁶ It is your obligation to conduct record searches based on the criteria identified herein.⁷ Should you come to believe the present Request is overly broad, you are required to (1) offer assistance in identifying responsive records and information; (2) describe “the information technology and physical location in which the records exist;” and (3) provide “suggestions for overcoming any practical basis” that you assert as a reason to delay or deny access to the records or information sought.⁸

The CPRA requires that you respond to this Request in 10 days.⁹ If you contend that an express provision of law exempts a responsive record from disclosure, either in whole or in part, you must make that determination in writing. Such a determination must specify the legal authority on which you rely, as well as identify both the name and title of the person(s) responsible for the determination not to disclose.¹⁰ Additionally, even if you contend that a portion of a record requested is exempt from disclosure, you still must release the non-exempt portion of that record.¹¹ Please note that the CPRA “endows” your agency with “discretionary authority to override” any of the Act’s statutory exemptions “when a dominating public interest favors disclosure.”¹²

Because the ACLU is a non-profit organization and because this Request pertains to a matter of public concern, the ACLU requests a fee waiver. None of the information obtained will

³ Gov’t Code § 6252(e).

⁴ *Id.* § 6252(g).

⁵ *Id.* § 6252(e); *see California State Univ. v. Superior Ct.*, 90 Cal. App. 4th 810, 824–25 (2001) (concluding that documents which were “unquestionably ‘used’ and/or ‘retained’ by [an agency]” were public records); *see also Cty. of Santa Clara v. Superior Ct.*, 170 Cal. App. 4th 1301, 1334 (2009) (“[W]hile section 6254.9 recognizes the availability of copyright protection for software in a proper case, it provides no statutory authority for asserting any other copyright interest.”).

⁶ Gov’t Code § 6253(b).

⁷ *See id.* §§ 6253–6253.1.

⁸ *Id.* § 6253.1(a).

⁹ *Id.* § 6253(c).

¹⁰ *Id.* § 6255; *see also id.* § 6253(d)(3).

¹¹ *Id.* § 6253(a), (c).

¹² *CBS, Inc. v. Block*, 42 Cal. 3d 646, 652 (1986); *Nat’l Conference of Black Mayors v. Chico Cmty. Publ’g, Inc.*, 25 Cal. App. 5th 570, 579 (2018) (construing the CPRA’s exemptions as “permissive, not mandatory—they allow nondisclosure but do not prohibit disclosure”).

be sold or distributed for profit. The ACLU also requests that, to the extent possible, documents be provided in electronic format. Doing so will eliminate the need to copy the materials and provides another basis for the requested fee waiver. If, however, you are unwilling to waive costs and anticipate that costs will exceed \$50, or that the time needed to copy the records will delay their release, please contact us so that we can arrange to inspect the documents or decide which documents we wish to have copied and produced. Otherwise, please copy and send all responsive records to phillip.wiese@morganlewis.com or: Phillip Wiese, Morgan Lewis & Bockius LLP, One Market, Spear Street Tower, San Francisco, CA 94105.

Thank you in advance for your assistance with this Request. We look forward to receiving your response within 10 days. And once again, if you require any clarification of this Request, please let us know.

Sincerely,



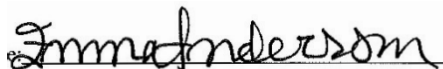
Phillip Wiese
Morgan, Lewis & Bockius LLP

Sincerely,



Chessie Thacher
Senior Staff Attorney
American Civil Liberties Union
Foundation of Northern California

Sincerely,



Emma Andersson
Senior Staff Attorney
American Civil Liberties Union

Enclosure: Attachment A – Requests

c: Riverside County Public Defender
4200 Orange Street
Riverside, CA 92501

Attachment A

1. Contracts or agreements, in effect at any time from January 1, 2015 to present, regarding the engagement of any private attorney, law firm, or other entity (including any conflict panel) for the provision of indigent criminal defense services.
2. Schedules, exhibits, or addenda, in effect at any time from January 1, 2015 to present, regarding allowable fees, costs, remuneration, or reimbursement of attorneys, investigators, experts, qualified immigration specialists or immigration services providers,¹³ or other support staff utilized by any private attorney, law firm, or other entity (including any conflict panel) for the provision of indigent criminal defense services.
3. Policies, memoranda, or other written guidance, in effect at any time from January 1, 2015 to present, regarding selection criteria and/or qualifications for any private attorney, law firm, or other entity (including any conflict panel) that the County contracts with for the provision of indigent criminal defense services.
4. Policies, memoranda, or other written guidance, in effect at any time from January 1, 2015 to present, regarding processes and criteria used to assign cases to any private attorney, law firm, or other entity (including any conflict panel) that the County contracts with for the provision of indigent criminal defense services.
5. Requests for bids, in effect at any time from January 1, 2015 to present, regarding the engagement of any private attorney, law firm, or other entity (including any conflict panel) for the provision of indigent criminal defense services.
6. Reports, analyses, evaluations, investigations, or other written assessments (excluding any materials protected by attorney-client privilege) of work performed by private attorneys, law firms, or other entity (including any conflict panel) in the provision of indigent criminal defense services, from January 1, 2015 to present. This request includes, but is not limited to, reports, analyses, evaluations, investigations, or other written assessments from any source whatsoever, including the provider of the indigent criminal defense services.

¹³ Qualified immigration specialists or immigration services providers refer to employees or contractors responsible for providing indigent defendants with advice regarding the civil immigration consequences of criminal convictions. *See Padilla v. Commonwealth of Kentucky*, 559 U.S. 356 (2010).

7. Documents sufficient to show funds paid by the County to each private attorney, law firm, or other entity (including any conflict panel) for the provision of indigent criminal defense services for each year from January 1, 2015 to present, including payment for fees, costs, remuneration, or reimbursement of attorneys, investigators, experts, qualified immigration specialists or immigration services providers, or other support staff.
8. Proposed and approved budgets for each year from January 1, 2015 to present, for each entity that provides indigent defense services in the County, including:
 - a. the Office of the Public Defender (if any);
 - b. the Office of the Alternate Public Defender (if any); or
 - c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.
9. Organizational charts, dated at any time from January 1, 2015 to present, for each entity that provides indigent defense services in the County, including:
 - a. the Office of the Public Defender (if any);
 - b. the Office of the Alternate Public Defender (if any); or
 - c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.
10. Documents sufficient to show the number of cases accepted for representation from January 1, 2015 to present, broken out by year and by case type (*e.g.*, felony, misdemeanor, juvenile delinquency, conservatorship, etc.), for each entity that provides indigent defense services in the County, including:
 - a. the Office of the Public Defender (if any);
 - b. the Office of the Alternate Public Defender (if any); or
 - c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.
11. Documents sufficient to show the number of cases resolved from January 1, 2015 to present, broken out by year and by type of resolution (*e.g.*, by plea, trial, or another identified disposition method), for each entity that provides indigent defense services in the County, including:
 - a. the Office of the Public Defender (if any);
 - b. the Office of the Alternate Public Defender (if any); or

- c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.

12. Documents sufficient to show the number of cases resolved from January 1, 2015 to present, in which expert services were utilized in connection with the provision of indigent criminal defense services by each entity that provides indigent defense services in the County, including:
 - a. the Office of the Public Defender (if any);
 - b. the Office of the Alternate Public Defender (if any); or
 - c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.

13. Documents sufficient to show the number of cases resolved from January 1, 2015 to present, in which investigators were utilized in connection with the provision of indigent criminal defense services by each entity that provides indigent defense services in the County, including:
 - a. the Office of the Public Defender (if any);
 - b. the Office of the Alternate Public Defender (if any); or
 - c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.

14. Documents sufficient to show the number of cases resolved from January 1, 2015 to present, in which a qualified immigration specialist or immigration services provider was utilized in connection with the provision of indigent criminal defense services by each entity that provides indigent defense services in the County, including:
 - a. the Office of the Public Defender (if any);
 - b. the Office of the Alternate Public Defender (if any); or
 - c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.

15. Contracts or agreements, in effect at any time from January 1, 2015 to present, regarding the engagement of a qualified immigration specialist or immigration services provider in connection with the provision of indigent criminal defense services by each entity that provides indigent defense services in the County, including:
 - a. the Office of the Public Defender (if any);

- b. the Office of the Alternate Public Defender (if any); or
 - c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.
16. Policies, memoranda, or other written guidance, in effect at any time from January 1, 2015 to present, regarding the number of cases and/or total workload that may be assigned to an individual attorney or supporting case team working on behalf of each entity that provides indigent defense services in the County, including:
- a. the Office of the Public Defender (if any);
 - b. the Office of the Alternate Public Defender (if any); or
 - c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.
17. Policies, memoranda, or other written guidance, in effect at any time between January 1, 2015 to present, regarding the presence of defense counsel at arraignment hearings for indigent defendants in criminal court, for each entity that provides indigent defense services in the County, including:
- a. the Office of the Public Defender (if any);
 - b. the Office of the Alternate Public Defender (if any); or
 - c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.
18. Policies, memoranda, or other written guidance, in effect at any time from January 1, 2015 to present, regarding the process and criteria used to determine a criminal defendant's eligibility for court-appointed counsel due to indigency.
19. Forms, worksheets, checklists, or questionnaires, in effect at any time from January 1, 2015 to present, regarding the process and criteria used to determine a criminal defendant's eligibility for court-appointed counsel due to indigency.

ORIGIN ID: JCCA (415) 442-1000
 CHRISTOPHER MARRANO
 MORGAN LEWIS & BOCKLIUS LLP
 1 MARKET
 SPEAR STREET TOWER
 SAN FRANCISCO, CA 941 05
 UNITED STATES US

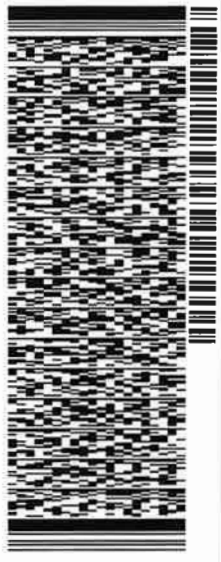
SHIP DATE: 14OCT'11
 ACT'WT: 0.50 LB
 CAD: 253863943MNSX13600

BILL SENDER

TO **CLERK-RECORDER**
RIVERSIDE COUNTY ASSESSOR-COUNTY
4080 LEMON ST

RIVERSIDE CA 92501
 (415) 442-1605
 REF: 96902-105431-0001
 DEPT

56DJ3114BAWFE4A



J212021870981uv

TRK# 2848 9950 3524
 0201

FRI - 15 OCT 10:30A
 PRIORITY OVERNIGHT

WMM MERA
 CA-US **92501**
SBD



 FOLD on this line and place in shipping pouch with bar code and delivery address visible

1. Fold the first printed page in half and use as the shipping label.
2. Place the label in a waybill pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.
3. Keep the second page as a receipt for your records. The receipt contains the terms and conditions of shipping and information useful for tracking your package.

Legal Terms and Conditions

Tendering packages by using this system constitutes your agreement to the service conditions for the transportation of your shipments as found in the applicable FedEx Service Guide, available upon request. FedEx will not be responsible for any claim in excess of the applicable declared value, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the applicable FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of 100 USD or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is 500 USD, e.g. jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits, see applicable FedEx Service Guide. FedEx will not be liable for loss or damage to prohibited items in any event or for your acts or omissions, including, without limitation, improper or insufficient packaging, securing, marking or addressing, or the acts or omissions of the recipient or anyone else with an interest in the package. See the applicable FedEx Service Guide for complete terms and conditions. To obtain information regarding how to file a claim or to obtain a Service Guide, please call 1-800-GO-FEDEX (1-800-463-3339).



package id
1068378
ship date
Thu, Oct 14 2021
to
Clerk-Recorder
Riverside County Assessor-
County
4080 LEMON ST
RIVERSIDE, CA 92501-
3609
United States
415-442-1605
residential address
No
return label
No
notification type
Delivery
Tendered
notification recipients
chris.altamirano@mor...
jose.montalvo@morgan...

from
Chris Altamirano (95902)
Morgan, Lewis & Bockius
LLP
1 Market
Spear Street Tower
San Francisco, CA 94105
US
+1.415.442.1605
billing
client id: 10543100.matter
id : 105431-0001
(10543100.105431-0001)
Letters
operator
Jose Montalvo
+1.415.442.1491
jose.montalvo@morganlewis
create time
10/14/21, 10:59AM

vendor
FedEx
tracking number
284899503524
service
FedEx Priority Overnight®
packaging
FedEx® Envelope
courtesy quote
12.22

*Quote may not reflect all
accessorial charges*

ORIGIN ID: JCGA (415) 442-1000
 CHRIS ALTAMIRA-NO
 MORGAN, LEMIS & BOCKIUS LLP
 1 MARKET
 SPEAR STREET TOWER
 SAN FRANCISCO, CA 94105
 UNITED STATES US
 SHIP DATE: 14OCT21
 ACTWGT: 0.50 LB
 CAD: 253863943MWSX13600
 BILL SENDER

TO
 RIVERSIDE COUNTY PUBLIC DEFENDER
 4200 ORANGE ST

RIVERSIDE CA 92501
 (415) 442-1805 REF 95902:105431:0001
 INV/ DEPT
 PO



TRK# 2849 1373 3600
 0201
 FRI - 15 OCT 10:30A
 PRIORITY OVERNIGHT

WMM MERA
 CA-US 92501
 SBD



56DJ3/14BA/FE4A

FOLD on this line and place in shipping pouch with bar code and delivery address visible

1. Fold the first printed page in half and use as the shipping label.
2. Place the label in a waybill pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.
3. Keep the second page as a receipt for your records. The receipt contains the terms and conditions of shipping and information useful for tracking your package.

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package id
1068467
ship date
Thu, Oct 14 2021
to
Riverside County Public
Defender
4200 ORANGE ST
RIVERSIDE, CA 92501-
3827
United States
415-442-1605
residential address
No
return label
No
notification type
Delivery
Tendered
notification recipients
chris.altamirano@mor...
jose.montalvo@morgan...

from
Chris Altamirano (95902)
Morgan, Lewis & Bockius
LLP
1 Market
Spear Street Tower
San Francisco, CA 94105
US
+1.415.442.1605
billing
client id: 10543100.matter
id : 105431-0001
(10543100.105431-0001)
Letter
operator
Jose Montalvo
+1.415.442.1491
jose.montalvo@morganlewis.
create time
10/14/21, 2:03PM

vendor
FedEx
tracking number
284913733600
service
FedEx Priority Overnight®
packaging
FedEx® Envelope
courtesy quote
12.22
*Quote may not reflect all
accessorial charges*

EXHIBIT 5

Morgan Lewis

Phillip J. Wiese

Associate
+1.415.442.1483
phillip.wiese@morganlewis.com

July 5, 2022

VIA FEDEX

Jeff Hewitt
c/o Riverside County Board of Supervisors
4080 Lemon Street, Fifth Floor
Riverside, California 92501

Re: California Public Records Act Request

Dear Mr. Hewitt and Riverside County Board of Supervisors:

I write on behalf of Morgan, Lewis & Bockius, LLP, and our clients the American Civil Liberties Union of Northern California, and the American Civil Liberties Union to follow up on our Public Records Act (“PRA”) request, dated October 14, 2021. This also follows up on additional correspondence I have had with the Riverside County Custodian of Records, Enjo’lai Burton. To date, Riverside County has not provided an adequate response to our PRA request. We therefore seek the Riverside County Board of Supervisor’s assistance in obtaining a proper response.

By way of background, on October 14, 2021, we sent a PRA request to Riverside County seeking certain documents and information related to Riverside County’s provision of counsel to indigent criminal defendants, and particularly the use of private sector attorneys to provide that representation. These requested documents included, among other things: (1) contracts with private attorneys to provide indigent criminal defense services; (2) county budgets related to the amount spent on the provision of indigent criminal defense services; and (3) the number of cases accepted for representation for each person or office that provides indigent criminal defense services for the respective county. A copy of the PRA request is attached as Attachment A for your convenience.

On October 22, 2021, I received a response by email from Enjo’lai Burton, the Custodian of Records for Riverside County, stating that the Assessor-County-Clerk-Recorder had no documents responsive to our PRA request. That response indicated that the Riverside County Custodian of Records misunderstood the request to relate to records about specific indigent criminal defendants rather than records about the provision of legal services to all indigent criminal defendants. I responded on October 28, 2022 to clarifying the scope of

Morgan, Lewis & Bockius LLP

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Jeff Hewitt
July 5, 2022
Page 2

the PRA request. Notwithstanding that clarification, I received a response on November 2, 2022 stating that the Custodian of Records was “unable to locate any information pertaining to [the] request.” The response also directed me to the Superior Court for Riverside County for additional information, indicating again that the Custodian of Records continued to misunderstand the PRA request despite my clarification. That email exchange is attached as Attachment B for your convenience.

Following that email exchange, I followed up with the Riverside County Custodian of Records with numerous voice mail messages, an email on January 20, 2022, and finally by letter on March 2, 2022, all of which communications sought additional information about the types of records Riverside County may have that are responsive to the PRA request. As noted in my March 2, 2022 letter, we know for certain that Riverside County has documents responsive to the PRA request because we have received documents from numerous other California counties in response to identical PRA requests. Indeed, no county, other than Riverside, has represented that it has no documents responsive to the PRA request. The March 2 letter is attached as Attachment C for your convenience.

The Riverside County Custodian of Records never responded to the March 2, 2022 letter.

In light of these circumstances, we are deeply concerned that the Riverside County Custodian of Records has chosen, for whatever reasons, to ignore its duties under the law to properly respond to the PRA request. We therefore seek the immediate assistance of the Riverside County Board of Supervisors to ensure that a full and complete response is made to the PRA request.

Because of the importance of the information sought by the PRA request, Riverside County should understand that we will take whatever measures are appropriate and necessary under the law to obtain a full and complete response to the PRA request. We are hopeful that the Riverside County Board of Supervisors will cooperate voluntarily to fulfill its legal obligations so that such measures will not be necessary.

I am available to discuss our PRA request by email, at phillip.wiese@morganlewis.com, or by phone, at 415-442-1483. Thank you in advance for your assistance with this matter.

Sincerely,



Phillip J. Wiese

c: Enjo'lai Burton
Custodian of Records
Riverside County Assessor - County Clerk-Recorder Division
4080 Lemon St.
Riverside, CA 92501

Morgan Lewis

Phillip J. Wiese

Associate
+1.415.442.1483
phillip.wiese@morganlewis.com

October 14, 2021

VIA FEDEX

Riverside County Assessor-County Clerk-Recorder
4080 Lemon St.
Riverside, CA 92501

Re: California Public Records Act Request

To the County of Riverside (“County”):

Morgan, Lewis & Bockius LLP writes on behalf of the American Civil Liberties Union of Northern California and the American Civil Liberties Union (collectively the “ACLU”) to obtain information about the County’s arrangements for providing counsel to indigent criminal defendants and the scope of legal representation afforded to indigent criminal defendants under the County’s arrangements, and particularly the use of private sector attorneys to provide that representation.

As you may know, both the United States and California Supreme Courts have held that the right to counsel requires the State to provide a competent lawyer to indigent criminal defendants. *Gideon v. Wainwright*, 372 U.S. 335 (1963); *Ex parte Newbern*, 53 Cal. 2d 786, 790 (1960). California historically has delegated its Constitutional obligation to individual counties. To ensure representation to indigent criminal defendants, California counties have the choice of creating a public defender’s office, contracting with an individual attorney or law firm in the private sector, using assigned private sector counsel as appointed by the court, or some combination of these methods. California does not track how each county meets this delegated obligation. In the absence of such tracking by the State, inadequate public information exists about how the counties provide this important government function, which is why we are seeking this information.

Pursuant to the California Public Records Act (“CPRA”)¹ and the California Constitution,² the ACLU therefore requests the records in the possession or control of the County set out in Attachment A (together with this cover letter, the “Request”). The Request seeks records that provide information the public requires to understand how the counties are meeting their delegated obligation to ensure competent representation to indigent criminal defendants. For informational purposes, we have also provided a courtesy copy of the Request to the public defender’s office.

