



INFORMATION PRACTICES
10920 WILSHIRE BOULEVARD, SUITE 107
LOS ANGELES, CA 90024-6543

VIA EMAIL

August 26, 2021

Rob Schilling
Energy Policy Advocates
Email: Schilling@allhookedup.com

Re: Public Records Request - PRR # 21-9211

Dear Mr. Schilling:

This is in response to your California Public Records Act (“CPRA”) request, a copy of which is enclosed. Each part of your request is addressed below.

Part 1 of your request seeks copies of any Annual Reporting Forms for Category I & II Outside Professional Activities and/or Annual Reporting Forms for Category I & II Compensated Outside Professional Activities, filed by or for Professors Sean Hecht and Cara Horowitz, the co-executive directors for the Emmett Center on Climate Change and the Environment (the “Emmett Center”) at the UCLA School of Law between 2017 and 2021, inclusive. Such reports, as your request notes, are pursuant to Academic Personnel Manual (“APM”) 025.

A search for responsive records to this portion of the request has been completed and it has been determined that none exist. APM 025 applies to faculty holding appointments in certain title series. *See* APM-025-14. Professors Hecht and Horowitz hold academic appointments outside of the types listed in the policy and, as a result, are not subject to the reporting requirements.

Part 2 of your request seeks copies of any consulting, non-disclosure, representation, confidentially and/or common interest or other agreement between the UCLA School of Law School and/or the Emmett Center and Sher Edling, LLP, dated or in effect during one or more the years from 2016 through 2021, inclusive. Similarly, part 3 of your request seeks copies of any records terminating such agreements during the same time period.

Documents called for by parts 2 and 3 of your request are exempt from release based upon the following: the attorney-client privilege, pursuant to California Evidence Code § 950 *et seq.* and California Business & Professions Code § 6149, as incorporated into the CPRA through California Government Code § 6254(k); and the attorney work product privilege, pursuant to California Code of Civil Procedure § 2018.010 *et seq.*, as incorporated into the CPRA through California Government Code § 6254(k).

In addition, where the public interest served by not disclosing a record clearly outweighs the public interest served by disclosure, such records need not be produced. *See* California Government Code § 6255(a). Under the balancing of public interests, the public interest favoring nondisclosure of the requested records outweighs the public interest in disclosure in that the release of such records would chill

the University's ability to work with law firms and their clients and reduce important educational opportunities for students attending public institutions of higher education.

Part 4 of your request seeks records reflecting or discussing the work the Law School has done on climate nuisance litigation between 2016 and 2021, inclusive. The University regularly responds to requests that reasonably describe identifiable records relating to the conduct of the public's business, but is not required to respond to requests that are overbroad or unduly burdensome. *See California First Amendment Coalition v. Superior Ct.*, 67 Cal. App. 4th 159, 166 (1998) (Even "a clearly framed request" may be unduly burdensome if it "requires an agency to search an enormous volume of data for a 'needle in the haystack' or conversely, ... compels the production of a huge volume of material."). While this request for materials spanning a five-year period is overbroad and unduly burdensome, and work done on behalf of clients is privileged, UCLA is conducting a review for non-privileged materials reflecting work done by Professors' Hecht or Horowitz on nuisance litigation.

Enclosed with this letter is an initial production of documents responsive to this part of the request. Please note that exempt material has been redacted pursuant to Cal. Gov't Code § 6254(c) and (k) on the grounds that disclosure would constitute an unwarranted invasion of personal privacy. We are working to determine whether any additional responsive records exist and will produce them (if any) on a rolling basis

Should you have any questions, please contact our office at (310) 794-8741 or via email at records@ucla.edu and reference the PRR number found above in the subject line.

Sincerely,



Robert Baldrige

Manager, Records Management & Information Practices
(310) 794-8741 | (310) 794-8961 (fax) | records@ucla.edu

Enclosure