



STATE OF NEBRASKA
Office of the Attorney General

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MIKE HILGERS
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ASSISTANT ATTORNEY GENERAL

April 30, 2024

Via email: [REDACTED]
Shane Sailors

RE: *Subsequent Public Record Matter Involving the Village of Brownville*
Our File No. 20241025

Dear Ms. Sailors:

This letter is in response to your correspondence received by this office on April 19, 2024, concerning the response provided to you by the Village of Brownville, Nebraska ("Village") and its Village Attorney, Stephen D. Mossman, following this office's disposition of your previous public records petition dated February 20, 2024. We considered your subsequent petition, alongside the copy of Mr. Mossman's post-disposition response attached thereto, in accordance with the Nebraska Public Records Statutes ("NPRS"), Neb. Rev. Stat. §§ 84-712 to 84-712.09 (2014, Cum. Supp. 2022), amended 2024 Neb. Laws LB 43. Our findings in this matter are set out below.

RELEVANT FACTS

As discussed in this office's previous disposition letter and as relevant to the current matter, you initially sought to inspect or obtain copies of public records showing Mr. Mossman's bills to the Village from November 2023 to January 2024. The Village denied production of those records, relying on the exception set forth in Neb. Rev. Stat. § 84-712.05(4) regarding records representing attorney work product and/or confidential communications. In our disposition letter, this office directed Mr. Mossman to produce the requested billing statements with the redaction of any entries that would disclose privileged and confidential matters.

Per your current petition, Mr. Mossman produced the requested billing statements to the Village with redaction of "all information subject to [his] attorney-client privilege per

instruction from the Nebraska Attorney General's office." The produced statements provide dates for services rendered and the amounts billed with redacted descriptions of these services other than travel.

DISCUSSION

The produced billing statements contain information regarding Mr. Mossman's billing rate, dates of service, and the amount of time spent for each recorded entry. The descriptions for each billing entry are generally redacted other than descriptions of travel undertaken during his representation of the Village. We understand such redactions to reflect Mr. Mossman's judgment that the redacted entries constitute information protected by attorney-client privilege. We first observe that Mr. Mossman has a professional and ethical duty as the Village's attorney to preserve confidentiality in connection with his representation, and this duty is reflected in the exception to disclosure provided by § 84-712.05(4). Moreover, although § 84-712.03(1)(b) creates enforcement responsibilities for this office under the NPRS, there is no statutory mechanism enabling this office to conduct an independent review of the requested records. Pursuant to § 84-712.03(2), only the courts may conduct an *in camera* review of the requested records before determining whether a petitioner has been denied his or her rights under the NPRS. We will therefore rely on Mr. Mossman's representations that the entries redacted from his billing statements to the Village contain privileged information and conclude that such information need not be produced under the exception in § 84-712.05(4).

CONCLUSION

Based on the foregoing, we conclude that Mr. Mossman has complied with the NPRS in producing the requested billing statements. We further believe that the redacted billing entries constitute information that may be withheld under § 84-712.05(4). Consequently, this office will take no further action on this matter and will close this file.

Shane Sailors
April 30, 2024
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If you disagree with our analysis, you may wish to consider the other remedies available under the NPRS.

Sincerely,

MIKE HILGERS
Attorney General

A handwritten signature in black ink that reads "Ryan Baker". The signature is written in a cursive, flowing style.

Ryan Baker
Assistant Attorney General

c: Stephen D. Mossman
55-029-30