¹ Gov’t Code §§ 6250 *et seq.*

² Cal. Const., art. I, § 3(b)(2).

Morgan, Lewis & Bockius LLP

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ATTACHMENT A

California Public Records Act Request
County of Riverside
October 14, 2021
Page 2

In responding to this Request, please note that the CPRA broadly defines the term “record.” Specifically, the term includes “any writing containing information relating to the conduct of the people’s business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.”³ The CPRA defines, in turn, a “writing” as any “means of recording upon any tangible thing any form of communication or representation.”⁴ The present Request therefore applies to all paper documents, as well as to all emails, videos, audio recordings, text messages, or other electronic records within the County’s possession or control. Even if a record was created by a member of another government agency or a member of the public, it still must be produced so long as it is (or was) “used” or “retained” by the County.⁵

As permitted by the CPRA, this Request sets forth the specific categories of information that we are seeking, rather than asking for documents by name.⁶ It is your obligation to conduct record searches based on the criteria identified herein.⁷ Should you come to believe the present Request is overly broad, you are required to (1) offer assistance in identifying responsive records and information; (2) describe “the information technology and physical location in which the records exist;” and (3) provide “suggestions for overcoming any practical basis” that you assert as a reason to delay or deny access to the records or information sought.⁸

The CPRA requires that you respond to this Request in 10 days.⁹ If you contend that an express provision of law exempts a responsive record from disclosure, either in whole or in part, you must make that determination in writing. Such a determination must specify the legal authority on which you rely, as well as identify both the name and title of the person(s) responsible for the determination not to disclose.¹⁰ Additionally, even if you contend that a portion of a record requested is exempt from disclosure, you still must release the non-exempt portion of that record.¹¹ Please note that the CPRA “endows” your agency with “discretionary authority to override” any of the Act’s statutory exemptions “when a dominating public interest favors disclosure.”¹²

Because the ACLU is a non-profit organization and because this Request pertains to a matter of public concern, the ACLU requests a fee waiver. None of the information obtained will

³ Gov’t Code § 6252(e).

⁴ *Id.* § 6252(g).

⁵ *Id.* § 6252(e); *see California State Univ. v. Superior Ct.*, 90 Cal. App. 4th 810, 824–25 (2001) (concluding that documents which were “unquestionably ‘used’ and/or ‘retained’ by [an agency]” were public records); *see also Cty. of Santa Clara v. Superior Ct.*, 170 Cal. App. 4th 1301, 1334 (2009) (“[W]hile section 6254.9 recognizes the availability of copyright protection for software in a proper case, it provides no statutory authority for asserting any other copyright interest.”).

⁶ Gov’t Code § 6253(b).

⁷ *See id.* §§ 6253–6253.1.

⁸ *Id.* § 6253.1(a).

⁹ *Id.* § 6253(c).

¹⁰ *Id.* § 6255; *see also id.* § 6253(d)(3).

¹¹ *Id.* § 6253(a), (c).

¹² *CBS, Inc. v. Block*, 42 Cal. 3d 646, 652 (1986); *Nat’l Conference of Black Mayors v. Chico Cmty. Publ’g, Inc.*, 25 Cal. App. 5th 570, 579 (2018) (construing the CPRA’s exemptions as “permissive, not mandatory—they allow nondisclosure but do not prohibit disclosure”).

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California Public Records Act Request
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Page 3

be sold or distributed for profit. The ACLU also requests that, to the extent possible, documents be provided in electronic format. Doing so will eliminate the need to copy the materials and provides another basis for the requested fee waiver. If, however, you are unwilling to waive costs and anticipate that costs will exceed \$50, or that the time needed to copy the records will delay their release, please contact us so that we can arrange to inspect the documents or decide which documents we wish to have copied and produced. Otherwise, please copy and send all responsive records to phillip.wiese@morganlewis.com or: Phillip Wiese, Morgan Lewis & Bockius LLP, One Market, Spear Street Tower, San Francisco, CA 94105.

Thank you in advance for your assistance with this Request. We look forward to receiving your response within 10 days. And once again, if you require any clarification of this Request, please let us know.

Sincerely,



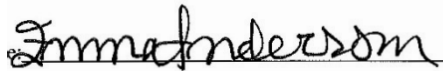
Phillip Wiese
Morgan, Lewis & Bockius LLP

Sincerely,



Chessie Thacher
Senior Staff Attorney
American Civil Liberties Union
Foundation of Northern California

Sincerely,



Emma Andersson
Senior Staff Attorney
American Civil Liberties Union

Enclosure: Attachment A – Requests

c: Riverside County Public Defender
4200 Orange Street
Riverside, CA 92501

ATTACHMENT A

California Public Records Act Request
County of Riverside
October 14, 2021
Page 4

Attachment A

1. Contracts or agreements, in effect at any time from January 1, 2015 to present, regarding the engagement of any private attorney, law firm, or other entity (including any conflict panel) for the provision of indigent criminal defense services.
2. Schedules, exhibits, or addenda, in effect at any time from January 1, 2015 to present, regarding allowable fees, costs, remuneration, or reimbursement of attorneys, investigators, experts, qualified immigration specialists or immigration services providers,¹³ or other support staff utilized by any private attorney, law firm, or other entity (including any conflict panel) for the provision of indigent criminal defense services.
3. Policies, memoranda, or other written guidance, in effect at any time from January 1, 2015 to present, regarding selection criteria and/or qualifications for any private attorney, law firm, or other entity (including any conflict panel) that the County contracts with for the provision of indigent criminal defense services.
4. Policies, memoranda, or other written guidance, in effect at any time from January 1, 2015 to present, regarding processes and criteria used to assign cases to any private attorney, law firm, or other entity (including any conflict panel) that the County contracts with for the provision of indigent criminal defense services.
5. Requests for bids, in effect at any time from January 1, 2015 to present, regarding the engagement of any private attorney, law firm, or other entity (including any conflict panel) for the provision of indigent criminal defense services.
6. Reports, analyses, evaluations, investigations, or other written assessments (excluding any materials protected by attorney-client privilege) of work performed by private attorneys, law firms, or other entity (including any conflict panel) in the provision of indigent criminal defense services, from January 1, 2015 to present. This request includes, but is not limited to, reports, analyses, evaluations, investigations, or other written assessments from any source whatsoever, including the provider of the indigent criminal defense services.

¹³ Qualified immigration specialists or immigration services providers refer to employees or contractors responsible for providing indigent defendants with advice regarding the civil immigration consequences of criminal convictions. *See Padilla v. Commonwealth of Kentucky*, 559 U.S. 356 (2010).

ATTACHMENT A

California Public Records Act Request
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October 14, 2021
Page 5

7. Documents sufficient to show funds paid by the County to each private attorney, law firm, or other entity (including any conflict panel) for the provision of indigent criminal defense services for each year from January 1, 2015 to present, including payment for fees, costs, remuneration, or reimbursement of attorneys, investigators, experts, qualified immigration specialists or immigration services providers, or other support staff.
8. Proposed and approved budgets for each year from January 1, 2015 to present, for each entity that provides indigent defense services in the County, including:
 - a. the Office of the Public Defender (if any);
 - b. the Office of the Alternate Public Defender (if any); or
 - c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.
9. Organizational charts, dated at any time from January 1, 2015 to present, for each entity that provides indigent defense services in the County, including:
 - a. the Office of the Public Defender (if any);
 - b. the Office of the Alternate Public Defender (if any); or
 - c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.
10. Documents sufficient to show the number of cases accepted for representation from January 1, 2015 to present, broken out by year and by case type (*e.g.*, felony, misdemeanor, juvenile delinquency, conservatorship, etc.), for each entity that provides indigent defense services in the County, including:
 - a. the Office of the Public Defender (if any);
 - b. the Office of the Alternate Public Defender (if any); or
 - c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.
11. Documents sufficient to show the number of cases resolved from January 1, 2015 to present, broken out by year and by type of resolution (*e.g.*, by plea, trial, or another identified disposition method), for each entity that provides indigent defense services in the County, including:
 - a. the Office of the Public Defender (if any);
 - b. the Office of the Alternate Public Defender (if any); or

ATTACHMENT A

California Public Records Act Request
County of Riverside
October 14, 2021
Page 6

- c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.

12. Documents sufficient to show the number of cases resolved from January 1, 2015 to present, in which expert services were utilized in connection with the provision of indigent criminal defense services by each entity that provides indigent defense services in the County, including:
 - a. the Office of the Public Defender (if any);
 - b. the Office of the Alternate Public Defender (if any); or
 - c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.

13. Documents sufficient to show the number of cases resolved from January 1, 2015 to present, in which investigators were utilized in connection with the provision of indigent criminal defense services by each entity that provides indigent defense services in the County, including:
 - a. the Office of the Public Defender (if any);
 - b. the Office of the Alternate Public Defender (if any); or
 - c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.

14. Documents sufficient to show the number of cases resolved from January 1, 2015 to present, in which a qualified immigration specialist or immigration services provider was utilized in connection with the provision of indigent criminal defense services by each entity that provides indigent defense services in the County, including:
 - a. the Office of the Public Defender (if any);
 - b. the Office of the Alternate Public Defender (if any); or
 - c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.

15. Contracts or agreements, in effect at any time from January 1, 2015 to present, regarding the engagement of a qualified immigration specialist or immigration services provider in connection with the provision of indigent criminal defense services by each entity that provides indigent defense services in the County, including:
 - a. the Office of the Public Defender (if any);

ATTACHMENT A

California Public Records Act Request
County of Riverside
October 14, 2021
Page 7

- b. the Office of the Alternate Public Defender (if any); or
 - c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.
16. Policies, memoranda, or other written guidance, in effect at any time from January 1, 2015 to present, regarding the number of cases and/or total workload that may be assigned to an individual attorney or supporting case team working on behalf of each entity that provides indigent defense services in the County, including:
- a. the Office of the Public Defender (if any);
 - b. the Office of the Alternate Public Defender (if any); or
 - c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.
17. Policies, memoranda, or other written guidance, in effect at any time between January 1, 2015 to present, regarding the presence of defense counsel at arraignment hearings for indigent defendants in criminal court, for each entity that provides indigent defense services in the County, including:
- a. the Office of the Public Defender (if any);
 - b. the Office of the Alternate Public Defender (if any); or
 - c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.
18. Policies, memoranda, or other written guidance, in effect at any time from January 1, 2015 to present, regarding the process and criteria used to determine a criminal defendant's eligibility for court-appointed counsel due to indigency.
19. Forms, worksheets, checklists, or questionnaires, in effect at any time from January 1, 2015 to present, regarding the process and criteria used to determine a criminal defendant's eligibility for court-appointed counsel due to indigency.

ATTACHMENT A

ORIGIN ID: JCCA (415) 442-1000
CHRISTAL FARRANO
MORGAN LEWIS & BOCKLIUS LLP
1 MARKET
SPEAR STREET TOWER
SAN FRANCISCO, CA 941 05
UNITED STATES US

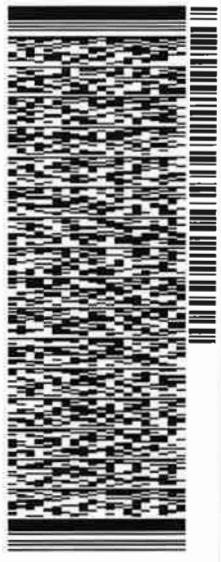
SHIP DATE: 14OCT'11
ACT'WT: 0.50 LB
CAD: 253863943MNSX13600

BILL SENDER

TO **CLERK-RECORDER**
RIVERSIDE COUNTY ASSESSOR-COUNTY
4080 LEMON ST

RIVERSIDE CA 92501
(415) 442-1605
REF: 96902-105431-0001
DEPT

56DJ3114BAWFE4A



J212021870981uv

TRK# 2848 9950 3524
0201

FRI - 15 OCT 10:30A
PRIORITY OVERNIGHT

WMM MERA
CA-US **92501**
SBD



FOLD on this line and place in shipping pouch with bar code and delivery address visible

1. Fold the first printed page in half and use as the shipping label.
2. Place the label in a waybill pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.
3. Keep the second page as a receipt for your records. The receipt contains the terms and conditions of shipping and information useful for tracking your package.

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ATTACHMENT A



<i>package id</i>	<i>from</i>	<i>vendor</i>
1068378	Chris Altamirano (95902)	FedEx
<i>ship date</i>	Morgan, Lewis & Bockius	<i>tracking number</i>
Thu, Oct 14 2021	LLP	284899503524
<i>to</i>	1 Market	<i>service</i>
Clerk-Recorder	Spear Street Tower	FedEx Priority Overnight®
Riverside County Assessor-	San Francisco, CA 94105	<i>packaging</i>
County	US	FedEx® Envelope
4080 LEMON ST	+1.415.442.1605	<i>courtesy quote</i>
RIVERSIDE, CA 92501-	<i>billing</i>	12.22
3609	client id: 10543100.matter	<i>Quote may not reflect all</i>
United States	id : 105431-0001	<i>accessorial charges</i>
415-442-1605	(10543100.105431-0001)	
<i>residential address</i>	Letters	
No	<i>operator</i>	
<i>return label</i>	Jose Montalvo	
No	+1.415.442.1491	
<i>notification type</i>	jose.montalvo@morganlewis	
Delivery	<i>create time</i>	
Tendered	10/14/21, 10:59AM	
<i>notification recipients</i>		
chris.altamirano@mor...		
jose.montalvo@morgan...		

ATTACHMENT A

ORIGIN ID: JCGA (415) 442-1000
CHRIS ALTAMIRA-NO
MORGAN, LEMIS & BOCKIUS LLP
1 MARKET
SPEAR STREET TOWER
SAN FRANCISCO, CA 94105
UNITED STATES US

SHIP DATE: 14OCT21
ACTWGT: 0.50 LB
CAD: 253863943MWSX13600

BILL SENDER

TO

RIVERSIDE COUNTY PUBLIC DEFENDER
4200 ORANGE ST
RIVERSIDE CA 92501

(415) 442-1805 REF 96902:105431:0001
INVT DEPT

56DJ3114BA/FE4A

TRK# 2849 1373 3600
0201

FRI - 15 OCT 10:30A
PRIORITY OVERNIGHT

WWM MERA
CA-US **92501**
SBD



FOLD on this line and place in shipping pouch with bar code and delivery address visible

1. Fold the first printed page in half and use as the shipping label.
2. Place the label in a waybill pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.
3. Keep the second page as a receipt for your records. The receipt contains the terms and conditions of shipping and information useful for tracking your package.

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ATTACHMENT A



package id
1068467
ship date
Thu, Oct 14 2021
to
Riverside County Public
Defender
4200 ORANGE ST
RIVERSIDE, CA 92501-
3827
United States
415-442-1605
residential address
No
return label
No
notification type
Delivery
Tendered
notification recipients
chris.altamirano@mor...
jose.montalvo@morgan...

from
Chris Altamirano (95902)
Morgan, Lewis & Bockius
LLP
1 Market
Spear Street Tower
San Francisco, CA 94105
US
+1.415.442.1605
billing
client id: 10543100.matter
id : 105431-0001
(10543100.105431-0001)
Letter
operator
Jose Montalvo
+1.415.442.1491
jose.montalvo@morganlewis.
create time
10/14/21, 2:03PM

vendor
FedEx
tracking number
284913733600
service
FedEx Priority Overnight®
packaging
FedEx® Envelope
courtesy quote
12.22

*Quote may not reflect all
accessorial charges*

ATTACHMENT B

Lee, Lisa S.

Subject: FW: California Public Records Act Request- Morgan Lewis
Attachments: Sgw-21-clr21101812170.pdf
Importance: High

From: Burton, Enjolai <Enjolai.Burton@asrclkrec.com>
Sent: Tuesday, November 2, 2021 9:27 AM
To: Wiese, Phillip J. <phillip.wiese@morganlewis.com>
Cc: Faulkner, Billy <bfaulkne@asrclkrec.com>; Ellingwood, Andrew <aellingw@asrclkrec.com>
Subject: RE: California Public Records Act Request- Morgan Lewis
Importance: High

[EXTERNAL EMAIL]
Good morning Phillip,

Thank you for your response. I understand your request and our staff have conducted a search throughout our database. Unfortunately, we were unable to locate any information pertaining to your request. However, I believe the Superior Court of California may be able to further assist you with this matter.

I have provided information to the Superior Court of California with the County of Riverside below.

Superior Court of California County of Riverside
All Departments
(951) 777-3147

Please see the link for more information:
<https://www.riverside.courts.ca.gov/OnlineServices/SearchCourtRecords/public-access.php>

Thank you,

Enjolai Burton

Custodian of Records
Assessor- County Clerk-Recorder Division (ACR)
T-951-472-3352
Enjolai.Burton@asrclkrec.com

"Action is the foundational key to all success." -Pablo Picasso



ASSESSOR-COUNTY CLERK-RECORDER
Riverside County, CA

ATTACHMENT B

From: Wiese, Phillip J. <phillip.wiese@morganlewis.com>
Sent: Thursday, October 28, 2021 2:20 PM
To: Burton, Enjolai <Enjolai.Burton@asrclkrec.com>
Cc: Faulkner, Billy <bfaulkne@asrclkrec.com>; Ellingwood, Andrew <aellingw@asrclkrec.com>
Subject: [EXTERNAL] RE: California Public Records Act Request- Morgan Lewis

Hi Enjolai,

Thanks for your response. There many have been some confusion, though. We're not looking for records related to any individual indigent criminal defendants. Rather, we're looking for documents related to the provision of legal services to indigent criminal defendants as a whole, including budgets and contracts with lawyers/law firms for provision of legal services to those defendants. I believe that those documents may be in the possession of the Assessor-County Clerk-Recorder. I am happy to have a call with you to discuss further what we are looking for if it would be helpful. Thanks again.

Phillip J. Wiese

Morgan, Lewis & Bockius LLP

One Market, Spear Street Tower | San Francisco, CA 94105
Direct: +1.415.442.1483 | Main: +1.415.442.1000 | Fax: +1.415.442.1001
phillip.wiese@morganlewis.com | www.morganlewis.com
Assistant: Chris M. Altamirano | +1.415.442.1605 | chris.altamirano@morganlewis.com
Pronouns: He/Him/His



From: Burton, Enjolai <Enjolai.Burton@asrclkrec.com>
Sent: Friday, October 22, 2021 6:24 PM
To: Wiese, Phillip J. <phillip.wiese@morganlewis.com>
Cc: Faulkner, Billy <bfaulkne@asrclkrec.com>; Ellingwood, Andrew <aellingw@asrclkrec.com>
Subject: FW: California Public Records Act Request- Morgan Lewis

[EXTERNAL EMAIL]

Good evening,

Thank you for submitting your public records request. Unfortunately, the Assessor-County Clerk-Recorder does not possess records for indigent criminal defendants. However, I have provided information to the Superior Court of California with the County of Riverside as they may be able to further assist you.

Please see the link for more information:

<https://www.riverside.courts.ca.gov/OnlineServices/SearchCourtRecords/public-access.php>

Have a great weekend!

Thank you,

Enjo'lai Burton

ATTACHMENT B

Custodian of Records
Assessor- County Clerk-Recorder Division (ACR)
T-951-472-3352
Enjolai.Burton@asrclkrec.com

"Action is the foundational key to all success." -Pablo Picasso



ASSESSOR-COUNTY CLERK-RECORDER
Riverside County, CA

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[Assessor-County Clerk-Recorder, County of Riverside, California](#)

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[Assessor-County Clerk-Recorder, County of Riverside, California](#)

Morgan Lewis

Phillip J. Wiese

Associate
+1.415.442.1483
phillip.wiese@morganlewis.com

March 2, 2022

VIA FEDEX

Enjo'lai Burton
Custodian of Records
Riverside County Assessor - County Clerk-Recorder Division
4080 Lemon St.
Riverside, CA 92501

Re: California Public Records Act Request

Dear Ms. Burton:

I write to follow up on our Public Records Act (“PRA”) request, dated October 14, 2021, and your email correspondence of October 22, 2021 and November 2, 2021 relating to it. As you may recall, our PRA request relates to Riverside County’s provision of counsel to indigent criminal defendants. For your information, we have served identical requests on most California counties.

