

Sheppard Mullin Scores Appeals Court Win For San Diego Media

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Sheppard, Mullin, Richter & Hampton LLP successfully represented a coalition of San Diego-based media entities in a case involving the public's right to access records of incidents in which police officers used force or committed misconduct. In a published decision, the California Court of Appeal, Fourth Appellate District, reversed the trial court and held that Sheppard Mullin's clients have a right to seek attorney's fees from the police unions that sought to block access to these records, which were recently made subject to disclosure by Senate Bill 1421.

The trial court had ruled that Sheppard Mullin's media clients could only intervene in the action (which was initially brought by the police unions against the public law enforcement agencies that employ their members) if the media entities struck their claims for the attorney's fees to which prevailing public records requestors are entitled. The media entities and the ACLU (which also intervened) prevailed on the merits, vindicating the public's right of access, while the public agencies sat on the sidelines and made no effort to oppose the unions.

Having achieved this important substantive victory, the media entities appealed the trial court's order prohibiting them from seeking their attorney's fees. The Court of Appeal held that public records requestors have a right to intervene in cases where third parties (like the police unions in this case) try to stop public agencies from providing the records sought by the requestors. It further held that a trial court cannot restrict the rights of intervenors (like the media entities) in public records cases by prohibiting them from seeking attorney's fees to which they would otherwise be entitled. The Court of Appeal noted that this was an issue of first impression in California.

The Sheppard Mullin team, led by associate Matthew Halgren, included partners James Chadwick and Karin Vogel and special counsel Tenaya Rodewald.

[Click here to read the published decision.](#)

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