

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

A.C. v. Cortez

No. 19-55895, United States Court of Appeals for the Ninth Circuit (May 13, 2022)

SUMMARY

The Ninth Circuit affirmed dismissal of a § 1983 action alleging that county attorneys violated minors' privacy rights by reviewing juvenile case files without a court order while defending the county in a prior lawsuit. The court held that *Gonzalez v. Spencer* did not recognize a per se constitutional right to privacy in juvenile records, and even assuming an informational privacy right, the balancing test under *Seaton v. Mayberg* favored the county because its need to access the records for litigation was high and the risk of misuse was low due to attorney confidentiality obligations. Individual defendants were entitled to qualified immunity, and the *Monell* claim failed because there was no underlying constitutional violation.

CASE DETAILS

COURT	United States Court of Appeals for the Ninth Circuit
WRITING FOR THE COURT	Richard Seeborg; Susan P. Graber; Morgan Christen
JURISDICTION	Federal
DECIDED	May 13, 2022
DOCKET	19-55895
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the United States District Court for the Southern District of California, Anthony K. Battaglia, District Judge, Presiding. Dismissal under Rule 12(b)(6).
STANDARD OF REVIEW	Findings of fact for clear error; legal conclusions de novo; denial of leave to amend for abuse of discretion.
PRECEDENTIAL VALUE	published
PARTIES	A.C., A.E.1, A.E.2, by and through Samuel H. Park, their Guardian ad Litem v. Erica R. Cortez, Kate Dwyer Jones, County of San Diego, Does 1 through 30

TOPICS

civil procedure

motions to dismiss

civil rights

section 1983

qualified immunity

appellate procedure

standard of review

PRACTICE AREAS

Civil Rights

Constitutional Law

QUESTIONS PRESENTED

1. Whether *Gonzalez v. Spencer* recognized a per se constitutional right to privacy in juvenile records that is always violated by third-party access.
2. Whether the County's access to juvenile case files violated plaintiffs' right to informational privacy under the balancing test of *Seaton v. Mayberg*.
3. Whether the district court properly dismissed the Monell claim against the County.

HOLDINGS

1. Gonzalez did not recognize a per se constitutional right to privacy in juvenile records. It at most assumed some existing right but did not identify a specific constitutional right.
2. Even assuming plaintiffs were entitled to informational privacy, the balancing test shows the County's interest in defending the litigation outweighed plaintiffs' asserted privacy interest. There was no constitutional violation.

KEY QUOTATIONS

"Gonzalez did not recognize a per se constitutional right in juvenile records that is always violated by third-party access." (at 7)

"Such an opinion, which leaves fundamental questions unanswered about the origin, nature, and scope of the right at issue, cannot place the constitutional issue 'beyond debate.'" (at 8)

"Even assuming that the social workers' records comprised sensitive medical and psychological records, there was no constitutional violation because the County's need to access the records was high. Plaintiffs initiated that need, and the professional obligations that lawyers owe their clients minimize the risk of misuse, harassment, or embarrassment." (at 10)

FACTUAL BACKGROUND

Plaintiffs are minors who resided in San Diego County. In 2017, they sued the County and social workers for allegedly violating their Fourth Amendment rights by interviewing them without a court order or parental consent during a child-abuse investigation. The County created and maintained files related to the investigation. Attorneys for the County (Cortez and Jones) reviewed the juvenile case files without a court order. Plaintiffs then brought this separate action in 2018, alleging that the attorneys' access violated their privacy rights.

PROCEDURAL HISTORY

Plaintiffs sued the County and individual defendants under 42 U.S.C. § 1983, alleging that attorneys for the County reviewed juvenile case files without a court order, violating privacy rights. The district court granted the motion to dismiss, finding no constitutional violation and that individual defendants were entitled to qualified immunity. Plaintiffs appealed. A prior memorandum disposition affirmed dismissal of claims against individual defendants based on qualified immunity. The court then addressed the Monell claim in this opinion.

DISPOSITION

affirmed

CASES CITED

- Nunes v. Arata, Swingle, Van Egmond & Goodwin (PLC), 983 F.3d 1108 (9th Cir. 2020)
- Gonzalez v. Spencer, 336 F.3d 832 (9th Cir. 2003)
- Seaton v. Mayberg, 610 F.3d 530 (9th Cir. 2010)
- Endy v. County of Los Angeles, 975 F.3d 757 (9th Cir. 2020)
- NASA v. Nelson, 562 U.S. 134 (2011)
- Vinson v. Superior Ct., 740 P.2d 404 (Cal. 1987)
- Monell v. Dep't of Soc. Servs., 436 U.S. 658 (1978)
- Leatherman v. Tarrant Cnty. Narcotics Intel. & Coordination Unit, 507 U.S. 163 (1993)
- Filarsky v. Delia, 566 U.S. 377 (2012)
- Pannebecker v. Liberty Life Assurance Co., 542 F.3d 1213 (9th Cir. 2008)
- Gompper v. VISX, Inc., 298 F.3d 893 (9th Cir. 2002)
- In re Crawford, 194 F.3d 954 (9th Cir. 1999)
- Tucson Woman's Clinic v. Eden, 379 F.3d 531 (9th Cir. 2004)
- Planned Parenthood of S. Ariz. v. Lawall, 307 F.3d 783 (9th Cir. 2002)
- A.C. v. Cortez, 398 F. Supp. 3d 748 (S.D. Cal. 2019)
- A.C. v. Cortez, No. 19-55895, 2021 WL 4705511 (9th Cir. Oct. 8, 2021)
- Rigsby v. County of Los Angeles, No. CV-11-02766, 2011 WL 13143544 (C.D. Cal. Aug. 2, 2011)
- Williams v. County of San Diego, S.D. Cal. Case No. 17-cv-0815 MMA-JLB