Your emails represented that your office was unable to locate any records or information pertaining to our PRA request. Since your November 2 email, we have received documents from numerous other California counties in response to identical PRA requests. The documents those counties provided include, among other things (1) contracts with private attorneys to provide indigent criminal defense services; (2) county budgets related to the amount spent on the provision of indigent criminal defense services; and (3) the number of cases accepted for representation for each person or office that provides indigent criminal defense services for the respective county. No county – other than Riverside – has represented it has no documents responsive to the PRA request.

In the circumstances, we are concerned that Riverside County has either insufficiently reviewed its available materials for documents responsive to the PRA request or interpreted the requests more restrictively than the language permits. In any event, we request that Riverside County made an additional thorough search for documents responsive to our PRA request and promptly inform us in writing of the results of that additional search. I have attached my original letter for your reference. Thank you for your attention to this matter.

Morgan, Lewis & Bockius LLP

One Market
Spear Street Tower
San Francisco, CA 94105-1596
United States

T +1.415.442.1000
F +1.415.442.1001

ATTACHMENT C

Enjo'lai Burton
March 2, 2022
Page 2

Sincerely,

A handwritten signature in blue ink, appearing to read "Phillip J. Wiese", is written over a light blue rectangular background.

Phillip J. Wiese

ATTACHMENT C

ATTACHMENT A

Morgan Lewis

Phillip J. Wiese

Associate
+1.415.442.1483
phillip.wiese@morganlewis.com

October 14, 2021

VIA FEDEX

Riverside County Assessor-County Clerk-Recorder
4080 Lemon St.
Riverside, CA 92501

Re: California Public Records Act Request

To the County of Riverside (“County”):

Morgan, Lewis & Bockius LLP writes on behalf of the American Civil Liberties Union of Northern California and the American Civil Liberties Union (collectively the “ACLU”) to obtain information about the County’s arrangements for providing counsel to indigent criminal defendants and the scope of legal representation afforded to indigent criminal defendants under the County’s arrangements, and particularly the use of private sector attorneys to provide that representation.

As you may know, both the United States and California Supreme Courts have held that the right to counsel requires the State to provide a competent lawyer to indigent criminal defendants. *Gideon v. Wainwright*, 372 U.S. 335 (1963); *Ex parte Newbern*, 53 Cal. 2d 786, 790 (1960). California historically has delegated its Constitutional obligation to individual counties. To ensure representation to indigent criminal defendants, California counties have the choice of creating a public defender’s office, contracting with an individual attorney or law firm in the private sector, using assigned private sector counsel as appointed by the court, or some combination of these methods. California does not track how each county meets this delegated obligation. In the absence of such tracking by the State, inadequate public information exists about how the counties provide this important government function, which is why we are seeking this information.

Pursuant to the California Public Records Act (“CPRA”)¹ and the California Constitution,² the ACLU therefore requests the records in the possession or control of the County set out in Attachment A (together with this cover letter, the “Request”). The Request seeks records that provide information the public requires to understand how the counties are meeting their delegated obligation to ensure competent representation to indigent criminal defendants. For informational purposes, we have also provided a courtesy copy of the Request to the public defender’s office.

¹ Gov’t Code §§ 6250 *et seq.*

² Cal. Const., art. I, § 3(b)(2).

Morgan, Lewis & Bockius LLP

One Market
Spear Street Tower
San Francisco, CA 94105-1596
United States

T +1.415.442.1000
F +1.415.442.1001

ATTACHMENT C

California Public Records Act Request
County of Riverside
October 14, 2021
Page 2

In responding to this Request, please note that the CPRA broadly defines the term “record.” Specifically, the term includes “any writing containing information relating to the conduct of the people’s business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.”³ The CPRA defines, in turn, a “writing” as any “means of recording upon any tangible thing any form of communication or representation.”⁴ The present Request therefore applies to all paper documents, as well as to all emails, videos, audio recordings, text messages, or other electronic records within the County’s possession or control. Even if a record was created by a member of another government agency or a member of the public, it still must be produced so long as it is (or was) “used” or “retained” by the County.⁵

As permitted by the CPRA, this Request sets forth the specific categories of information that we are seeking, rather than asking for documents by name.⁶ It is your obligation to conduct record searches based on the criteria identified herein.⁷ Should you come to believe the present Request is overly broad, you are required to (1) offer assistance in identifying responsive records and information; (2) describe “the information technology and physical location in which the records exist;” and (3) provide “suggestions for overcoming any practical basis” that you assert as a reason to delay or deny access to the records or information sought.⁸

The CPRA requires that you respond to this Request in 10 days.⁹ If you contend that an express provision of law exempts a responsive record from disclosure, either in whole or in part, you must make that determination in writing. Such a determination must specify the legal authority on which you rely, as well as identify both the name and title of the person(s) responsible for the determination not to disclose.¹⁰ Additionally, even if you contend that a portion of a record requested is exempt from disclosure, you still must release the non-exempt portion of that record.¹¹ Please note that the CPRA “endows” your agency with “discretionary authority to override” any of the Act’s statutory exemptions “when a dominating public interest favors disclosure.”¹²

Because the ACLU is a non-profit organization and because this Request pertains to a matter of public concern, the ACLU requests a fee waiver. None of the information obtained will

³ Gov’t Code § 6252(e).

⁴ *Id.* § 6252(g).

⁵ *Id.* § 6252(e); *see California State Univ. v. Superior Ct.*, 90 Cal. App. 4th 810, 824–25 (2001) (concluding that documents which were “unquestionably ‘used’ and/or ‘retained’ by [an agency]” were public records); *see also Cty. of Santa Clara v. Superior Ct.*, 170 Cal. App. 4th 1301, 1334 (2009) (“[W]hile section 6254.9 recognizes the availability of copyright protection for software in a proper case, it provides no statutory authority for asserting any other copyright interest.”).

⁶ Gov’t Code § 6253(b).

⁷ *See id.* §§ 6253–6253.1.

⁸ *Id.* § 6253.1(a).

⁹ *Id.* § 6253(c).

¹⁰ *Id.* § 6255; *see also id.* § 6253(d)(3).

¹¹ *Id.* § 6253(a), (c).

¹² *CBS, Inc. v. Block*, 42 Cal. 3d 646, 652 (1986); *Nat’l Conference of Black Mayors v. Chico Cmty. Publ’g, Inc.*, 25 Cal. App. 5th 570, 579 (2018) (construing the CPRA’s exemptions as “permissive, not mandatory—they allow nondisclosure but do not prohibit disclosure”).

ATTACHMENT C

California Public Records Act Request
County of Riverside
October 14, 2021
Page 3

be sold or distributed for profit. The ACLU also requests that, to the extent possible, documents be provided in electronic format. Doing so will eliminate the need to copy the materials and provides another basis for the requested fee waiver. If, however, you are unwilling to waive costs and anticipate that costs will exceed \$50, or that the time needed to copy the records will delay their release, please contact us so that we can arrange to inspect the documents or decide which documents we wish to have copied and produced. Otherwise, please copy and send all responsive records to phillip.wiese@morganlewis.com or: Phillip Wiese, Morgan Lewis & Bockius LLP, One Market, Spear Street Tower, San Francisco, CA 94105.

Thank you in advance for your assistance with this Request. We look forward to receiving your response within 10 days. And once again, if you require any clarification of this Request, please let us know.

Sincerely,



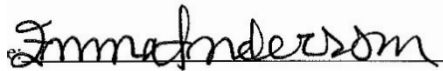
Phillip Wiese
Morgan, Lewis & Bockius LLP

Sincerely,



Chessie Thacher
Senior Staff Attorney
American Civil Liberties Union
Foundation of Northern California

Sincerely,



Emma Andersson
Senior Staff Attorney
American Civil Liberties Union

Enclosure: Attachment A – Requests

c: Riverside County Public Defender
4200 Orange Street
Riverside, CA 92501

ATTACHMENT C

California Public Records Act Request
County of Riverside
October 14, 2021
Page 4

Attachment A

1. Contracts or agreements, in effect at any time from January 1, 2015 to present, regarding the engagement of any private attorney, law firm, or other entity (including any conflict panel) for the provision of indigent criminal defense services.
2. Schedules, exhibits, or addenda, in effect at any time from January 1, 2015 to present, regarding allowable fees, costs, remuneration, or reimbursement of attorneys, investigators, experts, qualified immigration specialists or immigration services providers,¹³ or other support staff utilized by any private attorney, law firm, or other entity (including any conflict panel) for the provision of indigent criminal defense services.
3. Policies, memoranda, or other written guidance, in effect at any time from January 1, 2015 to present, regarding selection criteria and/or qualifications for any private attorney, law firm, or other entity (including any conflict panel) that the County contracts with for the provision of indigent criminal defense services.
4. Policies, memoranda, or other written guidance, in effect at any time from January 1, 2015 to present, regarding processes and criteria used to assign cases to any private attorney, law firm, or other entity (including any conflict panel) that the County contracts with for the provision of indigent criminal defense services.
5. Requests for bids, in effect at any time from January 1, 2015 to present, regarding the engagement of any private attorney, law firm, or other entity (including any conflict panel) for the provision of indigent criminal defense services.
6. Reports, analyses, evaluations, investigations, or other written assessments (excluding any materials protected by attorney-client privilege) of work performed by private attorneys, law firms, or other entity (including any conflict panel) in the provision of indigent criminal defense services, from January 1, 2015 to present. This request includes, but is not limited to, reports, analyses, evaluations, investigations, or other written assessments from any source whatsoever, including the provider of the indigent criminal defense services.

¹³ Qualified immigration specialists or immigration services providers refer to employees or contractors responsible for providing indigent defendants with advice regarding the civil immigration consequences of criminal convictions. *See Padilla v. Commonwealth of Kentucky*, 559 U.S. 356 (2010).

ATTACHMENT C

California Public Records Act Request
County of Riverside
October 14, 2021
Page 5

7. Documents sufficient to show funds paid by the County to each private attorney, law firm, or other entity (including any conflict panel) for the provision of indigent criminal defense services for each year from January 1, 2015 to present, including payment for fees, costs, remuneration, or reimbursement of attorneys, investigators, experts, qualified immigration specialists or immigration services providers, or other support staff.
8. Proposed and approved budgets for each year from January 1, 2015 to present, for each entity that provides indigent defense services in the County, including:
 - a. the Office of the Public Defender (if any);
 - b. the Office of the Alternate Public Defender (if any); or
 - c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.
9. Organizational charts, dated at any time from January 1, 2015 to present, for each entity that provides indigent defense services in the County, including:
 - a. the Office of the Public Defender (if any);
 - b. the Office of the Alternate Public Defender (if any); or
 - c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.
10. Documents sufficient to show the number of cases accepted for representation from January 1, 2015 to present, broken out by year and by case type (*e.g.*, felony, misdemeanor, juvenile delinquency, conservatorship, etc.), for each entity that provides indigent defense services in the County, including:
 - a. the Office of the Public Defender (if any);
 - b. the Office of the Alternate Public Defender (if any); or
 - c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.
11. Documents sufficient to show the number of cases resolved from January 1, 2015 to present, broken out by year and by type of resolution (*e.g.*, by plea, trial, or another identified disposition method), for each entity that provides indigent defense services in the County, including:
 - a. the Office of the Public Defender (if any);
 - b. the Office of the Alternate Public Defender (if any); or

ATTACHMENT C

California Public Records Act Request
County of Riverside
October 14, 2021
Page 6

- c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.

12. Documents sufficient to show the number of cases resolved from January 1, 2015 to present, in which expert services were utilized in connection with the provision of indigent criminal defense services by each entity that provides indigent defense services in the County, including:
 - a. the Office of the Public Defender (if any);
 - b. the Office of the Alternate Public Defender (if any); or
 - c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.

13. Documents sufficient to show the number of cases resolved from January 1, 2015 to present, in which investigators were utilized in connection with the provision of indigent criminal defense services by each entity that provides indigent defense services in the County, including:
 - a. the Office of the Public Defender (if any);
 - b. the Office of the Alternate Public Defender (if any); or
 - c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.

14. Documents sufficient to show the number of cases resolved from January 1, 2015 to present, in which a qualified immigration specialist or immigration services provider was utilized in connection with the provision of indigent criminal defense services by each entity that provides indigent defense services in the County, including:
 - a. the Office of the Public Defender (if any);
 - b. the Office of the Alternate Public Defender (if any); or
 - c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.

15. Contracts or agreements, in effect at any time from January 1, 2015 to present, regarding the engagement of a qualified immigration specialist or immigration services provider in connection with the provision of indigent criminal defense services by each entity that provides indigent defense services in the County, including:
 - a. the Office of the Public Defender (if any);

ATTACHMENT C

California Public Records Act Request
County of Riverside
October 14, 2021
Page 7

- b. the Office of the Alternate Public Defender (if any); or
 - c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.
16. Policies, memoranda, or other written guidance, in effect at any time from January 1, 2015 to present, regarding the number of cases and/or total workload that may be assigned to an individual attorney or supporting case team working on behalf of each entity that provides indigent defense services in the County, including:
- a. the Office of the Public Defender (if any);
 - b. the Office of the Alternate Public Defender (if any); or
 - c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.
17. Policies, memoranda, or other written guidance, in effect at any time between January 1, 2015 to present, regarding the presence of defense counsel at arraignment hearings for indigent defendants in criminal court, for each entity that provides indigent defense services in the County, including:
- a. the Office of the Public Defender (if any);
 - b. the Office of the Alternate Public Defender (if any); or
 - c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.
18. Policies, memoranda, or other written guidance, in effect at any time from January 1, 2015 to present, regarding the process and criteria used to determine a criminal defendant's eligibility for court-appointed counsel due to indigency.
19. Forms, worksheets, checklists, or questionnaires, in effect at any time from January 1, 2015 to present, regarding the process and criteria used to determine a criminal defendant's eligibility for court-appointed counsel due to indigency.

ATTACHMENT C

ORIGIN ID: JCCA (415) 442-1000
CHRISTAL FARRANO
MORGAN LEWIS & BOCKLIUS LLP
1 MARKET
SPEAR STREET TOWER
SAN FRANCISCO, CA 941 05
UNITED STATES US

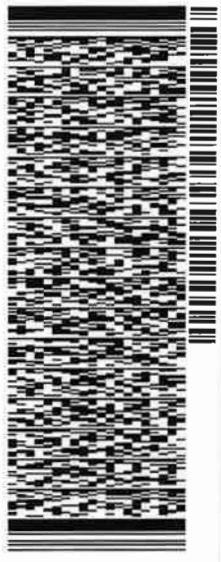
SHIP DATE: 14OCT'11
ACT'WT: 0.50 LB
CAD: 253863943MNSX13600

BILL SENDER

TO **CLERK-RECORDER**
RIVERSIDE COUNTY ASSESSOR-COUNTY
4080 LEMON ST

RIVERSIDE CA 92501
(415) 442-1605
REF: 96902-105431-0001
DEPT

56DJ3114BAWFE4A



J212021870981uv

TRK# 2848 9950 3524
0201

FRI - 15 OCT 10:30A
PRIORITY OVERNIGHT

WMM MERA
CA-US **92501**
SBD



FOLD on this line and place in shipping pouch with bar code and delivery address visible

1. Fold the first printed page in half and use as the shipping label.
2. Place the label in a waybill pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.
3. Keep the second page as a receipt for your records. The receipt contains the terms and conditions of shipping and information useful for tracking your package.

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ATTACHMENT C



<i>package id</i>	<i>from</i>	<i>vendor</i>
1068378	Chris Altamirano (95902)	FedEx
<i>ship date</i>	Morgan, Lewis & Bockius	<i>tracking number</i>
Thu, Oct 14 2021	LLP	284899503524
<i>to</i>	1 Market	<i>service</i>
Clerk-Recorder	Spear Street Tower	FedEx Priority Overnight®
Riverside County Assessor-	San Francisco, CA 94105	<i>packaging</i>
County	US	FedEx® Envelope
4080 LEMON ST	+1.415.442.1605	<i>courtesy quote</i>
RIVERSIDE, CA 92501-	<i>billing</i>	12.22
3609	client id: 10543100.matter	<i>Quote may not reflect all</i>
United States	id : 105431-0001	<i>accessorial charges</i>
415-442-1605	(10543100.105431-0001)	
<i>residential address</i>	Letters	
No	<i>operator</i>	
<i>return label</i>	Jose Montalvo	
No	+1.415.442.1491	
<i>notification type</i>	jose.montalvo@morganlewis	
Delivery	<i>create time</i>	
Tendered	10/14/21, 10:59AM	
<i>notification recipients</i>		
chris.altamirano@mor...		
jose.montalvo@morgan...		

ATTACHMENT C

ORIGIN ID: JCGA (415) 442-1000
CHRIS ALTAMIRA-NO
MORGAN, LEMIS & BOCKIUS LLP
1 MARKET
SPEAR STREET TOWER
SAN FRANCISCO, CA 94105
UNITED STATES US

SHIP DATE: 14OCT21
ACTWGT: 0.50 LB
CAD: 253863943MWSX13600

BILL SENDER

TO
RIVERSIDE COUNTY PUBLIC DEFENDER
4200 ORANGE ST

RIVERSIDE CA 92501
(415) 442-1805 REF 95902:105431:0001
INV/ PO DEPT

56DJ3114BA/FE4A



TRK# 2849 1373 3600
0201
FRI - 15 OCT 10:30A
PRIORITY OVERNIGHT

WMM MERA
CA-US 92501
SBD



FOLD on this line and place in shipping pouch with bar code and delivery address visible

- 1. Fold the first printed page in half and use as the shipping label.
- 2. Place the label in a waybill pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.
- 3. Keep the second page as a receipt for your records. The receipt contains the terms and conditions of shipping and information useful for tracking your package.

Legal Terms and Conditions

Tendering packages by using this system constitutes your agreement to the service conditions for the transportation of your shipments as found in the applicable FedEx Service Guide, available upon request. FedEx will not be responsible for any claim in excess of the applicable declared value, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the applicable FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of 100 USD or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is 500 USD, e.g. jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits, see applicable FedEx Service Guide. FedEx will not be liable for loss or damage to prohibited items in any event or for your acts or omissions, including, without limitation, improper or insufficient packaging, securing, marking or addressing, or the acts or omissions of the recipient or anyone else with an interest in the package. See the applicable FedEx Service Guide for complete terms and conditions. To obtain information regarding how to file a claim or to obtain a Service Guide, please call 1-800-GO-FEDEX (1-800-463-3339).

ATTACHMENT C



package id
1068467
ship date
Thu, Oct 14 2021
to
Riverside County Public
Defender
4200 ORANGE ST
RIVERSIDE, CA 92501-
3827
United States
415-442-1605
residential address
No
return label
No
notification type
Delivery
Tendered
notification recipients
chris.altamirano@mor...
jose.montalvo@morgan...

from
Chris Altamirano (95902)
Morgan, Lewis & Bockius
LLP
1 Market
Spear Street Tower
San Francisco, CA 94105
US
+1.415.442.1605
billing
client id: 10543100.matter
id : 105431-0001
(10543100.105431-0001)
Letter
operator
Jose Montalvo
+1.415.442.1491
jose.montalvo@morganlewis.
create time
10/14/21, 2:03PM

vendor
FedEx
tracking number
284913733600
service
FedEx Priority Overnight®
packaging
FedEx® Envelope
courtesy quote
12.22
*Quote may not reflect all
accessorial charges*

EXHIBIT 6

Morgan Lewis

Phillip J. Wiese

Associate
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phillip.wiese@morganlewis.com

November 14, 2022

VIA FEDEX

Jeff Hewitt
c/o Riverside County Board of Supervisors
4080 Lemon Street, Fifth Floor
Riverside, California 92501

Re: California Public Records Act Request

Dear Mr. Hewitt and Riverside County Board of Supervisors:

I write on behalf of the American Civil Liberties Union of Northern California, the American Civil Liberties Union of Southern California, and the national American Civil Liberties Union (together, the “ACLU”) to follow up on the ACLU’s Public Records Act (“PRA”) request dated October 14, 2021. This letter also follows up on our prior correspondence, dated July 5, 2022, as well as additional correspondence I have had with the Riverside County Custodian of Records, Enjo’lai Burton. To date, neither Riverside County (the “County”) nor the Board of Supervisors has provided an adequate response to the ACLU’s PRA request. Continued failure to provide responsive documents will leave us no recourse but to file a petition for writ of mandate to obtain compliance with the PRA.

