



## Nathan Vasquez, Multnomah County District Attorney

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February 20, 2026

*via email only*

Marc Poris  
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Lisa Rogers  
Deputy City Attorney  
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Re: Petition of Marc Poris seeking internal City of Portland communications regarding union bargaining

Dear Mr. Poris and Ms. Rogers,

On January 11, 2026, Marc Poris submitted two related public records requests to the City of Portland. These requests sought “any communications, including attachments [...] sent on or after December 1, 2025 in which any of the following case insensitive terms appears [...] Schuback, Shuback, PRH.” The first of these requests sought such communications to or from three attorneys in the Office of the City Attorney; the second specified three Bureau of Human Resources employees. All six individuals were involved on behalf of the City in negotiating a new collective bargaining agreement between the City of Portland and the Portland Police Association, the union representing Portland Police officers. Steven Schuback is a local labor law attorney retained by the City to lead the management-side negotiating team.

On February 2, 2026, the City released responsive records to petitioner, but partially redacted some and fully withheld others on the basis of attorney-client privilege. The next day, February 3, petitioner sought review by this office as authorized by ORS 192.422.

In its response to the petition the City maintains that many of its redactions and withholdings are supported by privilege, but upon further review has turned over a number of initially-withheld records to petitioner. These documents are no longer at issue, and I do not consider them further here.

As to the remaining documents, the City has sufficiently supported its claims that they are privileged in whole or part.

### DISCUSSION

#### A. Attorney-Client Privilege

The confidentiality of communications between an attorney and their client is a foundational principle of our system of laws. *Upjohn Co. v. United States*, 449 U.S. 383 (1981)

(“The attorney-client privilege is the oldest of the privileges for confidential communications known to the common law.”) This privilege extends to public organizations that employ or retain lawyers to give them legal advice and shields those communications from disclosure under the public records law. *Port of Portland v. Or. Ctr. for Envtl. Health*, 238 Or App 404, 409 (2010) (noting incorporation of attorney-client privilege into the public records law by way of what is now ORS 192.355(9)).

Petitioner argues that there is a compelling public interest in the release of records involving the negotiation of a collective bargaining agreement between the City of Portland and the Portland Police Association. Such an interest, however strong it may be, is irrelevant to the legal analysis. ORS 192.355(9) creates an unconditional exemption from disclosure for attorney-client privileged material. *Petition of Manning*, MCDA PRO 19-18 (2019) (“it is clear that the legislature has not permitted us to consider the public’s interest when evaluating an assertion of attorney-client privilege.”)

The individuals whose communications petitioner seeks are all either in-house lawyers for the City, retained outside counsel for the City, or “representatives of the client” as defined in ORS 40.225(1)(e)(B). Confidential communications between any of them, made for the purpose of facilitating the rendition of professional legal services, are privileged.

The negotiation of a contract is the type of transaction where the direct involvement of a lawyer is usual and expected. That the lawyer in charge of those negotiations would need to consult with representatives of their client to learn their priorities and gather information necessary to support their bargaining position is also usual and expected. Such communications are privileged absent anything in them suggesting another purpose existed.

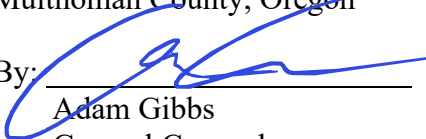
Having reviewed the records that the City continues to assert are privileged, I find nothing to indicate a purpose other than supporting the negotiation of the contract by Mr. Schuback. They are, accordingly, subject to attorney-client privilege and unconditionally exempt from disclosure under the Oregon Public Records Law.

### ORDER

Accordingly, the petition is denied.

Regards,

NATHAN VASQUEZ  
District Attorney  
Multnomah County, Oregon

By:   
Adam Gibbs  
General Counsel