

From: [Lee D. Turonie](#)
To: [Bobbi Birk-LaBarge](#)
Subject: FW: [External] attorney-client privilege documents are not public records
Date: Friday, September 22, 2023 1:03:56 PM

From: Lee D. Turonie
Sent: Thursday, September 21, 2023 11:26 AM
To: Kim Manley <kmanley@kronenwetter.org>
Cc: 'Chris Voll' <cvoll@kronenwetter.org>
Subject: attorney-client privilege documents are not public records

Below are references in the well-known WI DOJ compliance guide for attorney-client privilege documents NOT being public records:

• **Exempt from disclosure by state court decisions. “Substantive common law principles construing the right to inspect, copy or receive copies of records shall remain in effect.”²¹⁴ For example:**

Page 30: Records rendered confidential by the attorney-client privilege.²²¹

Attorney Client is not subject to the balancing test:

Page 33: Caution: Unlike the other privileges, the attorney-client privilege (**Wis. Stat. § 905.03**) does provide sufficient grounds to deny access without resorting to the balancing test.²⁴²

This is because the attorney-client privilege “is no mere evidentiary rule. It restricts professional conduct.”²⁴³

Special Issues

• **Privacy and reputational interests**

Page 37: Privacy-related concerns may outweigh the public interest in disclosure if disclosure would threaten both personal privacy and safety, or if other privacy protections have been established by law (for example, attorney-client privilege).²⁷⁴

<https://www.doj.state.wi.us/sites/default/files/office-open-government/Resources/PRL-GUIDE.pdf>

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