I briefly summarize the history that has placed us in this position. On October 14, 2021, the ACLU, via undersigned counsel, sent a PRA request to Riverside County seeking certain documents and information related to Riverside County’s provision of counsel to indigent criminal defendants, and particularly the use of private sector attorneys to provide that representation. The documents requested relate to, among other things: (1) contracts with private attorneys to provide indigent criminal defense services; (2) county budgets related to the amount spent on the provision of indigent criminal defense services; and (3) the number of cases accepted for representation for each person or office that provides indigent criminal defense services in the County. A copy of the PRA request is included as Attachment A for your convenience.

On October 22, 2021, I received a response by email from Enjo’lai Burton, the Custodian of Records for Riverside County, stating that the Assessor-County-Clerk-Recorder had no documents responsive to our PRA request. That response demonstrated that Mr. Burton

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Jeff Hewitt
November 14, 2022
Page 2

misunderstood the request to relate to records about specific indigent criminal defendants rather than to records about the provision of legal services to all indigent criminal defendants. I responded on October 28, 2021, to clarify the scope of the PRA request. Notwithstanding that clarification, I received a communication on November 2, 2021, stating that the Custodian of Records was “unable to locate any information pertaining to [the] request.” The response also directed me to the Superior Court for Riverside County for additional information, indicating again that the Custodian of Records continued to misconstrue the PRA request despite its plain language and my clarification. That email exchange is included as Attachment B for your convenience.

Subsequent to that email exchange, I followed up with the Riverside County Custodian of Records with numerous voice mail messages, an email on January 20, 2022, and finally by letter on March 2, 2022 (a copy of the email and letter are included as Attachment C for your convenience). All of these communications sought additional information about the types of records Riverside County may have that are responsive to the PRA request. Notwithstanding the County’s obligation under the PRA to assist requestors in identifying responsive documents (Gov’t Code § 6253.1(a)), the Riverside County Custodian of Records never responded to any of these communications.

We know for certain that Riverside County has documents responsive to the PRA request—as noted in my March 2, 2022 letter. For example, PRA Request No. 8 seeks “proposed and approved budgets ... for each entity that provides indigent criminal defense services in the County, including: [] the Office of the Public Defender (if any).” Our own research into the County’s unsupported position reveals that documents responsive to this particular request are publicly available online and therefore clearly exist and are in the County’s possession.¹ Since we do not wish to create unnecessary work for you or your staff, if you believe that more of the specific information we seek is publicly available online, we would be happy to work with you to identify such items.

Your assertion that no responsive documents exist is also dubious given that we have received responsive documents from numerous other California counties to the identical PRA requests. Indeed, we have sent the same PRA request to almost all of California’s 58 counties and no county, other than Riverside, has represented that it has zero documents responsive to our request.

Because of the County Custodian’s refusal to respond to the ACLU’s PRA request and my follow-up communications, I wrote to you and the full Riverside County Board of Supervisors on July 5, 2022, seeking assistance. In that letter (a copy of which is included as Attachment D for your convenience), I set out the facts stated above and requested that

¹ See e.g., Riverside County 2020-2021 Adopted Budget, at p. 268 (reflecting an adopted budget for the Riverside Public Defender of \$45,309,844), available at https://www.rivco.org/sites/default/files/FY20-21_Adopted_Budget_Volume_1.pdf

Jeff Hewitt
November 14, 2022
Page 3

the Board of Supervisors cooperate to fulfill the County's obligations under the law. To date, neither you nor the Board of Supervisors have responded.

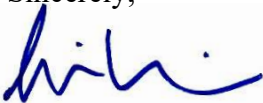
This letter is our final attempt to reach the Riverside County Board of Supervisors to demand that we receive a full and complete response to the ACLU's PRA request. As set out herein, we have made numerous, good-faith efforts to work with the County to identify responsive documents or discuss ways in which we might target the PRA request. You have met those good-faith efforts with an initial improper response and then silence. The County's unexplained non-compliance has dragged out for more than a year and is contrary to both the letter and the spirit of California law. *See, e.g.*, Cal. Const., art. 1, § 3(b)(1) (emphasizing that the "people have the right of access to information concerning the conduct of the people's business"); Gov't Code § 6250 (providing that "access to information concerning the conduct of the people's business" is a "fundamental and necessary right of every person in this state"); *id.* § 6253(c) (forbidding an agency from "delay[ing] or obstruct[ing] the inspection or copying of records").

If the County continues to flout its PRA obligations and fails to respond to our PRA request by **November 30, 2022**, we will have no recourse other than to seek a writ mandating the County to respond in full and produce all responsive records. Furthermore, as is our entitlement under Government Code § 6259(d) and Code of Civil Procedure § 1021.5, we will seek to recover all fees and costs incurred to prepare and file this petition for writ of mandate.

Because Riverside County stands alone among California counties in obstructing production of public records, and because the County can avoid litigation costs if it will produce responsive records as other counties have, we urge the County to meet its obligations and comply with the ACLU's PRA request.

I am available to discuss this by email, at phillip.wiese@morganlewis.com, or by phone, at 415-442-1483. I look forward to your prompt response and sincerely hope we can avoid litigating this matter.

Sincerely,



Phillip J. Wiese

c: County Counsel
3960 Orange Street, Suite 500
Riverside, CA 92501

ATTACHMENT A

Morgan Lewis

Phillip J. Wiese

Associate
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phillip.wiese@morganlewis.com

October 14, 2021

VIA FEDEX

Riverside County Assessor-County Clerk-Recorder
4080 Lemon St.
Riverside, CA 92501

Re: California Public Records Act Request

To the County of Riverside (“County”):

Morgan, Lewis & Bockius LLP writes on behalf of the American Civil Liberties Union of Northern California and the American Civil Liberties Union (collectively the “ACLU”) to obtain information about the County’s arrangements for providing counsel to indigent criminal defendants and the scope of legal representation afforded to indigent criminal defendants under the County’s arrangements, and particularly the use of private sector attorneys to provide that representation.

As you may know, both the United States and California Supreme Courts have held that the right to counsel requires the State to provide a competent lawyer to indigent criminal defendants. *Gideon v. Wainwright*, 372 U.S. 335 (1963); *Ex parte Newbern*, 53 Cal. 2d 786, 790 (1960). California historically has delegated its Constitutional obligation to individual counties. To ensure representation to indigent criminal defendants, California counties have the choice of creating a public defender’s office, contracting with an individual attorney or law firm in the private sector, using assigned private sector counsel as appointed by the court, or some combination of these methods. California does not track how each county meets this delegated obligation. In the absence of such tracking by the State, inadequate public information exists about how the counties provide this important government function, which is why we are seeking this information.

Pursuant to the California Public Records Act (“CPRA”)¹ and the California Constitution,² the ACLU therefore requests the records in the possession or control of the County set out in Attachment A (together with this cover letter, the “Request”). The Request seeks records that provide information the public requires to understand how the counties are meeting their delegated obligation to ensure competent representation to indigent criminal defendants. For informational purposes, we have also provided a courtesy copy of the Request to the public defender’s office.

¹ Gov’t Code §§ 6250 *et seq.*

² Cal. Const., art. I, § 3(b)(2).

Morgan, Lewis & Bockius LLP

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In responding to this Request, please note that the CPRA broadly defines the term “record.” Specifically, the term includes “any writing containing information relating to the conduct of the people’s business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.”³ The CPRA defines, in turn, a “writing” as any “means of recording upon any tangible thing any form of communication or representation.”⁴ The present Request therefore applies to all paper documents, as well as to all emails, videos, audio recordings, text messages, or other electronic records within the County’s possession or control. Even if a record was created by a member of another government agency or a member of the public, it still must be produced so long as it is (or was) “used” or “retained” by the County.⁵

As permitted by the CPRA, this Request sets forth the specific categories of information that we are seeking, rather than asking for documents by name.⁶ It is your obligation to conduct record searches based on the criteria identified herein.⁷ Should you come to believe the present Request is overly broad, you are required to (1) offer assistance in identifying responsive records and information; (2) describe “the information technology and physical location in which the records exist;” and (3) provide “suggestions for overcoming any practical basis” that you assert as a reason to delay or deny access to the records or information sought.⁸

The CPRA requires that you respond to this Request in 10 days.⁹ If you contend that an express provision of law exempts a responsive record from disclosure, either in whole or in part, you must make that determination in writing. Such a determination must specify the legal authority on which you rely, as well as identify both the name and title of the person(s) responsible for the determination not to disclose.¹⁰ Additionally, even if you contend that a portion of a record requested is exempt from disclosure, you still must release the non-exempt portion of that record.¹¹ Please note that the CPRA “endows” your agency with “discretionary authority to override” any of the Act’s statutory exemptions “when a dominating public interest favors disclosure.”¹²

Because the ACLU is a non-profit organization and because this Request pertains to a matter of public concern, the ACLU requests a fee waiver. None of the information obtained will

³ Gov’t Code § 6252(e).

⁴ *Id.* § 6252(g).

⁵ *Id.* § 6252(e); *see California State Univ. v. Superior Ct.*, 90 Cal. App. 4th 810, 824–25 (2001) (concluding that documents which were “unquestionably ‘used’ and/or ‘retained’ by [an agency]” were public records); *see also Cty. of Santa Clara v. Superior Ct.*, 170 Cal. App. 4th 1301, 1334 (2009) (“[W]hile section 6254.9 recognizes the availability of copyright protection for software in a proper case, it provides no statutory authority for asserting any other copyright interest.”).

⁶ Gov’t Code § 6253(b).

⁷ *See id.* §§ 6253–6253.1.

⁸ *Id.* § 6253.1(a).

⁹ *Id.* § 6253(c).

¹⁰ *Id.* § 6255; *see also id.* § 6253(d)(3).

¹¹ *Id.* § 6253(a), (c).

¹² *CBS, Inc. v. Block*, 42 Cal. 3d 646, 652 (1986); *Nat’l Conference of Black Mayors v. Chico Cmty. Publ’g, Inc.*, 25 Cal. App. 5th 570, 579 (2018) (construing the CPRA’s exemptions as “permissive, not mandatory—they allow nondisclosure but do not prohibit disclosure”).

be sold or distributed for profit. The ACLU also requests that, to the extent possible, documents be provided in electronic format. Doing so will eliminate the need to copy the materials and provides another basis for the requested fee waiver. If, however, you are unwilling to waive costs and anticipate that costs will exceed \$50, or that the time needed to copy the records will delay their release, please contact us so that we can arrange to inspect the documents or decide which documents we wish to have copied and produced. Otherwise, please copy and send all responsive records to phillip.wiese@morganlewis.com or: Phillip Wiese, Morgan Lewis & Bockius LLP, One Market, Spear Street Tower, San Francisco, CA 94105.

Thank you in advance for your assistance with this Request. We look forward to receiving your response within 10 days. And once again, if you require any clarification of this Request, please let us know.

Sincerely,



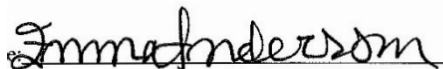
Phillip Wiese
Morgan, Lewis & Bockius LLP

Sincerely,



Chessie Thacher
Senior Staff Attorney
American Civil Liberties Union
Foundation of Northern California

Sincerely,



Emma Andersson
Senior Staff Attorney
American Civil Liberties Union

Enclosure: Attachment A – Requests

c: Riverside County Public Defender
4200 Orange Street
Riverside, CA 92501

Attachment A

1. Contracts or agreements, in effect at any time from January 1, 2015 to present, regarding the engagement of any private attorney, law firm, or other entity (including any conflict panel) for the provision of indigent criminal defense services.
2. Schedules, exhibits, or addenda, in effect at any time from January 1, 2015 to present, regarding allowable fees, costs, remuneration, or reimbursement of attorneys, investigators, experts, qualified immigration specialists or immigration services providers,¹³ or other support staff utilized by any private attorney, law firm, or other entity (including any conflict panel) for the provision of indigent criminal defense services.
3. Policies, memoranda, or other written guidance, in effect at any time from January 1, 2015 to present, regarding selection criteria and/or qualifications for any private attorney, law firm, or other entity (including any conflict panel) that the County contracts with for the provision of indigent criminal defense services.
4. Policies, memoranda, or other written guidance, in effect at any time from January 1, 2015 to present, regarding processes and criteria used to assign cases to any private attorney, law firm, or other entity (including any conflict panel) that the County contracts with for the provision of indigent criminal defense services.
5. Requests for bids, in effect at any time from January 1, 2015 to present, regarding the engagement of any private attorney, law firm, or other entity (including any conflict panel) for the provision of indigent criminal defense services.
6. Reports, analyses, evaluations, investigations, or other written assessments (excluding any materials protected by attorney-client privilege) of work performed by private attorneys, law firms, or other entity (including any conflict panel) in the provision of indigent criminal defense services, from January 1, 2015 to present. This request includes, but is not limited to, reports, analyses, evaluations, investigations, or other written assessments from any source whatsoever, including the provider of the indigent criminal defense services.

¹³ Qualified immigration specialists or immigration services providers refer to employees or contractors responsible for providing indigent defendants with advice regarding the civil immigration consequences of criminal convictions. *See Padilla v. Commonwealth of Kentucky*, 559 U.S. 356 (2010).

7. Documents sufficient to show funds paid by the County to each private attorney, law firm, or other entity (including any conflict panel) for the provision of indigent criminal defense services for each year from January 1, 2015 to present, including payment for fees, costs, remuneration, or reimbursement of attorneys, investigators, experts, qualified immigration specialists or immigration services providers, or other support staff.
8. Proposed and approved budgets for each year from January 1, 2015 to present, for each entity that provides indigent defense services in the County, including:
 - a. the Office of the Public Defender (if any);
 - b. the Office of the Alternate Public Defender (if any); or
 - c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.
9. Organizational charts, dated at any time from January 1, 2015 to present, for each entity that provides indigent defense services in the County, including:
 - a. the Office of the Public Defender (if any);
 - b. the Office of the Alternate Public Defender (if any); or
 - c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.
10. Documents sufficient to show the number of cases accepted for representation from January 1, 2015 to present, broken out by year and by case type (*e.g.*, felony, misdemeanor, juvenile delinquency, conservatorship, etc.), for each entity that provides indigent defense services in the County, including:
 - a. the Office of the Public Defender (if any);
 - b. the Office of the Alternate Public Defender (if any); or
 - c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.
11. Documents sufficient to show the number of cases resolved from January 1, 2015 to present, broken out by year and by type of resolution (*e.g.*, by plea, trial, or another identified disposition method), for each entity that provides indigent defense services in the County, including:
 - a. the Office of the Public Defender (if any);
 - b. the Office of the Alternate Public Defender (if any); or

- c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.

12. Documents sufficient to show the number of cases resolved from January 1, 2015 to present, in which expert services were utilized in connection with the provision of indigent criminal defense services by each entity that provides indigent defense services in the County, including:
 - a. the Office of the Public Defender (if any);
 - b. the Office of the Alternate Public Defender (if any); or
 - c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.

13. Documents sufficient to show the number of cases resolved from January 1, 2015 to present, in which investigators were utilized in connection with the provision of indigent criminal defense services by each entity that provides indigent defense services in the County, including:
 - a. the Office of the Public Defender (if any);
 - b. the Office of the Alternate Public Defender (if any); or
 - c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.

14. Documents sufficient to show the number of cases resolved from January 1, 2015 to present, in which a qualified immigration specialist or immigration services provider was utilized in connection with the provision of indigent criminal defense services by each entity that provides indigent defense services in the County, including:
 - a. the Office of the Public Defender (if any);
 - b. the Office of the Alternate Public Defender (if any); or
 - c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.

15. Contracts or agreements, in effect at any time from January 1, 2015 to present, regarding the engagement of a qualified immigration specialist or immigration services provider in connection with the provision of indigent criminal defense services by each entity that provides indigent defense services in the County, including:
 - a. the Office of the Public Defender (if any);

- b. the Office of the Alternate Public Defender (if any); or
 - c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.
16. Policies, memoranda, or other written guidance, in effect at any time from January 1, 2015 to present, regarding the number of cases and/or total workload that may be assigned to an individual attorney or supporting case team working on behalf of each entity that provides indigent defense services in the County, including:
- a. the Office of the Public Defender (if any);
 - b. the Office of the Alternate Public Defender (if any); or
 - c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.
17. Policies, memoranda, or other written guidance, in effect at any time between January 1, 2015 to present, regarding the presence of defense counsel at arraignment hearings for indigent defendants in criminal court, for each entity that provides indigent defense services in the County, including:
- a. the Office of the Public Defender (if any);
 - b. the Office of the Alternate Public Defender (if any); or
 - c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.
18. Policies, memoranda, or other written guidance, in effect at any time from January 1, 2015 to present, regarding the process and criteria used to determine a criminal defendant's eligibility for court-appointed counsel due to indigency.
19. Forms, worksheets, checklists, or questionnaires, in effect at any time from January 1, 2015 to present, regarding the process and criteria used to determine a criminal defendant's eligibility for court-appointed counsel due to indigency.

ORIGIN ID: JCCA (415) 442-1000
 CHRISTAL FARRANO
 MORGAN LEWIS & BOCKLIUS LLP
 1 MARKET
 SPEAR STREET TOWER
 SAN FRANCISCO, CA 941 05
 UNITED STATES US

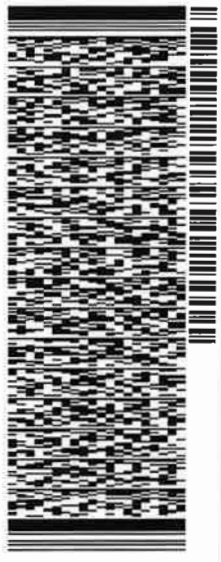
SHIP DATE: 14OCT'11
 ACT'WG: 0.50 LB
 CAD: 253863943MNSX13600

BILL SENDER

TO **CLERK-RECORDER**
RIVERSIDE COUNTY ASSESSOR-COUNTY
4080 LEMON ST

RIVERSIDE CA 92501
 (415) 442-1605
 REF: 96902-105431-0001
 DEPT

56DJ3114BAWFE4A



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FRI - 15 OCT 10:30A
 PRIORITY OVERNIGHT

WMM MERA
 CA-US **92501**
SBD

 FOLD on this line and place in shipping pouch with bar code and delivery address visible

1. Fold the first printed page in half and use as the shipping label.
2. Place the label in a waybill pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.
3. Keep the second page as a receipt for your records. The receipt contains the terms and conditions of shipping and information useful for tracking your package.

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package id
1068378

ship date
Thu, Oct 14 2021

to
Clerk-Recorder
Riverside County Assessor-
County
4080 LEMON ST
RIVERSIDE, CA 92501-
3609
United States
415-442-1605

residential address
No

return label
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notification type
Delivery
Tendered

notification recipients
chris.altamirano@mor...
jose.montalvo@morgan...

from
Chris Altamirano (95902)
Morgan, Lewis & Bockius
LLP
1 Market
Spear Street Tower
San Francisco, CA 94105
US
+1.415.442.1605

billing
client id: 10543100.matter
id : 105431-0001
(10543100.105431-0001)
Letters

operator
Jose Montalvo
+1.415.442.1491
jose.montalvo@morganlewis

create time
10/14/21, 10:59AM

vendor
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tracking number
284899503524

service
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packaging
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 CHRIS ALTAMIRA-NO
 MORGAN, LEMIS & BOCKIUS LLP
 1 MARKET
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 SAN FRANCISCO, CA 94105
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TO
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1. Fold the first printed page in half and use as the shipping label.
2. Place the label in a waybill pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.
3. Keep the second page as a receipt for your records. The receipt contains the terms and conditions of shipping and information useful for tracking your package.

