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- Nossaman LLP
- Ram Olson Cereghino & Kopczyński, LLP
- The Contra Costa Times

Who Should Attend:

Public and private attorneys who litigate over denials of citizen and media public records requests; Public officials responsible for managing public records.

An Intensive One-Day Seminar on

Public Records Act Litigation

The unique procedural issues of bringing and defending
Public Records Act (PRA) suits

May 8, 2013

San Francisco, California

Marriott Union Square

Credits: CA 6.25 MCLE (incl. 1 ethics) (call about others)
Quick when/where: 8:30 a.m., 480 Sutter Street

Public Records Act Litigation Seminar

May 8, 2013 | San Francisco, California
Marriott Union Square

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8:00 Registration Opens

8:30 Introduction & Overview

John T. Kennedy, Esq., *Program Co-Chair*
Nossaman LLP ~ Sacramento, CA

Karl Olson, Esq., *Program Co-Chair*
Ram Olson Cereghino & Kopczynski, LLP
San Francisco, CA

8:45 **Current Case Law Trends: Update on Recent Public Records Act (PRA) Decisions and Pending Matters**

Recent developments in the various flavors of PRA litigation: Requestors filing when they feel denial isn't justified; use of reverse Freedom of Information Act (FOIA) cases to enjoin disclosure

David A. Greene, Esq.
Bryan Cave LLP ~ San Francisco, CA

A view from the trenches on how public records act disputes end up in litigation: Lessons for requestors, third parties, and the government entity caught in the middle

Thomas Peele
The Contra Costa Times ~ Walnut Creek, CA

10:15 Break

10:30 **Transparency vs. Privacy: Friction at the Intersection of California's Public Records Act and its Privacy Act**

Issues arising under California or federal privacy laws; new issues from citizen use of smart phones and social media to broadcast information from public meetings; public officials' use of personal electronic devices to conduct personal business

Karl Olson, Esq., *Program Co-Chair*

Stephen N. Roberts, Esq.
Nossaman LLP ~ San Francisco, CA

12:00 Lunch (on your own)

1:15 **Negotiating and Structuring Commercial Transactions Between Government Agencies And Contractors: Lessons from Third Party Cases Involving Assertions of Trade Secrets**

Identifying and minimizing the risk that the agency will have to disclose sensitive proprietary business information to competitors while allowing monitoring of public spending to uncover waste and prevent collusion with favored contractors

Thomas R. Burke, Esq.
Davis Wright Tremaine LLP ~ San Francisco, CA

2:00 **Developing Effective Strategies Protecting Requestor and Public Sector Interests and Resolving Public Records Disputes**

Proactive steps for handling serial and continuing requests; trends in attorney fee awards; ways to assess the risk of saying no; why compromise can be a win-win for everyone in a PRA dispute and how to get there

John T. Kennedy, Esq., *Program Co-Chair*

Proactive steps for handling serial and continuing requests; trends in attorney fee awards; and ways to assess the risk of saying no; why compromise can be a win-win for everyone in a PRA dispute and how to get there.

Peter Scheer, *Executive Director*
First Amendment Coalition ~ San Rafael, CA

3:15 Break

3:30 **Ethics: A Public Lawyer's Duty Under the PRA That Requires Particular Attention To Constitutional And Statutory Law**

This session examines four informational privileges as the basis for exemptions from disclosure: Attorney-client, work product rule, official information and deliberative process

Terry Francke, Esq.
Californians Aware ~ Carmichael, CA

4:30 Evaluations and Adjourn



About the Seminar

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California's Public Records Act, enacted in 1968, has long been a critical tool for citizens seeking access to public records to monitor the behavior and spending of government. Recently, the PRA has entered an activist era with more and more citizens submitting PRA requests and suing when they are denied. Public agencies have had to balance the economic consequences of a wrongful denial against their administrative duties and limitations.

This program will examine this recent trend from the standpoint of attorneys who have been in the field dealing with the unique procedural issues of bringing and defending PRA suits. What are the practical steps that citizens and media entities should take before bringing suit and, if they do sue, how can they get full attorney's fees and penalties? The California Supreme Court and Courts of Appeal have handed down several significant cases in the past five years that provide some guidance, but leave many unanswered questions.

This seminar will explore those decisions and provide invaluable assistance to the PRA practitioner.

~ Program Co-Chairs: **John T. Kennedy, Esq. of Nossaman LLP**
and **Karl Olson, Esq. of Ram Olson Cereghino & Kopczynski, LLP**



John T. Kennedy, *Program Co-Chair*, partner at Nossaman LLP, specializes in business litigation with an emphasis in employment law. Additionally, he counsels and advises public and private employees regarding public disclosure of information and the Brown Act.

Karl Olson, *Program Co-Chair*, partner at Ram, Olson, Cereghino & Kopczynski, specializes in defending news media clients and individuals against defamation and SLAPP suits. He has handled numerous battles for access to public records under the California Public Records Act and lectured on First Amendment topics for both journalists and lawyers.

Thomas R. Burke, partner with Davis Wright Tremaine LLP in San Francisco, is experienced in litigating CPRA and FOIA matters in the trial and appellate courts on behalf of media clients and individuals.

Terry Francke is General Counsel and founder of Californians Aware, a nonprofit open government advocacy and support group. He recently published *The CalAware Guide to Public Records and Private Information in California*.

David Greene, counsel for Bryan Cave LLP, litigates Public Records Act cases. He is an adjunct professor at the University of San Francisco School of Law and an instructor at San Francisco State University.

Thomas Peele is an investigative reporter and educator. He wrote *Killing the Messenger, A Story of Radical Faith, Racism's Backlash and The Assassination of A Journalist* and he also lectures at the University of California, Berkeley and the University of San Francisco.

Stephen N. Roberts, partner at Nossaman LLP, is experienced as a general business litigator. His cases involve government law, transportation, public contracts, real estate, construction and related infrastructure issues.

Peter Scheer, Executive Director of the First Amendment Coalition, has a background as a lawyer, journalist, editor, publisher, and CEO of callaw.com and law.com. He practiced appellate law in Washington, DC, where he was also partner in the firm of Onek, Klein, & Farr and was General Counsel to the National Security Archive.

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p.m. on Thursday, May 2, 2013. After that time, we will credit your tuition toward attendance at another program or the purchase of a Homestudy. There is a \$25 cancellation fee for Course Materials orders and \$50 for Homestudy orders.

Seminar Location: The workshop will be held at the Marriott Union Square at 480 Sutter Street in San Francisco, CA 94108. Call the hotel directly at (866) 912-0973 for reservations. Rooms are on a first come, first served basis.

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You Will Learn About:

- Current case law trends
- Transparency vs. privacy
- Negotiating and structuring commercial transactions between government agencies and contractors
- Proactive steps for handling serial and continuing requests
- Attorney fee awards, resolving public records disputes
- Ethics: A lawyer's duty under the PRA.

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Cap-and-Trade: Next Phase Implementation	May 9-10, 2013	San Francisco, CA
Class Actions and Other Aggregate Litigation	May 13-14, 2013	Seattle, WA
Complying with New Children's Online Privacy Regulations	June 3, 2013	Los Angeles, CA
Tribal Rights, Sovereignty and Economic Development	June 20-21, 2013	Minneapolis, MN
Energy in the Southwest	July 15-16, 2013	Santa Fe, NM

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