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March 18, 2026

VIA E-MAIL ONLY: andreacsav@gmail.com

Andrea Csavajda
22225 S. Leslie Ave
Beavercreek, OR 97002

Re: Petition for Public Records Disclosure Order
Oregon State Bar
DOJ File No.: 993001-GA0056-26

Dear Ms. Csavajda:

This letter is the Attorney General's response to your petition under the Oregon Public Records Law, ORS 192.311 to 192.431. Your petition, dated March 11, 2026, challenges the completeness of the Oregon State Bar's (OSB) response to your December 16, 2025, records request. Your petition also asks the Attorney General to review the exemptions claimed by OSB.[1] For the reasons discussed below, we respectfully deny the petition.

The Public Records Law confers the right to inspect public records in Oregon, unless such records are exempt under ORS 192.338, 192.345, or 192.355. ORS 192.314(1). The law is a disclosure law, and exemptions from disclosure must be express. Any person denied the right to inspect or to receive a copy of a public record of a state agency may petition the Attorney General to review the record and determine if it may be withheld. ORS 192.411(1). The agency carries the burden to sustain its actions. *Id*.

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[1] You filed an earlier petition challenging the timeliness of OSB's response to your December 16, 2025, records request. As noted in the order on that petition, OSB completed it production to you on March 2, 2026. Your new petition asks the Attorney General to reconsider its prior order in light of additional evidence of untimeliness. Because the records have already been produced, the only available remedy would be a $200 penalty under ORS 192.407(3). We respectfully decline to exercise our discretion to impose that penalty.

Your petition questions the completeness of OSB's records response, specifically whether its search procedures located all responsive records. You limited your request to records that referenced at least one of several specific identifiers. We contacted Nik Chourey, OSB's Deputy General Counsel, to clarify the search OSB conducted. He explained that OSB's Systems and Network Administrator searched for records using the keywords you provided. Mr. Chourey supplied a screenshot of the system query showing that those terms were used. He also confirmed that no additional responsive records exist. Under these circumstances, we have no reason to question OSB's representation that it has provided all responsive records. We therefore respectfully deny this portion of your petition.

We next address the specific exemptions claimed by OSB.[2] OSB redacted portions of an executive session agenda from an OSB Board of Governors meeting, explaining that the redacted material contains confidential legal advice provided to the board by its attorney and is therefore protected by the attorney-client privilege. After reviewing the withheld records,[3] we agree with OSB's determination. The records contain legal advice provided by OSB's General Counsel to its client in a confidential executive session and are therefore exempt from disclosure under the Public Records Law. ORS 40.225(2).[4]

OSB also withheld draft legal pleadings related to litigation filed by you. OSB explained that these records contain internal legal analysis that was preliminary to OSB's final public filing. ORS 192.355(1) exempts from disclosure communications "within a public body or between public bodies of an advisory nature to the extent that they cover other than purely factual materials and are preliminary to any final agency determination of policy or action." The exemption does not apply "unless the public body shows that in the particular instance the public interest in encouraging frank communication between officials and employees of public bodies clearly outweighs the public interest in disclosure." *Id*. When balancing the public interest, one consideration is the extent to which public disclosure would "chill" employees' willingness to express their opinions and observations without inhibition. *See City of Portland v. Oregonian Publ'g Co.,* 200 Or App 120 (2005).

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[2] Concerning these exemptions, your petition argues that OSB failed to provide an "exemption log" detailing each redaction made in a "record-by-record" fashion. The Public Records Law does not require a privilege log or any detailed log of exempt material. It requires only that the public body assert the exemptions it believes apply to the requested records. ORS 192.329(2)(b). OSB satisfied this requirement by providing you the statutory citations for its claimed exemptions.

[3] In connection with your petition, we obtained and reviewed the records withheld by OSB as exempt.

[4] ORS 192.355(9)(a) expressly exempts from disclosure "[p]ublic records or information the disclosure of which is prohibited or restricted or otherwise made confidential or *privileged* under Oregon law." (Emphasis added.) ORS 40.225 is one such law because it provides that clients have "a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications made for the purpose of facilitating the rendition of professional legal services to the client." Accordingly, ORS 192.355(9)(a) permits public bodies to withhold public records that are protected by the attorney-client privilege. *See, e.g., Port of Portland v. Ore. Center for Environ. Health*, 238 Or App 404, 409 (2011) (ORS 192.355(9)(a), then codified at ORS 192.502(9)(a), encompasses attorney-client privilege).

We conclude that OSB was permitted to withhold these draft pleadings as internal advisory communications. The redacted material reflects candid, advisory communications within OSB and was preliminary to OSB's final filings. In this instance, the public interest in the draft versions is minimal, and disclosure would likely discourage OSB's attorneys from offering uninhibited written advice in the future. We therefore find that the public interest in preserving such frank communications clearly outweighs the interest in disclosure. For these reasons, we respectfully deny your petition.

Sincerely,

BENJAMIN GUTMAN
Deputy Attorney General

DEP:pjn
c via e-mail only: Nik Chourey (OSB)