Legal Terms and Conditions

Tendering packages by using this system constitutes your agreement to the service conditions for the transportation of your shipments as found in the applicable FedEx Service Guide, available upon request. FedEx will not be responsible for any claim in excess of the applicable declared value, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the applicable FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of 100 USD or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is 500 USD, e.g. jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits, see applicable FedEx Service Guide. FedEx will not be liable for loss or damage to prohibited items in any event or for your acts or omissions, including, without limitation, improper or insufficient packaging, securing, marking or addressing, or the acts or omissions of the recipient or anyone else with an interest in the package. See the applicable FedEx Service Guide for complete terms and conditions. To obtain information regarding how to file a claim or to obtain a Service Guide, please call 1-800-GO-FEDEX (1-800-463-3339).



package id
1068467
ship date
Thu, Oct 14 2021
to
Riverside County Public
Defender
4200 ORANGE ST
RIVERSIDE, CA 92501-
3827
United States
415-442-1605
residential address
No
return label
No
notification type
Delivery
Tendered
notification recipients
chris.altamirano@mor...
jose.montalvo@morgan...

from
Chris Altamirano (95902)
Morgan, Lewis & Bockius
LLP
1 Market
Spear Street Tower
San Francisco, CA 94105
US
+1.415.442.1605
billing
client id: 10543100.matter
id : 105431-0001
(10543100.105431-0001)
Letter
operator
Jose Montalvo
+1.415.442.1491
jose.montalvo@morganlewis.
create time
10/14/21, 2:03PM

vendor
FedEx
tracking number
284913733600
service
FedEx Priority Overnight®
packaging
FedEx® Envelope
courtesy quote
12.22
*Quote may not reflect all
accessorial charges*

ATTACHMENT B

Lee, Lisa S.

Subject: FW: California Public Records Act Request- Morgan Lewis
Attachments: Sgw-21-clr21101812170.pdf
Importance: High

From: Burton, Enjolai <Enjolai.Burton@asrclkrec.com>
Sent: Tuesday, November 2, 2021 9:27 AM
To: Wiese, Phillip J. <phillip.wiese@morganlewis.com>
Cc: Faulkner, Billy <bfaulkne@asrclkrec.com>; Ellingwood, Andrew <aellingw@asrclkrec.com>
Subject: RE: California Public Records Act Request- Morgan Lewis
Importance: High

[EXTERNAL EMAIL]
Good morning Phillip,

Thank you for your response. I understand your request and our staff have conducted a search throughout our database. Unfortunately, we were unable to locate any information pertaining to your request. However, I believe the Superior Court of California may be able to further assist you with this matter.

I have provided information to the Superior Court of California with the County of Riverside below.

Superior Court of California County of Riverside
All Departments
(951) 777-3147

Please see the link for more information:
<https://www.riverside.courts.ca.gov/OnlineServices/SearchCourtRecords/public-access.php>

Thank you,

Enjolai Burton

Custodian of Records
Assessor- County Clerk-Recorder Division (ACR)
T-951-472-3352
Enjolai.Burton@asrclkrec.com

"Action is the foundational key to all success." -Pablo Picasso



ASSESSOR-COUNTY CLERK-RECORDER
Riverside County, CA

From: Wiese, Phillip J. <phillip.wiese@morganlewis.com>
Sent: Thursday, October 28, 2021 2:20 PM
To: Burton, Enjolai <Enjolai.Burton@asrclkrec.com>
Cc: Faulkner, Billy <bfaulkne@asrclkrec.com>; Ellingwood, Andrew <aellingw@asrclkrec.com>
Subject: [EXTERNAL] RE: California Public Records Act Request- Morgan Lewis

Hi Enjolai,

Thanks for your response. There many have been some confusion, though. We're not looking for records related to any individual indigent criminal defendants. Rather, we're looking for documents related to the provision of legal services to indigent criminal defendants as a whole, including budgets and contracts with lawyers/law firms for provision of legal services to those defendants. I believe that those documents may be in the possession of the Assessor-County Clerk-Recorder. I am happy to have a call with you to discuss further what we are looking for if it would be helpful. Thanks again.

Phillip J. Wiese

Morgan, Lewis & Bockius LLP

One Market, Spear Street Tower | San Francisco, CA 94105
Direct: +1.415.442.1483 | Main: +1.415.442.1000 | Fax: +1.415.442.1001
phillip.wiese@morganlewis.com | www.morganlewis.com
Assistant: Chris M. Altamirano | +1.415.442.1605 | chris.altamirano@morganlewis.com
Pronouns: He/Him/His



From: Burton, Enjolai <Enjolai.Burton@asrclkrec.com>
Sent: Friday, October 22, 2021 6:24 PM
To: Wiese, Phillip J. <phillip.wiese@morganlewis.com>
Cc: Faulkner, Billy <bfaulkne@asrclkrec.com>; Ellingwood, Andrew <aellingw@asrclkrec.com>
Subject: FW: California Public Records Act Request- Morgan Lewis

[EXTERNAL EMAIL]

Good evening,

Thank you for submitting your public records request. Unfortunately, the Assessor-County Clerk-Recorder does not possess records for indigent criminal defendants. However, I have provided information to the Superior Court of California with the County of Riverside as they may be able to further assist you.

Please see the link for more information:

<https://www.riverside.courts.ca.gov/OnlineServices/SearchCourtRecords/public-access.php>

Have a great weekend!

Thank you,

Enjo'lai Burton

Custodian of Records
Assessor- County Clerk-Recorder Division (ACR)
T-951-472-3352
Enjolai.Burton@asrclkrec.com

"Action is the foundational key to all success." -Pablo Picasso



ASSESSOR-COUNTY CLERK-RECORDER
Riverside County, CA

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[Assessor-County Clerk-Recorder, County of Riverside, California](#)

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[Assessor-County Clerk-Recorder, County of Riverside, California](#)

ATTACHMENT C

Wiese, Phillip J.

From: Wiese, Phillip J.
Sent: Thursday, January 20, 2022 2:29 PM
To: Burton, Enjolai
Cc: Faulkner, Billy; Ellingwood, Andrew
Subject: RE: California Public Records Act Request- Morgan Lewis

Hi Enjo'lai,

I just left a voicemail but wanted to follow up by email as well. Do you have time for a call this week or next to discuss the PRA request? I understand that your office does not have the documents I requested, but other requests to county recorder/assessor offices around have returned documents. Perhaps there is another office I need to reach out to? Let me know when you are available for a call, or feel free to call directly. My cell is the best number to reach me at, and the number is 563-210-2067. Thanks so much.

Phillip J. Wiese

Morgan, Lewis & Bockius LLP

One Market, Spear Street Tower | San Francisco, CA 94105

Direct: +1.415.442.1483 | Main: +1.415.442.1000 | Fax: +1.415.442.1001

phillip.wiese@morganlewis.com | www.morganlewis.com

Assistant: Chris M. Altamirano | +1.415.442.1605 | chris.altamirano@morganlewis.com

Pronouns: He/Him/His



From: Burton, Enjolai <Enjolai.Burton@asrclkrec.com>
Sent: Tuesday, November 2, 2021 9:27 AM
To: Wiese, Phillip J. <phillip.wiese@morganlewis.com>
Cc: Faulkner, Billy <bfaulkne@asrclkrec.com>; Ellingwood, Andrew <aellingw@asrclkrec.com>
Subject: RE: California Public Records Act Request- Morgan Lewis
Importance: High

[EXTERNAL EMAIL]

Good morning Phillip,

Thank you for your response. I understand your request and our staff have conducted a search throughout our database. Unfortunately, we were unable to locate any information pertaining to your request. However, I believe the Superior Court of California may be able to further assist you with this matter.

I have provided information to the Superior Court of California with the County of Riverside below.

Superior Court of California County of Riverside
All Departments

(951) 777-3147

Please see the link for more information:

<https://www.riverside.courts.ca.gov/OnlineServices/SearchCourtRecords/public-access.php>

Thank you,

Enjo'lai Burton
Custodian of Records
Assessor- County Clerk-Recorder Division (ACR)
T-951-472-3352
Enjolai.Burton@asrclkrec.com

"Action is the foundational key to all success." -*Pablo Picasso*



ASSESSOR-COUNTY CLERK-RECORDER
Riverside County, CA

From: Wiese, Phillip J. <phillip.wiese@morganlewis.com>
Sent: Thursday, October 28, 2021 2:20 PM
To: Burton, Enjolai <Enjolai.Burton@asrclkrec.com>
Cc: Faulkner, Billy <bfaulkne@asrclkrec.com>; Ellingwood, Andrew <aellingw@asrclkrec.com>
Subject: [EXTERNAL] RE: California Public Records Act Request- Morgan Lewis

Hi Enjolai,

Thanks for your response. There many have been some confusion, though. We're not looking for records related to any individual indigent criminal defendants. Rather, we're looking for documents related to the provision of legal services to indigent criminal defendants as a whole, including budgets and contracts with lawyers/law firms for provision of legal services to those defendants. I believe that those documents may be in the possession of the Assessor-County Clerk-Recorder. I am happy to have a call with you to discuss further what we are looking for if it would be helpful. Thanks again.

Phillip J. Wiese

Morgan, Lewis & Bockius LLP

One Market, Spear Street Tower | San Francisco, CA 94105

Direct: +1.415.442.1483 | Main: +1.415.442.1000 | Fax: +1.415.442.1001

phillip.wiese@morganlewis.com | www.morganlewis.com

Assistant: Chris M. Altamirano | +1.415.442.1605 | chris.altamirano@morganlewis.com

Pronouns: He/Him/His



From: Burton, Enjolai <Enjolai.Burton@asrclkrec.com>
Sent: Friday, October 22, 2021 6:24 PM
To: Wiese, Phillip J. <phillip.wiese@morganlewis.com>
Cc: Faulkner, Billy <bfaulkne@asrclkrec.com>; Ellingwood, Andrew <aellingw@asrclkrec.com>
Subject: FW: California Public Records Act Request- Morgan Lewis

[EXTERNAL EMAIL]

Good evening,

Thank you for submitting your public records request. Unfortunately, the Assessor-County Clerk-Recorder does not possess records for indigent criminal defendants. However, I have provided information to the Superior Court of California with the County of Riverside as they may be able to further assist you.

Please see the link for more information:

<https://www.riverside.courts.ca.gov/OnlineServices/SearchCourtRecords/public-access.php>

Have a great weekend!

Thank you,

Enjo'lai Burton
Custodian of Records
Assessor- County Clerk-Recorder Division (ACR)
T-951-472-3352
Enjolai.Burton@asrclkrec.com

"Action is the foundational key to all success." -*Pablo Picasso*



ASSESSOR-COUNTY CLERK-RECORDER
Riverside County, CA

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[Assessor-County Clerk-Recorder, County of Riverside, California](#)

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[Assessor-County Clerk-Recorder, County of Riverside, California](#)

Morgan Lewis

Phillip J. Wiese

Associate
+1.415.442.1483
phillip.wiese@morganlewis.com

March 2, 2022

VIA FEDEX

Enjo'lai Burton
Custodian of Records
Riverside County Assessor - County Clerk-Recorder Division
4080 Lemon St.
Riverside, CA 92501

Re: California Public Records Act Request

Dear Ms. Burton:

I write to follow up on our Public Records Act ("PRA") request, dated October 14, 2021, and your email correspondence of October 22, 2021 and November 2, 2021 relating to it. As you may recall, our PRA request relates to Riverside County's provision of counsel to indigent criminal defendants. For your information, we have served identical requests on most California counties.

Your emails represented that your office was unable to locate any records or information pertaining to our PRA request. Since your November 2 email, we have received documents from numerous other California counties in response to identical PRA requests. The documents those counties provided include, among other things (1) contracts with private attorneys to provide indigent criminal defense services; (2) county budgets related to the amount spent on the provision of indigent criminal defense services; and (3) the number of cases accepted for representation for each person or office that provides indigent criminal defense services for the respective county. No county – other than Riverside – has represented it has no documents responsive to the PRA request.

In the circumstances, we are concerned that Riverside County has either insufficiently reviewed its available materials for documents responsive to the PRA request or interpreted the requests more restrictively than the language permits. In any event, we request that Riverside County made an additional thorough search for documents responsive to our PRA request and promptly inform us in writing of the results of that additional search. I have attached my original letter for your reference. Thank you for your attention to this matter.

Morgan, Lewis & Bockius LLP

One Market
Spear Street Tower
San Francisco, CA 94105-1596
United States

T +1.415.442.1000
F +1.415.442.1001

Enjo'lai Burton
March 2, 2022
Page 2

Sincerely,

A handwritten signature in blue ink, appearing to read "Phillip J. Wiese", written over a light blue rectangular background.

Phillip J. Wiese

ATTACHMENT A

Morgan Lewis

Phillip J. Wiese

Associate
+1.415.442.1483
phillip.wiese@morganlewis.com

October 14, 2021

VIA FEDEX

Riverside County Assessor-County Clerk-Recorder
4080 Lemon St.
Riverside, CA 92501

Re: California Public Records Act Request

To the County of Riverside (“County”):

Morgan, Lewis & Bockius LLP writes on behalf of the American Civil Liberties Union of Northern California and the American Civil Liberties Union (collectively the “ACLU”) to obtain information about the County’s arrangements for providing counsel to indigent criminal defendants and the scope of legal representation afforded to indigent criminal defendants under the County’s arrangements, and particularly the use of private sector attorneys to provide that representation.

As you may know, both the United States and California Supreme Courts have held that the right to counsel requires the State to provide a competent lawyer to indigent criminal defendants. *Gideon v. Wainwright*, 372 U.S. 335 (1963); *Ex parte Newbern*, 53 Cal. 2d 786, 790 (1960). California historically has delegated its Constitutional obligation to individual counties. To ensure representation to indigent criminal defendants, California counties have the choice of creating a public defender’s office, contracting with an individual attorney or law firm in the private sector, using assigned private sector counsel as appointed by the court, or some combination of these methods. California does not track how each county meets this delegated obligation. In the absence of such tracking by the State, inadequate public information exists about how the counties provide this important government function, which is why we are seeking this information.

Pursuant to the California Public Records Act (“CPRA”)¹ and the California Constitution,² the ACLU therefore requests the records in the possession or control of the County set out in Attachment A (together with this cover letter, the “Request”). The Request seeks records that provide information the public requires to understand how the counties are meeting their delegated obligation to ensure competent representation to indigent criminal defendants. For informational purposes, we have also provided a courtesy copy of the Request to the public defender’s office.

¹ Gov’t Code §§ 6250 *et seq.*

² Cal. Const., art. I, § 3(b)(2).

Morgan, Lewis & Bockius LLP

One Market
Spear Street Tower
San Francisco, CA 94105-1596
United States

T +1.415.442.1000
F +1.415.442.1001

In responding to this Request, please note that the CPRA broadly defines the term “record.” Specifically, the term includes “any writing containing information relating to the conduct of the people’s business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.”³ The CPRA defines, in turn, a “writing” as any “means of recording upon any tangible thing any form of communication or representation.”⁴ The present Request therefore applies to all paper documents, as well as to all emails, videos, audio recordings, text messages, or other electronic records within the County’s possession or control. Even if a record was created by a member of another government agency or a member of the public, it still must be produced so long as it is (or was) “used” or “retained” by the County.⁵

As permitted by the CPRA, this Request sets forth the specific categories of information that we are seeking, rather than asking for documents by name.⁶ It is your obligation to conduct record searches based on the criteria identified herein.⁷ Should you come to believe the present Request is overly broad, you are required to (1) offer assistance in identifying responsive records and information; (2) describe “the information technology and physical location in which the records exist;” and (3) provide “suggestions for overcoming any practical basis” that you assert as a reason to delay or deny access to the records or information sought.⁸

The CPRA requires that you respond to this Request in 10 days.⁹ If you contend that an express provision of law exempts a responsive record from disclosure, either in whole or in part, you must make that determination in writing. Such a determination must specify the legal authority on which you rely, as well as identify both the name and title of the person(s) responsible for the determination not to disclose.¹⁰ Additionally, even if you contend that a portion of a record requested is exempt from disclosure, you still must release the non-exempt portion of that record.¹¹ Please note that the CPRA “endows” your agency with “discretionary authority to override” any of the Act’s statutory exemptions “when a dominating public interest favors disclosure.”¹²

Because the ACLU is a non-profit organization and because this Request pertains to a matter of public concern, the ACLU requests a fee waiver. None of the information obtained will

³ Gov’t Code § 6252(e).

⁴ *Id.* § 6252(g).

⁵ *Id.* § 6252(e); *see California State Univ. v. Superior Ct.*, 90 Cal. App. 4th 810, 824–25 (2001) (concluding that documents which were “unquestionably ‘used’ and/or ‘retained’ by [an agency]” were public records); *see also Cty. of Santa Clara v. Superior Ct.*, 170 Cal. App. 4th 1301, 1334 (2009) (“[W]hile section 6254.9 recognizes the availability of copyright protection for software in a proper case, it provides no statutory authority for asserting any other copyright interest.”).

⁶ Gov’t Code § 6253(b).

⁷ *See id.* §§ 6253–6253.1.

⁸ *Id.* § 6253.1(a).

⁹ *Id.* § 6253(c).

¹⁰ *Id.* § 6255; *see also id.* § 6253(d)(3).

¹¹ *Id.* § 6253(a), (c).

¹² *CBS, Inc. v. Block*, 42 Cal. 3d 646, 652 (1986); *Nat’l Conference of Black Mayors v. Chico Cmty. Publ’g, Inc.*, 25 Cal. App. 5th 570, 579 (2018) (construing the CPRA’s exemptions as “permissive, not mandatory—they allow nondisclosure but do not prohibit disclosure”).

be sold or distributed for profit. The ACLU also requests that, to the extent possible, documents be provided in electronic format. Doing so will eliminate the need to copy the materials and provides another basis for the requested fee waiver. If, however, you are unwilling to waive costs and anticipate that costs will exceed \$50, or that the time needed to copy the records will delay their release, please contact us so that we can arrange to inspect the documents or decide which documents we wish to have copied and produced. Otherwise, please copy and send all responsive records to phillip.wiese@morganlewis.com or: Phillip Wiese, Morgan Lewis & Bockius LLP, One Market, Spear Street Tower, San Francisco, CA 94105.

Thank you in advance for your assistance with this Request. We look forward to receiving your response within 10 days. And once again, if you require any clarification of this Request, please let us know.

