



## Administrative Office of the Courts

FOR IMMEDIATE RELEASE

May 28, 2026

Supreme Court ruling clarifies scope of exceptions in public records law

SANTA FE – New Mexico’s highest court ruled today an investigative report for Albuquerque Public Schools about a former superintendent must be publicly disclosed under state law although some information in the document potentially may remain confidential.

The Supreme Court directed the district court in Albuquerque to privately review the report and determine whether any information in it was protected from disclosure by an exception in the Inspection of Public Records Act (IPRA) for “matters of opinion” in personnel files. That IPRA exception “does not preclude inspection of the purely factual, nonopinion portions” of the report, the Court held in its unanimous opinion written by Justice Briana H. Zamora.

The Court concluded that the purpose of the report “was not primarily to provide legal advice,” and that public access to the 12-page document could not be denied under an IPRA provision that blocks disclosure of confidential communications between attorneys and their clients.

The justices made clear that governmental entities could not withhold entire records because they partly contain information covered by the “matters of opinion” IPRA exception. The stated purpose of the public records law, the Court noted, is to provide people with the “greatest possible information” about governmental affairs.

“To hold otherwise would not only be contrary to this purpose, but as this case demonstrates, exempting an entire record because it may contain trace matters of opinion would invite abuse and frustrate both the ‘fundamental right to inspect public records’ and the ‘presumption in favor of access’ under IPRA,” the Court wrote.

Pursuant to the “matters of opinion” exception, governmental entities must review requested records, redact or remove any information exempt from disclosure, and then provide the nonexempt portions of the records, the Court explained.

The justices reversed decisions by the Second Judicial District Court and the Court of Appeals, which found that the report to APS was exempt from public disclosure under IPRA exceptions for “attorney-client privileged information” and “letters or memoranda that are matters of opinion in personnel files.”

The board of education of Albuquerque Public Schools (APS) hired attorney Agnes Fuentevilla Padilla to investigate and prepare a report about Superintendent Winston Brooks, who resigned in 2014 and received a \$350,000 buyout of his contract. APS denied IPRA requests from the Albuquerque Journal and KOB-TV for the report. The news organizations challenged the decision in court. The legal dispute reached the Supreme Court after the district court and the Court of Appeals, in a split decision, determined the entire report was exempt from disclosure under IPRA.

As part of the litigation, Padilla and then APS Board President Dr. Analee Maestas submitted affidavits to the district court that the report and communications about the attorney's hiring were intended to be confidential attorney-client privileged information. The Supreme Court stated that those documents were not enough to establish the privilege.

“To rule otherwise and give controlling effect to the mindsets of the parties to the hiring agreement would run counter to New Mexico law,” the Court wrote. “Whether a communication is privileged is determined by the court, not by the parties’ subjective beliefs.”

The Supreme Court reviewed Padilla’s report and determined it was “predominantly investigative in nature, mostly factual in content, and contains very little advice of any kind, none of which could fairly be considered legal advice.”

“At bottom, the Padilla Report’s primary purpose – and indeed its *only* purpose – appears to be informing Dr. Maestas and the Board of the results of Attorney Padilla’s investigation and of her factual findings regarding allegations against Brooks,” the Court explained. “Because the Padilla Report ‘neither solicit[s] nor] predominantly deliver[s] legal advice,’ the attorney-client privilege does not apply.”

The justices emphasized that courts need to conduct an “in-camera” or private review of disputed records when determining whether a particular IPRA exception applies. The district court ruled the Padilla report was exempt from inspection under IPRA without reviewing the report.

The Court stated that a “restrictive reading of the matters-of-opinion exception is in order,” explaining that the plain language of IPRA “designated only *matters of opinion* within a personnel file as exempt from inspection, as opposed to factual matters or other kinds of information within a personnel file, which may be inspected.”

The justices noted that no categories of personnel records are “presumptively exempt from disclosure,” and that two prior decisions by the court identifying such exempt categories “should no longer be followed.”

###

To read the decision in *Albuquerque J. v. Bd. of Educ. of Albuquerque Pub. Schs.*, No. S-1-SC-40671, please visit the New Mexico Compilation Commission's website using the following link:

<https://nmonesource.com/nmos/nmsc/en/item/538244/index.do>