



# STATE OF INDIANA

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November 18, 2025

Re: Complaint 25-FC-039  
Kenneth Kingshill (Complainant) v.  
Town of Whitestown (Respondent)

This advisory opinion is in response to Kenneth Kingshill's complaint, dated March 14, 2025, regarding the Town of Whitestown, IN. (Respondent).

A Notice of the Complaint, along with a copy of the complaint, was sent to the Respondent on March 27, 2025, requesting a formal response by April 22, 2025. A formal response, submitted by its Town Attorney, Ashley M. Ulbricht of Taft Stettinius & Hollister LLP on behalf of Respondent, was received April 22, 2025.

The complaint alleges that the Respondent violated the Access to Public Records Act (APRA) by excessively redacting the legal invoices that were provided pursuant to Complainant's record request.

## **ANALYSIS**

The public policy of APRA states that "(p)roviding persons with information is an essential function of a representative government and an integral part of the routine duties of public officials and employees, whose duty is to provide the information." Indiana Code (IC) 5-14-3-1.

On January 29, 2025, Complainant submitted a records request for detailed invoices for the Town Attorney's work for the year 2024 and year to date for 2025. After Complainant's request and before filing the complaint, Complainant received 359 copies of the Town Attorney's invoices, which were redacted prior to delivery. Complainant does not challenge the totality of the response to the records request, but only the redaction of the records delivered.

Respondent states in its response that the redaction was proper at the discretion of the Respondent under IC 5-14-3-4(b)(2) as the work product of an attorney representing, pursuant to an appointment by a public agency. Respondent also relies on the fact that Taft Stettinius Hollister LLP was appointed as the Town Attorney for Respondent, a public agency. The exception of IC 5-14-3-4(b)(2) therefore applies.

IC 5-14-3-4 (b): Except as otherwise provided by subsection (a), the following public records shall be excepted from section 3 of this chapter at the discretion of a public agency:

...

(2) The work product of an attorney representing, pursuant to state employment or an appointment by a public agency:

(A) a public agency;

(B) the state; or

(C) an individual.

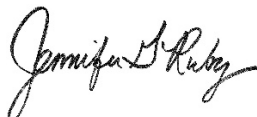
Further, the Indiana Court of Appeals found in *The Board of Trustees of the Public Employees' Retirement Fund of Indiana v. Morley*, 580 N.E.2d 371 (Ind. Ct. App. 1991) that federal courts had recognized the existence of an attorney-client privilege between government attorneys and the agencies they advise. *Green v. I.R.S.* (N.D.Ind.1982), 556 F.Supp.79 aff'd (7<sup>th</sup> cir.1984), 734 F.2d 18. The Court in *Board of Trustees* further concludes that discussions between client (PERF) and attorney (Attorney General) are protected by attorney-client privilege and fall within the exception to disclosure under the public records statute....

More recently, the case of *Groth v. Pence*, 67 N.E.3d 1104 (Ind. Ct. App. 2017) dealt directly with redaction of attorney's invoices at the State level. In this case Groth requested and received copies of legal invoices that were submitted and paid by the State. The Governor, or his staff on behalf of the Governor, elected to redact the invoices prior to delivery to Groth. The redaction was done to except from disclosure, under IC 5-14-3-4(b)(2), the attorney work product of attorneys representing the State. The court found, after *in camera* review, that the redactions were proper in that the redactions were for the attorneys' research and legal opinions, theories, communications or conclusions with respect to the various aspects of litigation in the *Groth* case.

Respondent asserts, in its response, that the redactions of the invoices delivered to Complainant fell within the attorney-client privilege and work product for the legal services provided. A review by this office of the materials filed with the complaint supports the position of the Respondent.

## CONCLUSION

This office finds that the Respondent did not violate the APRA by redacting the attorney invoices provided pursuant to the records request.



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