Sincerely,



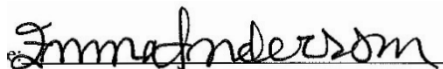
Phillip Wiese
Morgan, Lewis & Bockius LLP

Sincerely,



Chessie Thacher
Senior Staff Attorney
American Civil Liberties Union
Foundation of Northern California

Sincerely,



Emma Andersson
Senior Staff Attorney
American Civil Liberties Union

Enclosure: Attachment A – Requests

c: Riverside County Public Defender
4200 Orange Street
Riverside, CA 92501

Attachment A

1. Contracts or agreements, in effect at any time from January 1, 2015 to present, regarding the engagement of any private attorney, law firm, or other entity (including any conflict panel) for the provision of indigent criminal defense services.
2. Schedules, exhibits, or addenda, in effect at any time from January 1, 2015 to present, regarding allowable fees, costs, remuneration, or reimbursement of attorneys, investigators, experts, qualified immigration specialists or immigration services providers,¹³ or other support staff utilized by any private attorney, law firm, or other entity (including any conflict panel) for the provision of indigent criminal defense services.
3. Policies, memoranda, or other written guidance, in effect at any time from January 1, 2015 to present, regarding selection criteria and/or qualifications for any private attorney, law firm, or other entity (including any conflict panel) that the County contracts with for the provision of indigent criminal defense services.
4. Policies, memoranda, or other written guidance, in effect at any time from January 1, 2015 to present, regarding processes and criteria used to assign cases to any private attorney, law firm, or other entity (including any conflict panel) that the County contracts with for the provision of indigent criminal defense services.
5. Requests for bids, in effect at any time from January 1, 2015 to present, regarding the engagement of any private attorney, law firm, or other entity (including any conflict panel) for the provision of indigent criminal defense services.
6. Reports, analyses, evaluations, investigations, or other written assessments (excluding any materials protected by attorney-client privilege) of work performed by private attorneys, law firms, or other entity (including any conflict panel) in the provision of indigent criminal defense services, from January 1, 2015 to present. This request includes, but is not limited to, reports, analyses, evaluations, investigations, or other written assessments from any source whatsoever, including the provider of the indigent criminal defense services.

¹³ Qualified immigration specialists or immigration services providers refer to employees or contractors responsible for providing indigent defendants with advice regarding the civil immigration consequences of criminal convictions. *See Padilla v. Commonwealth of Kentucky*, 559 U.S. 356 (2010).

7. Documents sufficient to show funds paid by the County to each private attorney, law firm, or other entity (including any conflict panel) for the provision of indigent criminal defense services for each year from January 1, 2015 to present, including payment for fees, costs, remuneration, or reimbursement of attorneys, investigators, experts, qualified immigration specialists or immigration services providers, or other support staff.
8. Proposed and approved budgets for each year from January 1, 2015 to present, for each entity that provides indigent defense services in the County, including:
 - a. the Office of the Public Defender (if any);
 - b. the Office of the Alternate Public Defender (if any); or
 - c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.
9. Organizational charts, dated at any time from January 1, 2015 to present, for each entity that provides indigent defense services in the County, including:
 - a. the Office of the Public Defender (if any);
 - b. the Office of the Alternate Public Defender (if any); or
 - c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.
10. Documents sufficient to show the number of cases accepted for representation from January 1, 2015 to present, broken out by year and by case type (*e.g.*, felony, misdemeanor, juvenile delinquency, conservatorship, etc.), for each entity that provides indigent defense services in the County, including:
 - a. the Office of the Public Defender (if any);
 - b. the Office of the Alternate Public Defender (if any); or
 - c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.
11. Documents sufficient to show the number of cases resolved from January 1, 2015 to present, broken out by year and by type of resolution (*e.g.*, by plea, trial, or another identified disposition method), for each entity that provides indigent defense services in the County, including:
 - a. the Office of the Public Defender (if any);
 - b. the Office of the Alternate Public Defender (if any); or

- c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.

12. Documents sufficient to show the number of cases resolved from January 1, 2015 to present, in which expert services were utilized in connection with the provision of indigent criminal defense services by each entity that provides indigent defense services in the County, including:
 - a. the Office of the Public Defender (if any);
 - b. the Office of the Alternate Public Defender (if any); or
 - c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.

13. Documents sufficient to show the number of cases resolved from January 1, 2015 to present, in which investigators were utilized in connection with the provision of indigent criminal defense services by each entity that provides indigent defense services in the County, including:
 - a. the Office of the Public Defender (if any);
 - b. the Office of the Alternate Public Defender (if any); or
 - c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.

14. Documents sufficient to show the number of cases resolved from January 1, 2015 to present, in which a qualified immigration specialist or immigration services provider was utilized in connection with the provision of indigent criminal defense services by each entity that provides indigent defense services in the County, including:
 - a. the Office of the Public Defender (if any);
 - b. the Office of the Alternate Public Defender (if any); or
 - c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.

15. Contracts or agreements, in effect at any time from January 1, 2015 to present, regarding the engagement of a qualified immigration specialist or immigration services provider in connection with the provision of indigent criminal defense services by each entity that provides indigent defense services in the County, including:
 - a. the Office of the Public Defender (if any);

- b. the Office of the Alternate Public Defender (if any); or
 - c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.
16. Policies, memoranda, or other written guidance, in effect at any time from January 1, 2015 to present, regarding the number of cases and/or total workload that may be assigned to an individual attorney or supporting case team working on behalf of each entity that provides indigent defense services in the County, including:
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 - b. the Office of the Alternate Public Defender (if any); or
 - c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.
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 - b. the Office of the Alternate Public Defender (if any); or
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18. Policies, memoranda, or other written guidance, in effect at any time from January 1, 2015 to present, regarding the process and criteria used to determine a criminal defendant's eligibility for court-appointed counsel due to indigency.
19. Forms, worksheets, checklists, or questionnaires, in effect at any time from January 1, 2015 to present, regarding the process and criteria used to determine a criminal defendant's eligibility for court-appointed counsel due to indigency.

ORIGIN ID: JCCA (415) 442-1000
 CHRISTOPHER MARRANO
 MORGAN LEWIS & BOCKLIUS LLP
 1 MARKET
 SPEAR STREET TOWER
 SAN FRANCISCO, CA 941 05
 UNITED STATES US

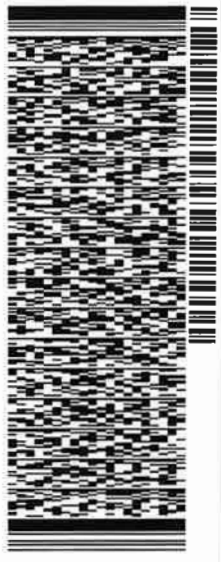
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 ACT'WT: 0.50 LB
 CAD: 253863943MNSX13600

BILL SENDER

TO **CLERK-RECORDER**
RIVERSIDE COUNTY ASSESSOR-COUNTY
4080 LEMON ST

RIVERSIDE CA 92501
 (415) 442-1605 REF: 96902-105431-0001
 DEPT

56DJ3114BAWFE4A

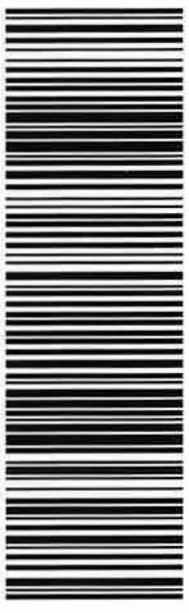


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WMM MERA
 CA-US **92501**
SBD



 FOLD on this line and place in shipping pouch with bar code and delivery address visible

1. Fold the first printed page in half and use as the shipping label.
2. Place the label in a waybill pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.
3. Keep the second page as a receipt for your records. The receipt contains the terms and conditions of shipping and information useful for tracking your package.

Legal Terms and Conditions

Tendering packages by using this system constitutes your agreement to the service conditions for the transportation of your shipments as found in the applicable FedEx Service Guide, available upon request. FedEx will not be responsible for any claim in excess of the applicable declared value, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the applicable FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of 100 USD or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is 500 USD, e.g. jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits, see applicable FedEx Service Guide. FedEx will not be liable for loss or damage to prohibited items in any event or for your acts or omissions, including, without limitation, improper or insufficient packaging, securing, marking or addressing, or the acts or omissions of the recipient or anyone else with an interest in the package. See the applicable FedEx Service Guide for complete terms and conditions. To obtain information regarding how to file a claim or to obtain a Service Guide, please call 1-800-GO-FEDEX (1-800-463-3339).



package id
1068378
ship date
Thu, Oct 14 2021
to
Clerk-Recorder
Riverside County Assessor-
County
4080 LEMON ST
RIVERSIDE, CA 92501-
3609
United States
415-442-1605
residential address
No
return label
No
notification type
Delivery
Tendered
notification recipients
chris.altamirano@mor...
jose.montalvo@morgan...

from
Chris Altamirano (95902)
Morgan, Lewis & Bockius
LLP
1 Market
Spear Street Tower
San Francisco, CA 94105
US
+1.415.442.1605
billing
client id: 10543100.matter
id : 105431-0001
(10543100.105431-0001)
Letters
operator
Jose Montalvo
+1.415.442.1491
jose.montalvo@morganlewis
create time
10/14/21, 10:59AM

vendor
FedEx
tracking number
284899503524
service
FedEx Priority Overnight®
packaging
FedEx® Envelope
courtesy quote
12.22

*Quote may not reflect all
accessorial charges*

ORIGIN ID: JCGA (415) 442-1000
 CHRIS ALTAMIRA-NO
 MORGAN, LEMIS & BOCKIUS LLP
 1 MARKET
 SPEAR STREET TOWER
 SAN FRANCISCO, CA 94105
 UNITED STATES US
 SHIP DATE: 14OCT21
 ACTWGT: 0.50 LB
 CAD: 253863943MWSX13600
 BILL SENDER

TO
 RIVERSIDE COUNTY PUBLIC DEFENDER
 4200 ORANGE ST

RIVERSIDE CA 92501
 (415) 442-1805 REF 95902:105431:0001
 INV/ DEPT
 PO



TRK# 2849 1373 3600
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package id
1068467
ship date
Thu, Oct 14 2021
to
Riverside County Public
Defender
4200 ORANGE ST
RIVERSIDE, CA 92501-
3827
United States
415-442-1605
residential address
No
return label
No
notification type
Delivery
Tendered
notification recipients
chris.altamirano@mor...
jose.montalvo@morgan...

from
Chris Altamirano (95902)
Morgan, Lewis & Bockius
LLP
1 Market
Spear Street Tower
San Francisco, CA 94105
US
+1.415.442.1605
billing
client id: 10543100.matter
id : 105431-0001
(10543100.105431-0001)
Letter
operator
Jose Montalvo
+1.415.442.1491
jose.montalvo@morganlewis.
create time
10/14/21, 2:03PM

vendor
FedEx
tracking number
284913733600
service
FedEx Priority Overnight®
packaging
FedEx® Envelope
courtesy quote
12.22
*Quote may not reflect all
accessorial charges*

ATTACHMENT D

Morgan Lewis

Phillip J. Wiese

Associate
+1.415.442.1483
phillip.wiese@morganlewis.com

July 5, 2022

VIA FEDEX

Jeff Hewitt
c/o Riverside County Board of Supervisors
4080 Lemon Street, Fifth Floor
Riverside, California 92501

Re: California Public Records Act Request

Dear Mr. Hewitt and Riverside County Board of Supervisors:

I write on behalf of Morgan, Lewis & Bockius, LLP, and our clients the American Civil Liberties Union of Northern California, and the American Civil Liberties Union to follow up on our Public Records Act (“PRA”) request, dated October 14, 2021. This also follows up on additional correspondence I have had with the Riverside County Custodian of Records, Enjo’lai Burton. To date, Riverside County has not provided an adequate response to our PRA request. We therefore seek the Riverside County Board of Supervisor’s assistance in obtaining a proper response.

By way of background, on October 14, 2021, we sent a PRA request to Riverside County seeking certain documents and information related to Riverside County’s provision of counsel to indigent criminal defendants, and particularly the use of private sector attorneys to provide that representation. These requested documents included, among other things: (1) contracts with private attorneys to provide indigent criminal defense services; (2) county budgets related to the amount spent on the provision of indigent criminal defense services; and (3) the number of cases accepted for representation for each person or office that provides indigent criminal defense services for the respective county. A copy of the PRA request is attached as Attachment A for your convenience.

On October 22, 2021, I received a response by email from Enjo’lai Burton, the Custodian of Records for Riverside County, stating that the Assessor-County-Clerk-Recorder had no documents responsive to our PRA request. That response indicated that the Riverside County Custodian of Records misunderstood the request to relate to records about specific indigent criminal defendants rather than records about the provision of legal services to all indigent criminal defendants. I responded on October 28, 2022 to clarifying the scope of

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Jeff Hewitt
July 5, 2022
Page 2

the PRA request. Notwithstanding that clarification, I received a response on November 2, 2022 stating that the Custodian of Records was “unable to locate any information pertaining to [the] request.” The response also directed me to the Superior Court for Riverside County for additional information, indicating again that the Custodian of Records continued to misunderstand the PRA request despite my clarification. That email exchange is attached as Attachment B for your convenience.

Following that email exchange, I followed up with the Riverside County Custodian of Records with numerous voice mail messages, an email on January 20, 2022, and finally by letter on March 2, 2022, all of which communications sought additional information about the types of records Riverside County may have that are responsive to the PRA request. As noted in my March 2, 2022 letter, we know for certain that Riverside County has documents responsive to the PRA request because we have received documents from numerous other California counties in response to identical PRA requests. Indeed, no county, other than Riverside, has represented that it has no documents responsive to the PRA request. The March 2 letter is attached as Attachment C for your convenience.

The Riverside County Custodian of Records never responded to the March 2, 2022 letter.

In light of these circumstances, we are deeply concerned that the Riverside County Custodian of Records has chosen, for whatever reasons, to ignore its duties under the law to properly respond to the PRA request. We therefore seek the immediate assistance of the Riverside County Board of Supervisors to ensure that a full and complete response is made to the PRA request.

Because of the importance of the information sought by the PRA request, Riverside County should understand that we will take whatever measures are appropriate and necessary under the law to obtain a full and complete response to the PRA request. We are hopeful that the Riverside County Board of Supervisors will cooperate voluntarily to fulfill its legal obligations so that such measures will not be necessary.

I am available to discuss our PRA request by email, at phillip.wiese@morganlewis.com, or by phone, at 415-442-1483. Thank you in advance for your assistance with this matter.

Sincerely,



Phillip J. Wiese

c: Enjo'lai Burton
Custodian of Records
Riverside County Assessor - County Clerk-Recorder Division
4080 Lemon St.
Riverside, CA 92501

Morgan Lewis

Phillip J. Wiese

Associate
+1.415.442.1483
phillip.wiese@morganlewis.com

October 14, 2021

VIA FEDEX

Riverside County Assessor-County Clerk-Recorder
4080 Lemon St.
Riverside, CA 92501

Re: California Public Records Act Request

To the County of Riverside (“County”):

Morgan, Lewis & Bockius LLP writes on behalf of the American Civil Liberties Union of Northern California and the American Civil Liberties Union (collectively the “ACLU”) to obtain information about the County’s arrangements for providing counsel to indigent criminal defendants and the scope of legal representation afforded to indigent criminal defendants under the County’s arrangements, and particularly the use of private sector attorneys to provide that representation.

As you may know, both the United States and California Supreme Courts have held that the right to counsel requires the State to provide a competent lawyer to indigent criminal defendants. *Gideon v. Wainwright*, 372 U.S. 335 (1963); *Ex parte Newbern*, 53 Cal. 2d 786, 790 (1960). California historically has delegated its Constitutional obligation to individual counties. To ensure representation to indigent criminal defendants, California counties have the choice of creating a public defender’s office, contracting with an individual attorney or law firm in the private sector, using assigned private sector counsel as appointed by the court, or some combination of these methods. California does not track how each county meets this delegated obligation. In the absence of such tracking by the State, inadequate public information exists about how the counties provide this important government function, which is why we are seeking this information.

Pursuant to the California Public Records Act (“CPRA”)¹ and the California Constitution,² the ACLU therefore requests the records in the possession or control of the County set out in Attachment A (together with this cover letter, the “Request”). The Request seeks records that provide information the public requires to understand how the counties are meeting their delegated obligation to ensure competent representation to indigent criminal defendants. For informational purposes, we have also provided a courtesy copy of the Request to the public defender’s office.

¹ Gov’t Code §§ 6250 *et seq.*

² Cal. Const., art. I, § 3(b)(2).

Morgan, Lewis & Bockius LLP

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ATTACHMENT A

California Public Records Act Request
County of Riverside
October 14, 2021
Page 2

In responding to this Request, please note that the CPRA broadly defines the term “record.” Specifically, the term includes “any writing containing information relating to the conduct of the people’s business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.”³ The CPRA defines, in turn, a “writing” as any “means of recording upon any tangible thing any form of communication or representation.”⁴ The present Request therefore applies to all paper documents, as well as to all emails, videos, audio recordings, text messages, or other electronic records within the County’s possession or control. Even if a record was created by a member of another government agency or a member of the public, it still must be produced so long as it is (or was) “used” or “retained” by the County.⁵

As permitted by the CPRA, this Request sets forth the specific categories of information that we are seeking, rather than asking for documents by name.⁶ It is your obligation to conduct record searches based on the criteria identified herein.⁷ Should you come to believe the present Request is overly broad, you are required to (1) offer assistance in identifying responsive records and information; (2) describe “the information technology and physical location in which the records exist;” and (3) provide “suggestions for overcoming any practical basis” that you assert as a reason to delay or deny access to the records or information sought.⁸

The CPRA requires that you respond to this Request in 10 days.⁹ If you contend that an express provision of law exempts a responsive record from disclosure, either in whole or in part, you must make that determination in writing. Such a determination must specify the legal authority on which you rely, as well as identify both the name and title of the person(s) responsible for the determination not to disclose.¹⁰ Additionally, even if you contend that a portion of a record requested is exempt from disclosure, you still must release the non-exempt portion of that record.¹¹ Please note that the CPRA “endows” your agency with “discretionary authority to override” any of the Act’s statutory exemptions “when a dominating public interest favors disclosure.”¹²

Because the ACLU is a non-profit organization and because this Request pertains to a matter of public concern, the ACLU requests a fee waiver. None of the information obtained will

³ Gov’t Code § 6252(e).

⁴ *Id.* § 6252(g).

⁵ *Id.* § 6252(e); *see California State Univ. v. Superior Ct.*, 90 Cal. App. 4th 810, 824–25 (2001) (concluding that documents which were “unquestionably ‘used’ and/or ‘retained’ by [an agency]” were public records); *see also Cty. of Santa Clara v. Superior Ct.*, 170 Cal. App. 4th 1301, 1334 (2009) (“[W]hile section 6254.9 recognizes the availability of copyright protection for software in a proper case, it provides no statutory authority for asserting any other copyright interest.”).

⁶ Gov’t Code § 6253(b).

⁷ *See id.* §§ 6253–6253.1.

⁸ *Id.* § 6253.1(a).

⁹ *Id.* § 6253(c).

¹⁰ *Id.* § 6255; *see also id.* § 6253(d)(3).

¹¹ *Id.* § 6253(a), (c).

¹² *CBS, Inc. v. Block*, 42 Cal. 3d 646, 652 (1986); *Nat’l Conference of Black Mayors v. Chico Cmty. Publ’g, Inc.*, 25 Cal. App. 5th 570, 579 (2018) (construing the CPRA’s exemptions as “permissive, not mandatory—they allow nondisclosure but do not prohibit disclosure”).

ATTACHMENT A

California Public Records Act Request
County of Riverside
October 14, 2021
Page 3

be sold or distributed for profit. The ACLU also requests that, to the extent possible, documents be provided in electronic format. Doing so will eliminate the need to copy the materials and provides another basis for the requested fee waiver. If, however, you are unwilling to waive costs and anticipate that costs will exceed \$50, or that the time needed to copy the records will delay their release, please contact us so that we can arrange to inspect the documents or decide which documents we wish to have copied and produced. Otherwise, please copy and send all responsive records to phillip.wiese@morganlewis.com or: Phillip Wiese, Morgan Lewis & Bockius LLP, One Market, Spear Street Tower, San Francisco, CA 94105.

Thank you in advance for your assistance with this Request. We look forward to receiving your response within 10 days. And once again, if you require any clarification of this Request, please let us know.

