

Washington Court of Appeals Holds That Attorney Acting As Her Client's Agent in Public Records Act Request Could Not Individually Sue Agency for PRA Violations

Legal Alert
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Over the course of representing her client, attorney Erica Krikorian sent two Public Records Act ("PRA") requests to Monroe School District, the defendant in her client's lawsuit alleging civil rights violations. Krikorian then negotiated a settlement with the district on the civil rights claim in which her client released any potential PRA claims. Krikorian, asserting that the PRA claims were hers, subsequently filed suit against the district for violations of the PRA. In [Creer Legal v. Monroe School District](#), No. 76814-0-1 (August 13, 2018), Division I of the Washington Court of Appeals affirmed dismissal of Krikorian's lawsuit. The court held that Krikorian, as her client's agent, did not own the PRA cause of action and could not assert the claim once it was released by her client in settlement.

In a published opinion, the court analyzed two issues: (1) whether the same alleged PRA violation supports more than one cause of action; and (2) who is entitled to prosecute a PRA cause of action. On the first issue, the court concluded that the PRA, in RCW 42.56.550, provides for a single cause of action arising from an alleged PRA denial, regardless of how many individuals were involved in making the request.

As to the second issue, the court looked to the law of agency, observing that a standing framework would not be useful in this context. The court found that the evidence in the record incontrovertibly supported the district's position that Krikorian acted as her client's agent with respect to the records requests, including referring to the requests as her client's and stating in the settlement agreement that the client was waiving PRA claims that she owned. Thus, because the client, as principal, released

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the PRA cause of action in settlement, Krikorian, as agent, could not assert a right that the client no longer possessed. Further, the court observed that the Rules of Professional Conduct for attorneys militated against an attorney acting as anything other than her client's agent in bringing such a cause of action.

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