



**ARIZONA SUPREME COURT
ORAL ARGUMENT CASE SUMMARY**



CHRISTOPHER MATTHEW CLEMENTS
v.
HON. BERNINI / STATE OF ARIZONA
CR-19-0140-PR

PARTIES:

Petitioner: Christopher Matthew Clements

Respondent: Hon. Bernini / State of Arizona

FACTS:

Attorney Kaufmann represented Clements in the past in another matter. In this matter, the State moved the trial court to appoint a special master to review 24 recorded phone calls made over a year from the jail where Clements was confined to Kaufmann's phone. The State requested that the court determine whether the calls are attorney-client privileged communications. The court granted the State's motion and appointed a retired judge to review the recordings.

Clements filed a petition for special action in the Arizona Court of Appeals. The court declined to accept jurisdiction, but one judge dissented because he would have accepted jurisdiction and granted relief to Clements.

ISSUES PRESENTED BY PETITIONER:

1. Did the trial court apply the correct legal standard in determining whether the recorded phone calls from the Maricopa County jail to Mr. Kaufmann fall within the purview of attorney-client communication?
2. Are the recorded call from Clements to Mr. Kaufmann protected by the attorney-client privilege?

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