Sincerely,



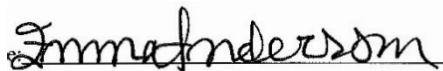
Phillip Wiese
Morgan, Lewis & Bockius LLP

Sincerely,



Chessie Thacher
Senior Staff Attorney
American Civil Liberties Union
Foundation of Northern California

Sincerely,



Emma Andersson
Senior Staff Attorney
American Civil Liberties Union

Enclosure: Attachment A – Requests

c: Riverside County Public Defender
4200 Orange Street
Riverside, CA 92501

ATTACHMENT A

California Public Records Act Request
County of Riverside
October 14, 2021
Page 4

Attachment A

1. Contracts or agreements, in effect at any time from January 1, 2015 to present, regarding the engagement of any private attorney, law firm, or other entity (including any conflict panel) for the provision of indigent criminal defense services.
2. Schedules, exhibits, or addenda, in effect at any time from January 1, 2015 to present, regarding allowable fees, costs, remuneration, or reimbursement of attorneys, investigators, experts, qualified immigration specialists or immigration services providers,¹³ or other support staff utilized by any private attorney, law firm, or other entity (including any conflict panel) for the provision of indigent criminal defense services.
3. Policies, memoranda, or other written guidance, in effect at any time from January 1, 2015 to present, regarding selection criteria and/or qualifications for any private attorney, law firm, or other entity (including any conflict panel) that the County contracts with for the provision of indigent criminal defense services.
4. Policies, memoranda, or other written guidance, in effect at any time from January 1, 2015 to present, regarding processes and criteria used to assign cases to any private attorney, law firm, or other entity (including any conflict panel) that the County contracts with for the provision of indigent criminal defense services.
5. Requests for bids, in effect at any time from January 1, 2015 to present, regarding the engagement of any private attorney, law firm, or other entity (including any conflict panel) for the provision of indigent criminal defense services.
6. Reports, analyses, evaluations, investigations, or other written assessments (excluding any materials protected by attorney-client privilege) of work performed by private attorneys, law firms, or other entity (including any conflict panel) in the provision of indigent criminal defense services, from January 1, 2015 to present. This request includes, but is not limited to, reports, analyses, evaluations, investigations, or other written assessments from any source whatsoever, including the provider of the indigent criminal defense services.

¹³ Qualified immigration specialists or immigration services providers refer to employees or contractors responsible for providing indigent defendants with advice regarding the civil immigration consequences of criminal convictions. *See Padilla v. Commonwealth of Kentucky*, 559 U.S. 356 (2010).

ATTACHMENT A

California Public Records Act Request
County of Riverside
October 14, 2021
Page 5

7. Documents sufficient to show funds paid by the County to each private attorney, law firm, or other entity (including any conflict panel) for the provision of indigent criminal defense services for each year from January 1, 2015 to present, including payment for fees, costs, remuneration, or reimbursement of attorneys, investigators, experts, qualified immigration specialists or immigration services providers, or other support staff.
8. Proposed and approved budgets for each year from January 1, 2015 to present, for each entity that provides indigent defense services in the County, including:
 - a. the Office of the Public Defender (if any);
 - b. the Office of the Alternate Public Defender (if any); or
 - c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.
9. Organizational charts, dated at any time from January 1, 2015 to present, for each entity that provides indigent defense services in the County, including:
 - a. the Office of the Public Defender (if any);
 - b. the Office of the Alternate Public Defender (if any); or
 - c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.
10. Documents sufficient to show the number of cases accepted for representation from January 1, 2015 to present, broken out by year and by case type (*e.g.*, felony, misdemeanor, juvenile delinquency, conservatorship, etc.), for each entity that provides indigent defense services in the County, including:
 - a. the Office of the Public Defender (if any);
 - b. the Office of the Alternate Public Defender (if any); or
 - c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.
11. Documents sufficient to show the number of cases resolved from January 1, 2015 to present, broken out by year and by type of resolution (*e.g.*, by plea, trial, or another identified disposition method), for each entity that provides indigent defense services in the County, including:
 - a. the Office of the Public Defender (if any);
 - b. the Office of the Alternate Public Defender (if any); or

ATTACHMENT A

California Public Records Act Request
County of Riverside
October 14, 2021
Page 6

- c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.

12. Documents sufficient to show the number of cases resolved from January 1, 2015 to present, in which expert services were utilized in connection with the provision of indigent criminal defense services by each entity that provides indigent defense services in the County, including:
 - a. the Office of the Public Defender (if any);
 - b. the Office of the Alternate Public Defender (if any); or
 - c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.

13. Documents sufficient to show the number of cases resolved from January 1, 2015 to present, in which investigators were utilized in connection with the provision of indigent criminal defense services by each entity that provides indigent defense services in the County, including:
 - a. the Office of the Public Defender (if any);
 - b. the Office of the Alternate Public Defender (if any); or
 - c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.

14. Documents sufficient to show the number of cases resolved from January 1, 2015 to present, in which a qualified immigration specialist or immigration services provider was utilized in connection with the provision of indigent criminal defense services by each entity that provides indigent defense services in the County, including:
 - a. the Office of the Public Defender (if any);
 - b. the Office of the Alternate Public Defender (if any); or
 - c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.

15. Contracts or agreements, in effect at any time from January 1, 2015 to present, regarding the engagement of a qualified immigration specialist or immigration services provider in connection with the provision of indigent criminal defense services by each entity that provides indigent defense services in the County, including:
 - a. the Office of the Public Defender (if any);

ATTACHMENT A

California Public Records Act Request
County of Riverside
October 14, 2021
Page 7

- b. the Office of the Alternate Public Defender (if any); or
 - c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.
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ATTACHMENT A

ORIGIN ID: JCCA (415) 442-1000
CHRISTAL FARRANO
MORGAN LEWIS & BOCKLIUS LLP
1 MARKET
SPEAR STREET TOWER
SAN FRANCISCO, CA 941 05
UNITED STATES US

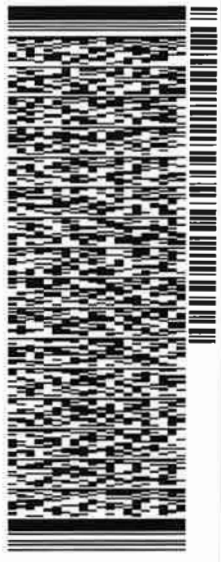
SHIP DATE: 14OCT'11
ACT'WT: 0.50 LB
CAD: 253863943MNSX13600

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TO **CLERK-RECORDER**
RIVERSIDE COUNTY ASSESSOR-COUNTY
4080 LEMON ST

RIVERSIDE CA 92501
(415) 442-1605
REF: 96902-105431-0001
DEPT

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PRIORITY OVERNIGHT

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CA-US **92501 SBD**



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3. Keep the second page as a receipt for your records. The receipt contains the terms and conditions of shipping and information useful for tracking your package.

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Tendering packages by using this system constitutes your agreement to the service conditions for the transportation of your shipments as found in the applicable FedEx Service Guide, available upon request. FedEx will not be responsible for any claim in excess of the applicable declared value, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the applicable FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of 100 USD or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is 500 USD, e.g. jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits, see applicable FedEx Service Guide. FedEx will not be liable for loss or damage to prohibited items in any event or for your acts or omissions, including, without limitation, improper or insufficient packaging, securing, marking or addressing, or the acts or omissions of the recipient or anyone else with an interest in the package. See the applicable FedEx Service Guide for complete terms and conditions. To obtain information regarding how to file a claim or to obtain a Service Guide, please call 1-800-GO-FEDEX (1-800-463-3339).

ATTACHMENT A



<i>package id</i> 1068378	<i>from</i> Chris Altamirano (95902)	<i>vendor</i> FedEx
<i>ship date</i> Thu, Oct 14 2021	Morgan, Lewis & Bockius LLP	<i>tracking number</i> 284899503524
<i>to</i> Clerk-Recorder Riverside County Assessor- County 4080 LEMON ST RIVERSIDE, CA 92501- 3609 United States 415-442-1605	1 Market Spear Street Tower San Francisco, CA 94105 US +1.415.442.1605	<i>service</i> FedEx Priority Overnight®
<i>residential address</i> No	<i>billing</i> client id: 10543100.matter id : 105431-0001 (10543100.105431-0001) Letters	<i>packaging</i> FedEx® Envelope
<i>return label</i> No	<i>operator</i> Jose Montalvo +1.415.442.1491 jose.montalvo@morganlewis	<i>courtesy quote</i> 12.22
<i>notification type</i> Delivery Tendered	<i>create time</i> 10/14/21, 10:59AM	<i>Quote may not reflect all accessorial charges</i>
<i>notification recipients</i> chris.altamirano@mor... jose.montalvo@morgan...		

ATTACHMENT A

ORIGIN ID: JCGA (415) 442-1000
CHRIS ALTAMIRA-NO
MORGAN, LEMIS & BOCKIUS LLP
1 MARKET
SPEAR STREET TOWER
SAN FRANCISCO, CA 94105
UNITED STATES US

SHIP DATE: 14OCT21
ACTWGT: 0.50 LB
CAD: 253863943MWSX13600

BILL SENDER

TO

RIVERSIDE COUNTY PUBLIC DEFENDER
4200 ORANGE ST
RIVERSIDE CA 92501

(415) 442-1805 REF 95902:105431:0001
INVT DEPT

56DJ3114BA/FE4A

TRK# 2849 1373 3600
0201

FRI - 15 OCT 10:30A
PRIORITY OVERNIGHT

WWM MERA
CA-US **92501**
SBD



FOLD on this line and place in shipping pouch with bar code and delivery address visible

1. Fold the first printed page in half and use as the shipping label.
2. Place the label in a waybill pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.
3. Keep the second page as a receipt for your records. The receipt contains the terms and conditions of shipping and information useful for tracking your package.

Legal Terms and Conditions

Tendering packages by using this system constitutes your agreement to the service conditions for the transportation of your shipments as found in the applicable FedEx Service Guide, available upon request. FedEx will not be responsible for any claim in excess of the applicable declared value, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the applicable FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of 100 USD or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is 500 USD, e.g. jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits, see applicable FedEx Service Guide. FedEx will not be liable for loss or damage to prohibited items in any event or for your acts or omissions, including, without limitation, improper or insufficient packaging, securing, marking or addressing, or the acts or omissions of the recipient or anyone else with an interest in the package. See the applicable FedEx Service Guide for complete terms and conditions. To obtain information regarding how to file a claim or to obtain a Service Guide, please call 1-800-GO-FEDEX (1-800-463-3339).

ATTACHMENT A



package id
1068467
ship date
Thu, Oct 14 2021
to
Riverside County Public
Defender
4200 ORANGE ST
RIVERSIDE, CA 92501-
3827
United States
415-442-1605
residential address
No
return label
No
notification type
Delivery
Tendered
notification recipients
chris.altamirano@mor...
jose.montalvo@morgan...

from
Chris Altamirano (95902)
Morgan, Lewis & Bockius
LLP
1 Market
Spear Street Tower
San Francisco, CA 94105
US
+1.415.442.1605
billing
client id: 10543100.matter
id : 105431-0001
(10543100.105431-0001)
Letter
operator
Jose Montalvo
+1.415.442.1491
jose.montalvo@morganlewis.
create time
10/14/21, 2:03PM

vendor
FedEx
tracking number
284913733600
service
FedEx Priority Overnight®
packaging
FedEx® Envelope
courtesy quote
12.22

*Quote may not reflect all
accessorial charges*

ATTACHMENT B

Lee, Lisa S.

Subject: FW: California Public Records Act Request- Morgan Lewis
Attachments: Sgw-21-clr21101812170.pdf
Importance: High

From: Burton, Enjolai <Enjolai.Burton@srclkrec.com>
Sent: Tuesday, November 2, 2021 9:27 AM
To: Wiese, Phillip J. <phillip.wiese@morganlewis.com>
Cc: Faulkner, Billy <bfaulkne@srclkrec.com>; Ellingwood, Andrew <aellingw@srclkrec.com>
Subject: RE: California Public Records Act Request- Morgan Lewis
Importance: High

[EXTERNAL EMAIL]
Good morning Phillip,

Thank you for your response. I understand your request and our staff have conducted a search throughout our database. Unfortunately, we were unable to locate any information pertaining to your request. However, I believe the Superior Court of California may be able to further assist you with this matter.

I have provided information to the Superior Court of California with the County of Riverside below.

Superior Court of California County of Riverside
All Departments
(951) 777-3147

Please see the link for more information:
<https://www.riverside.courts.ca.gov/OnlineServices/SearchCourtRecords/public-access.php>

Thank you,

Enjolai Burton

Custodian of Records
Assessor- County Clerk-Recorder Division (ACR)
T-951-472-3352
Enjolai.Burton@srclkrec.com

"Action is the foundational key to all success." -Pablo Picasso



ASSESSOR-COUNTY CLERK-RECORDER
Riverside County, CA

ATTACHMENT B

From: Wiese, Phillip J. <phillip.wiese@morganlewis.com>
Sent: Thursday, October 28, 2021 2:20 PM
To: Burton, Enjolai <Enjolai.Burton@asrclkrec.com>
Cc: Faulkner, Billy <bfaulkne@asrclkrec.com>; Ellingwood, Andrew <aellingw@asrclkrec.com>
Subject: [EXTERNAL] RE: California Public Records Act Request- Morgan Lewis

Hi Enjolai,

Thanks for your response. There many have been some confusion, though. We're not looking for records related to any individual indigent criminal defendants. Rather, we're looking for documents related to the provision of legal services to indigent criminal defendants as a whole, including budgets and contracts with lawyers/law firms for provision of legal services to those defendants. I believe that those documents may be in the possession of the Assessor-County Clerk-Recorder. I am happy to have a call with you to discuss further what we are looking for if it would be helpful. Thanks again.

Phillip J. Wiese

Morgan, Lewis & Bockius LLP

One Market, Spear Street Tower | San Francisco, CA 94105
Direct: +1.415.442.1483 | Main: +1.415.442.1000 | Fax: +1.415.442.1001
phillip.wiese@morganlewis.com | www.morganlewis.com
Assistant: Chris M. Altamirano | +1.415.442.1605 | chris.altamirano@morganlewis.com
Pronouns: He/Him/His



From: Burton, Enjolai <Enjolai.Burton@asrclkrec.com>
Sent: Friday, October 22, 2021 6:24 PM
To: Wiese, Phillip J. <phillip.wiese@morganlewis.com>
Cc: Faulkner, Billy <bfaulkne@asrclkrec.com>; Ellingwood, Andrew <aellingw@asrclkrec.com>
Subject: FW: California Public Records Act Request- Morgan Lewis

[EXTERNAL EMAIL]

Good evening,

Thank you for submitting your public records request. Unfortunately, the Assessor-County Clerk-Recorder does not possess records for indigent criminal defendants. However, I have provided information to the Superior Court of California with the County of Riverside as they may be able to further assist you.

Please see the link for more information:

<https://www.riverside.courts.ca.gov/OnlineServices/SearchCourtRecords/public-access.php>

Have a great weekend!

Thank you,

Enjo'lai Burton

ATTACHMENT B

Custodian of Records
Assessor- County Clerk-Recorder Division (ACR)
T-951-472-3352
Enjolai.Burton@asrclkrec.com

"Action is the foundational key to all success." -Pablo Picasso



ASSESSOR-COUNTY CLERK-RECORDER
Riverside County, CA

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[Assessor-County Clerk-Recorder, County of Riverside, California](#)

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[Assessor-County Clerk-Recorder, County of Riverside, California](#)

Morgan Lewis

Phillip J. Wiese

Associate
+1.415.442.1483
phillip.wiese@morganlewis.com

March 2, 2022

VIA FEDEX

Enjo'lai Burton
Custodian of Records
Riverside County Assessor - County Clerk-Recorder Division
4080 Lemon St.
Riverside, CA 92501

Re: California Public Records Act Request

Dear Ms. Burton:

I write to follow up on our Public Records Act (“PRA”) request, dated October 14, 2021, and your email correspondence of October 22, 2021 and November 2, 2021 relating to it. As you may recall, our PRA request relates to Riverside County’s provision of counsel to indigent criminal defendants. For your information, we have served identical requests on most California counties.

Your emails represented that your office was unable to locate any records or information pertaining to our PRA request. Since your November 2 email, we have received documents from numerous other California counties in response to identical PRA requests. The documents those counties provided include, among other things (1) contracts with private attorneys to provide indigent criminal defense services; (2) county budgets related to the amount spent on the provision of indigent criminal defense services; and (3) the number of cases accepted for representation for each person or office that provides indigent criminal defense services for the respective county. No county – other than Riverside – has represented it has no documents responsive to the PRA request.

In the circumstances, we are concerned that Riverside County has either insufficiently reviewed its available materials for documents responsive to the PRA request or interpreted the requests more restrictively than the language permits. In any event, we request that Riverside County made an additional thorough search for documents responsive to our PRA request and promptly inform us in writing of the results of that additional search. I have attached my original letter for your reference. Thank you for your attention to this matter.

Morgan, Lewis & Bockius LLP

One Market
Spear Street Tower
San Francisco, CA 94105-1596
United States

T +1.415.442.1000
F +1.415.442.1001

ATTACHMENT C

Enjo'lai Burton
March 2, 2022
Page 2

Sincerely,

A handwritten signature in blue ink, appearing to read "Phillip J. Wiese", is written over a light blue rectangular background.

Phillip J. Wiese

ATTACHMENT C

ATTACHMENT A

Morgan Lewis

Phillip J. Wiese

Associate
+1.415.442.1483
phillip.wiese@morganlewis.com

October 14, 2021

VIA FEDEX

Riverside County Assessor-County Clerk-Recorder
4080 Lemon St.
Riverside, CA 92501

Re: California Public Records Act Request

To the County of Riverside (“County”):

Morgan, Lewis & Bockius LLP writes on behalf of the American Civil Liberties Union of Northern California and the American Civil Liberties Union (collectively the “ACLU”) to obtain information about the County’s arrangements for providing counsel to indigent criminal defendants and the scope of legal representation afforded to indigent criminal defendants under the County’s arrangements, and particularly the use of private sector attorneys to provide that representation.

As you may know, both the United States and California Supreme Courts have held that the right to counsel requires the State to provide a competent lawyer to indigent criminal defendants. *Gideon v. Wainwright*, 372 U.S. 335 (1963); *Ex parte Newbern*, 53 Cal. 2d 786, 790 (1960). California historically has delegated its Constitutional obligation to individual counties. To ensure representation to indigent criminal defendants, California counties have the choice of creating a public defender’s office, contracting with an individual attorney or law firm in the private sector, using assigned private sector counsel as appointed by the court, or some combination of these methods. California does not track how each county meets this delegated obligation. In the absence of such tracking by the State, inadequate public information exists about how the counties provide this important government function, which is why we are seeking this information.

Pursuant to the California Public Records Act (“CPRA”)¹ and the California Constitution,² the ACLU therefore requests the records in the possession or control of the County set out in Attachment A (together with this cover letter, the “Request”). The Request seeks records that provide information the public requires to understand how the counties are meeting their delegated obligation to ensure competent representation to indigent criminal defendants. For informational purposes, we have also provided a courtesy copy of the Request to the public defender’s office.

¹ Gov’t Code §§ 6250 *et seq.*

² Cal. Const., art. I, § 3(b)(2).

Morgan, Lewis & Bockius LLP

One Market
Spear Street Tower
San Francisco, CA 94105-1596
United States

T +1.415.442.1000
F +1.415.442.1001

ATTACHMENT C

California Public Records Act Request
County of Riverside
October 14, 2021
Page 2

In responding to this Request, please note that the CPRA broadly defines the term “record.” Specifically, the term includes “any writing containing information relating to the conduct of the people’s business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.”³ The CPRA defines, in turn, a “writing” as any “means of recording upon any tangible thing any form of communication or representation.”⁴ The present Request therefore applies to all paper documents, as well as to all emails, videos, audio recordings, text messages, or other electronic records within the County’s possession or control. Even if a record was created by a member of another government agency or a member of the public, it still must be produced so long as it is (or was) “used” or “retained” by the County.⁵

As permitted by the CPRA, this Request sets forth the specific categories of information that we are seeking, rather than asking for documents by name.⁶ It is your obligation to conduct record searches based on the criteria identified herein.⁷ Should you come to believe the present Request is overly broad, you are required to (1) offer assistance in identifying responsive records and information; (2) describe “the information technology and physical location in which the records exist;” and (3) provide “suggestions for overcoming any practical basis” that you assert as a reason to delay or deny access to the records or information sought.⁸

The CPRA requires that you respond to this Request in 10 days.⁹ If you contend that an express provision of law exempts a responsive record from disclosure, either in whole or in part, you must make that determination in writing. Such a determination must specify the legal authority on which you rely, as well as identify both the name and title of the person(s) responsible for the determination not to disclose.¹⁰ Additionally, even if you contend that a portion of a record requested is exempt from disclosure, you still must release the non-exempt portion of that record.¹¹ Please note that the CPRA “endows” your agency with “discretionary authority to override” any of the Act’s statutory exemptions “when a dominating public interest favors disclosure.”¹²

Because the ACLU is a non-profit organization and because this Request pertains to a matter of public concern, the ACLU requests a fee waiver. None of the information obtained will

³ Gov’t Code § 6252(e).

