



December 13, 2022

**Via Email: [leonida@braunhagey.com](mailto:leonida@braunhagey.com)**

Ellen Leonida, Esq.  
BraunHagey & Borden LLP  
351 California Street, 10th Floor  
San Francisco, CA 94014

**Re: Public Records Act Request – Racial Justice Act**

Dear Ms. Leonida:

The County of Madera (the “County”) hereby supplements its response dated November 18, 2022, to your Public Records Act request seeking records related to the implementation of the Racial Justice Act and training materials concerning jury selection and Batson-Wheeler motions.

Based on the key words you provided by your office during our teleconference on December 7, 2022, the County is engaging in an email audit to locate responsive records. The County has yet to receive the results of the email audit but anticipates it may be completed by January 6, 2023. As such, on **January 6, 2023**, the County will contact you in writing to provide a supplemental response and provide a timeline to produce responsive records.

Additionally, during our teleconference, you inquired whether the County would provide a privilege log stating which documents are exempt. While the California Public Records Act (“CPRA”) requires agencies to provide access to certain existing records, it does not require them to create new records to satisfy a request. (*Fredericks v. Sup. Ct.* (2015) 233 Cal.App.4th 209, 227; *Haynie v. Sup. Ct.* (2001) 26 Cal.4th 1061, 1073-1075.) As such, the County has complied with its requirements under the PRA, and the County will not be by providing a privilege log for your request.

As previously indicated records which constitute attorney work product have been withheld pursuant to the Attorney Work Product Doctrine. (Code Civ.Proc., § 2018.030, subd. (c) [“A



COUNTY COUNSEL

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writing that reflects an attorney' s impressions, conclusions, opinions, or legal research or theories is not discoverable under any circumstances." ].))

Please contact me if you have any questions.

Sincerely,

*Nisha K. Dale*

Nisha Dale  
Deputy County Counsel

NKD/mc

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