⁴ *Id.* § 6252(g).

⁵ *Id.* § 6252(e); *see California State Univ. v. Superior Ct.*, 90 Cal. App. 4th 810, 824–25 (2001) (concluding that documents which were “unquestionably ‘used’ and/or ‘retained’ by [an agency]” were public records); *see also Cty. of Santa Clara v. Superior Ct.*, 170 Cal. App. 4th 1301, 1334 (2009) (“[W]hile section 6254.9 recognizes the availability of copyright protection for software in a proper case, it provides no statutory authority for asserting any other copyright interest.”).

⁶ Gov’t Code § 6253(b).

⁷ *See id.* §§ 6253–6253.1.

⁸ *Id.* § 6253.1(a).

⁹ *Id.* § 6253(c).

¹⁰ *Id.* § 6255; *see also id.* § 6253(d)(3).

¹¹ *Id.* § 6253(a), (c).

¹² *CBS, Inc. v. Block*, 42 Cal. 3d 646, 652 (1986); *Nat’l Conference of Black Mayors v. Chico Cmty. Publ’g, Inc.*, 25 Cal. App. 5th 570, 579 (2018) (construing the CPRA’s exemptions as “permissive, not mandatory—they allow nondisclosure but do not prohibit disclosure”).

ATTACHMENT C

California Public Records Act Request
County of Riverside
October 14, 2021
Page 3

be sold or distributed for profit. The ACLU also requests that, to the extent possible, documents be provided in electronic format. Doing so will eliminate the need to copy the materials and provides another basis for the requested fee waiver. If, however, you are unwilling to waive costs and anticipate that costs will exceed \$50, or that the time needed to copy the records will delay their release, please contact us so that we can arrange to inspect the documents or decide which documents we wish to have copied and produced. Otherwise, please copy and send all responsive records to phillip.wiese@morganlewis.com or: Phillip Wiese, Morgan Lewis & Bockius LLP, One Market, Spear Street Tower, San Francisco, CA 94105.

Thank you in advance for your assistance with this Request. We look forward to receiving your response within 10 days. And once again, if you require any clarification of this Request, please let us know.

Sincerely,



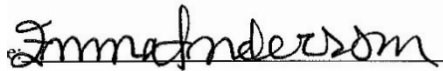
Phillip Wiese
Morgan, Lewis & Bockius LLP

Sincerely,



Chessie Thacher
Senior Staff Attorney
American Civil Liberties Union
Foundation of Northern California

Sincerely,



Emma Andersson
Senior Staff Attorney
American Civil Liberties Union

Enclosure: Attachment A – Requests

c: Riverside County Public Defender
4200 Orange Street
Riverside, CA 92501

ATTACHMENT C

California Public Records Act Request
County of Riverside
October 14, 2021
Page 4

Attachment A

1. Contracts or agreements, in effect at any time from January 1, 2015 to present, regarding the engagement of any private attorney, law firm, or other entity (including any conflict panel) for the provision of indigent criminal defense services.
2. Schedules, exhibits, or addenda, in effect at any time from January 1, 2015 to present, regarding allowable fees, costs, remuneration, or reimbursement of attorneys, investigators, experts, qualified immigration specialists or immigration services providers,¹³ or other support staff utilized by any private attorney, law firm, or other entity (including any conflict panel) for the provision of indigent criminal defense services.
3. Policies, memoranda, or other written guidance, in effect at any time from January 1, 2015 to present, regarding selection criteria and/or qualifications for any private attorney, law firm, or other entity (including any conflict panel) that the County contracts with for the provision of indigent criminal defense services.
4. Policies, memoranda, or other written guidance, in effect at any time from January 1, 2015 to present, regarding processes and criteria used to assign cases to any private attorney, law firm, or other entity (including any conflict panel) that the County contracts with for the provision of indigent criminal defense services.
5. Requests for bids, in effect at any time from January 1, 2015 to present, regarding the engagement of any private attorney, law firm, or other entity (including any conflict panel) for the provision of indigent criminal defense services.
6. Reports, analyses, evaluations, investigations, or other written assessments (excluding any materials protected by attorney-client privilege) of work performed by private attorneys, law firms, or other entity (including any conflict panel) in the provision of indigent criminal defense services, from January 1, 2015 to present. This request includes, but is not limited to, reports, analyses, evaluations, investigations, or other written assessments from any source whatsoever, including the provider of the indigent criminal defense services.

¹³ Qualified immigration specialists or immigration services providers refer to employees or contractors responsible for providing indigent defendants with advice regarding the civil immigration consequences of criminal convictions. *See Padilla v. Commonwealth of Kentucky*, 559 U.S. 356 (2010).

ATTACHMENT C

California Public Records Act Request
County of Riverside
October 14, 2021
Page 5

7. Documents sufficient to show funds paid by the County to each private attorney, law firm, or other entity (including any conflict panel) for the provision of indigent criminal defense services for each year from January 1, 2015 to present, including payment for fees, costs, remuneration, or reimbursement of attorneys, investigators, experts, qualified immigration specialists or immigration services providers, or other support staff.
8. Proposed and approved budgets for each year from January 1, 2015 to present, for each entity that provides indigent defense services in the County, including:
 - a. the Office of the Public Defender (if any);
 - b. the Office of the Alternate Public Defender (if any); or
 - c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.
9. Organizational charts, dated at any time from January 1, 2015 to present, for each entity that provides indigent defense services in the County, including:
 - a. the Office of the Public Defender (if any);
 - b. the Office of the Alternate Public Defender (if any); or
 - c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.
10. Documents sufficient to show the number of cases accepted for representation from January 1, 2015 to present, broken out by year and by case type (*e.g.*, felony, misdemeanor, juvenile delinquency, conservatorship, etc.), for each entity that provides indigent defense services in the County, including:
 - a. the Office of the Public Defender (if any);
 - b. the Office of the Alternate Public Defender (if any); or
 - c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.
11. Documents sufficient to show the number of cases resolved from January 1, 2015 to present, broken out by year and by type of resolution (*e.g.*, by plea, trial, or another identified disposition method), for each entity that provides indigent defense services in the County, including:
 - a. the Office of the Public Defender (if any);
 - b. the Office of the Alternate Public Defender (if any); or

ATTACHMENT C

California Public Records Act Request
County of Riverside
October 14, 2021
Page 6

- c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.

12. Documents sufficient to show the number of cases resolved from January 1, 2015 to present, in which expert services were utilized in connection with the provision of indigent criminal defense services by each entity that provides indigent defense services in the County, including:
 - a. the Office of the Public Defender (if any);
 - b. the Office of the Alternate Public Defender (if any); or
 - c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.

13. Documents sufficient to show the number of cases resolved from January 1, 2015 to present, in which investigators were utilized in connection with the provision of indigent criminal defense services by each entity that provides indigent defense services in the County, including:
 - a. the Office of the Public Defender (if any);
 - b. the Office of the Alternate Public Defender (if any); or
 - c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.

14. Documents sufficient to show the number of cases resolved from January 1, 2015 to present, in which a qualified immigration specialist or immigration services provider was utilized in connection with the provision of indigent criminal defense services by each entity that provides indigent defense services in the County, including:
 - a. the Office of the Public Defender (if any);
 - b. the Office of the Alternate Public Defender (if any); or
 - c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.

15. Contracts or agreements, in effect at any time from January 1, 2015 to present, regarding the engagement of a qualified immigration specialist or immigration services provider in connection with the provision of indigent criminal defense services by each entity that provides indigent defense services in the County, including:
 - a. the Office of the Public Defender (if any);

ATTACHMENT C

California Public Records Act Request
County of Riverside
October 14, 2021
Page 7

- b. the Office of the Alternate Public Defender (if any); or
 - c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.
16. Policies, memoranda, or other written guidance, in effect at any time from January 1, 2015 to present, regarding the number of cases and/or total workload that may be assigned to an individual attorney or supporting case team working on behalf of each entity that provides indigent defense services in the County, including:
- a. the Office of the Public Defender (if any);
 - b. the Office of the Alternate Public Defender (if any); or
 - c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.
17. Policies, memoranda, or other written guidance, in effect at any time between January 1, 2015 to present, regarding the presence of defense counsel at arraignment hearings for indigent defendants in criminal court, for each entity that provides indigent defense services in the County, including:
- a. the Office of the Public Defender (if any);
 - b. the Office of the Alternate Public Defender (if any); or
 - c. any private attorney, law firm, or other entity (including any conflict panel) with which the County contracts for the provision of indigent criminal defense services.
18. Policies, memoranda, or other written guidance, in effect at any time from January 1, 2015 to present, regarding the process and criteria used to determine a criminal defendant's eligibility for court-appointed counsel due to indigency.
19. Forms, worksheets, checklists, or questionnaires, in effect at any time from January 1, 2015 to present, regarding the process and criteria used to determine a criminal defendant's eligibility for court-appointed counsel due to indigency.

ATTACHMENT C

<p>ORIGIN ID: JCCA (415) 442-1000 CHRISTAL MARINO MORGAN LEWIS & BOCKLIUS LLP 1 MARKET SPEAR STREET TOWER SAN FRANCISCO, CA 941 05 UNITED STATES US</p>	<p>SHIP DATE: 14OCT'11 ACT'WT: 0.50 LB CAD: 253863943MNSX13600</p>
<p>TO CLERK-RECORDER RIVERSIDE COUNTY ASSESSOR-COUNTY 4080 LEMON ST RIVERSIDE CA 92501</p>	<p>BILL SENDER</p>
<p>(415) 442-1605 REF: 96902-105431-0001 JNY DEPT</p>	<p>56DJ3114BAWFE4A</p>

<p>TRK# 2848 9950 3524 0201</p>	<p>FRI - 15 OCT 10:30A PRIORITY OVERNIGHT</p>
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<p>WMM MERA CA-US 92501 SBD</p>	
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J212021870981uv

 FOLD on this line and place in shipping pouch with bar code and delivery address visible

1. Fold the first printed page in half and use as the shipping label.
2. Place the label in a waybill pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.
3. Keep the second page as a receipt for your records. The receipt contains the terms and conditions of shipping and information useful for tracking your package.

Legal Terms and Conditions

Tendering packages by using this system constitutes your agreement to the service conditions for the transportation of your shipments as found in the applicable FedEx Service Guide, available upon request. FedEx will not be responsible for any claim in excess of the applicable declared value, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the applicable FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of 100 USD or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is 500 USD, e.g. jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits, see applicable FedEx Service Guide. FedEx will not be liable for loss or damage to prohibited items in any event or for your acts or omissions, including, without limitation, improper or insufficient packaging, securing, marking or addressing, or the acts or omissions of the recipient or anyone else with an interest in the package. See the applicable FedEx Service Guide for complete terms and conditions. To obtain information regarding how to file a claim or to obtain a Service Guide, please call 1-800-GO-FEDEX (1-800-463-3339).

ATTACHMENT C



<i>package id</i>	<i>from</i>	<i>vendor</i>
1068378	Chris Altamirano (95902)	FedEx
<i>ship date</i>	Morgan, Lewis & Bockius	<i>tracking number</i>
Thu, Oct 14 2021	LLP	284899503524
<i>to</i>	1 Market	<i>service</i>
Clerk-Recorder	Spear Street Tower	FedEx Priority Overnight®
Riverside County Assessor-	San Francisco, CA 94105	<i>packaging</i>
County	US	FedEx® Envelope
4080 LEMON ST	+1.415.442.1605	<i>courtesy quote</i>
RIVERSIDE, CA 92501-	<i>billing</i>	12.22
3609	client id: 10543100.matter	<i>Quote may not reflect all</i>
United States	id : 105431-0001	<i>accessorial charges</i>
415-442-1605	(10543100.105431-0001)	
<i>residential address</i>	Letters	
No	<i>operator</i>	
<i>return label</i>	Jose Montalvo	
No	+1.415.442.1491	
<i>notification type</i>	jose.montalvo@morganlewis	
Delivery	<i>create time</i>	
Tendered	10/14/21, 10:59AM	
<i>notification recipients</i>		
chris.altamirano@mor...		
jose.montalvo@morgan...		

ATTACHMENT C

ORIGIN ID: JCGA (415) 442-1000
CHRIS ALTAMIRA-NO
MORGAN, LEMIS & BOCKIUS LLP
1 MARKET
SPEAR STREET TOWER
SAN FRANCISCO, CA 94105
UNITED STATES US
SHIP DATE: 14OCT21
ACTWGT: 0.50 LB
CAD: 253863943MWSX13600
BILL SENDER

TO
RIVERSIDE COUNTY PUBLIC DEFENDER
4200 ORANGE ST

RIVERSIDE CA 92501
(415) 442-1805 REF 95902:105431:0001
INVT DEPT



TRK# 2849 1373 3600
0201
FRI - 15 OCT 10:30A
PRIORITY OVERNIGHT

WWM MERA
CA-US 92501
SBD



56DJ3114BA/FE4A

FOLD on this line and place in shipping pouch with bar code and delivery address visible

1. Fold the first printed page in half and use as the shipping label.
2. Place the label in a waybill pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.
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ATTACHMENT C



package id
1068467
ship date
Thu, Oct 14 2021
to
Riverside County Public
Defender
4200 ORANGE ST
RIVERSIDE, CA 92501-
3827
United States
415-442-1605
residential address
No
return label
No
notification type
Delivery
Tendered
notification recipients
chris.altamirano@mor...
jose.montalvo@morgan...

from
Chris Altamirano (95902)
Morgan, Lewis & Bockius
LLP
1 Market
Spear Street Tower
San Francisco, CA 94105
US
+1.415.442.1605
billing
client id: 10543100.matter
id : 105431-0001
(10543100.105431-0001)
Letter
operator
Jose Montalvo
+1.415.442.1491
jose.montalvo@morganlewis.
create time
10/14/21, 2:03PM

vendor
FedEx
tracking number
284913733600
service
FedEx Priority Overnight®
packaging
FedEx® Envelope
courtesy quote
12.22
*Quote may not reflect all
accessorial charges*

ORIGIN ID: JCCA (415) 442-1000
LISA LEE
MORGAN LEWIS
ONE MARKET, SPEAR STREET TOWER
SAN FRANCISCO, CA 94105
UNITED STATES US

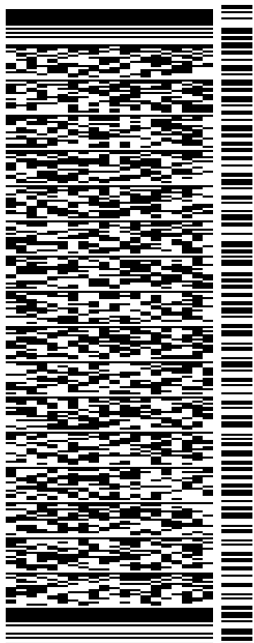
SHIP DATE: 14NOV22
ACTWGT: 1.00 LB
CAD: 107802473/IN/ET4530

BILL SENDER

TO JEFF HEWITT
RIVERSIDE COUNTY BD OF SUPERVISORS
4080 LEMON STREET, 5TH FLOOR

RIVERSIDE CA 92501

(951) 955-1050 REF: MP018719-097056-0135-LSL
INV/ PO: DEPT:

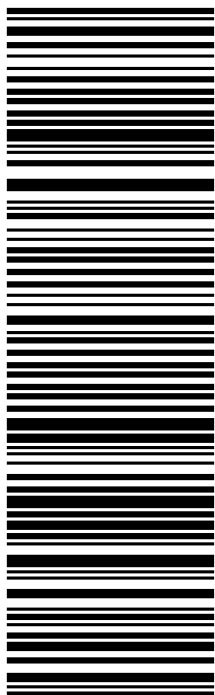


J224222101801uv

581J6/E4B8/FE2D

TRK# 7704 9057 9756
0201

TUE - 15 NOV 10:30A
PRIORITY OVERNIGHT



WM MERA

92501
CA-US SBD

After printing this label:

1. Use the 'Print' button on this page to print your label to your laser or inkjet printer.
2. Fold the printed page along the horizontal line.
3. Place label in shipping pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.

Warning: Use only the printed original label for shipping. Using a photocopy of this label for shipping purposes is fraudulent and could result in additional billing charges, along with the cancellation of your FedEx account number.

Use of this system constitutes your agreement to the service conditions in the current FedEx Service Guide, available on fedex.com. FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$1,000, e.g. jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits, see current FedEx Service Guide.

1 **PROOF OF SERVICE**

2 I, Jasmin Estrada, declare:

3 I am a citizen of the United States and employed in Los Angeles County, California. I am
4 over the age of eighteen years and not a party to the within entitled action. My business address
5 is 300 South Grand Avenue, Twenty-Second Floor, Los Angeles, CA 90071-3132. On July 17,
6 2023, I served a copy of the within document(s):

6 **VERIFIED PETITION FOR PEREMPTORY WRIT OF MANDATE AND COMPLAINT
7 FOR DECLARATORY AND INJUNCTIVE RELIEF**

7 by placing the document(s) listed above in a sealed envelope with postage thereon
8 fully prepaid, the United States mail at Los Angeles, California addressed as set
9 forth below.

9 by personally delivering the document(s) listed above to the person(s) at the
10 address(es) set forth below.

11 **SERVICE LIST**

12 Kevin Jeffries Clerk of the Board of Supervisors
13 Karen Spiegel **Riverside County**
14 Chuck Washington 4080 Lemon Street, 1st Fl., Ste. 127
15 V. Manuel Perez Riverside, CA 92501
16 Yxstian Gutierrez
17 **Riverside County Board of Supervisors**
18 4080 Lemon Street, 5th Floor
19 Riverside, CA 92501

17 Enjo'lai Burton
18 Custodian of Records
19 **Riverside County Assessor, County Clerk-
20 Recorder Division**
21 4080 Lemon St., 1st Fl.
22 Riverside, CA 92501

21 I am readily familiar with the firm's practice of collection and processing correspondence
22 for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same
23 day with postage thereon fully prepaid in the ordinary course of business. I am aware that on
24 motion of the party served, service is presumed invalid if postal cancellation date or postage
25 meter date is more than one day after date of deposit for mailing in affidavit.

24 Executed on July 17, 2023, at Los Angeles, California.

25 I declare under penalty of perjury under the laws of the State of California that the above
26 is true and correct.

27 
28 _____
Jasmin Estrada



Superior Court of California
County of Riverside
4050 Main Street
RIVERSIDE, CA 92501

Receipt EFM20230718-00938.1
Payor:

Cashier RSC
Date: 07/18/2023 **Time** 11:05 AM

CASE # CVRI2313428

AMERICAN CIVIL LIBERTIES UNION OF NORTH CALIFORNIA, INC. vs THE COUNTY OF RIVERSIDE

Line Item: Fee for eFiling

Line Item: Unlimited complaint or other first paper in unlimited civil case amount over \$25,000 including UD over \$25K, petition for writ of review, mandate, or prohibition; petition for a decree of change of name or gender (GC70611) 450.00

Cashier Comment: 23RSCR00474425

Current Balance: 0.00

KEEP THIS RECEIPT FOR YOUR RECORDS

Receipt must be provided as proof of payment in case of a dispute