

Featuring Speakers From:

- California Public Utilities Commission
- City of San Jose
- County of Orange
- Davis Wright Tremaine LLP
- First Amendment Coalition
- Los Angeles Times
- Mastagni Holstedt PC
- Nossaman LLP
- Ram Olson Cereghino & Kopczynski LLP
- The Law Office of Karlene Goller PC
- The Superior Court of California, County of Alameda
- US Department of Justice

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

The Fifth Annual Advanced One-Day Seminar on

Public Records Act Litigation

New developments at the state and federal level

Live webcast and replays available!

June 7, 2017

San Francisco, California

Holiday Inn San Francisco Fisherman's Wharf

Credits: 6.75 CA MCLE (1 Ethics) (call about others)
Quick when/where: 8:30 a.m., 1300 Columbus Ave

Public Records Act Litigation Seminar

June 7, 2017 | San Francisco, California
Holiday Inn San Francisco Fisherman's Wharf

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If you cannot attend in person, check boxes to order:

- Live Homestudy Webcast Homestudy Replay
 Course Materials



- 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 **City of San Jose v. Superior Court (the Smith Case): When are Communications by Public Officials on Personal Cell Phones or Other Devices Subject to Public Records Disclosure?**

Analysis of the arguments and court rulings; and implications for how public officials conduct business using personal devices

 - Karl Olson, Esq., *Program Co-Chair***
 - Nora Frimann, Esq., *Assistant City Attorney***
City of San Jose ~ San Jose, CA

Tips for developing best practices for securing communications from personal devices

 - Annie Loo, Esq., *Deputy County Counsel***
County of Orange ~ Santa Ana, CA
- 10:15 Break
- 10:30 **Other Recent Developments in California Courts**

Pending and recent cases including Ardon and Newark Unified School District cases on inadvertent disclosure privileged documents; anti-SLAPP decision in City of Montebello v. Vasquez; attorney fees

 - Ashley K. Dunning, Esq.**
Nossaman LLP ~ San Francisco, CA
- 11:00 **Federal Transparency and the Federal Freedom of Information Act (FOIA): Implications of the Transition from the Obama Administration to the Trump Administration**

Update on the Open Government Directive, presumption in favor of disclosure machine-readability; citizen access to federal data sets; use of non-disclosure agreements for federal staffers; shield laws for journalist protection of confidential sources

 - David Snyder, Esq., *Executive Director***
First Amendment Coalition ~ San Rafael, CA

DOJ perspective on FOIA litigation moving forward

 - Michelle Lo, Esq., *Assistant United States Attorney***
US Department of Justice ~ San Francisco, CA

- 12:00 Lunch (on your own)
- 1:15 **Public Access to Records Maintained by Law Enforcement**

Police investigations; parole records; personnel records; citizen complaints and review panels; information resulting from use of body cameras and other new technologies; third party challenges to release of information

 - Jeffrey D. Glasser, Esq., *Senior Counsel***
Los Angeles Times ~ Los Angeles, CA
 - David E. Mastagni, Esq.**
Mastagni Holstedt, PC ~ Sacramento, CA
- 2:15 **Constructive Possession and Trade Secrets**

When do you have possession? As the trade secret holder, when and how can you get an injunction so you can avoid providing the information? If you have to provide the information, how can you do that without losing the trade secret?

 - Thomas R. Burke, Esq.**
Davis Wright Tremaine LLP ~ San Francisco, CA
- 3:15 Break
- 3:30 **Special Address: A View from the Bench on the Best Approaches for Resolving Public Records Disputes**

Common mistakes and tips for more effective advocacy at each step in the process from settlement discussion through motions practice and trial

 - The Hon. Evelio M. Grillo, Esq., *Judge***
The Superior Court of California, County of Alameda
Oakland, CA
- 4:00 **Ethical Issues in Public Records Litigation**

Practical tips for requestors and public sector responders for dealing with common issues and identifying potential pitfalls

 - John T. Kennedy, Esq., *Program Co-Chair, Moderator***
 - Karlene Goller, Esq.**
The Law Office of Karlene Goller PC ~ Pasadena, CA
 - Jonathan Koltz, Esq., *Legal Counsel***
California Public Utilities Commission ~ San Francisco, CA
- 5:00 Evaluations and Adjourn



About the Seminar

LAW SEMINARS INTERNATIONAL

What previous attendees have said:

- “Excellent information.”
- “As a first responder to PRA requests, this seminar has been extremely helpful.”
- “Nice to hear various perspectives on the California PRA.”
- “The panels were diverse and engaging.”
- “Very knowledgeable and experienced speakers.”
- “Please do program again!”

California's Public Records Act (PRA) has entered an activist era, with more citizens submitting PRA requests and then suing when they are denied. The California Supreme Court has decided several PRA cases in recent years, including the recent City of San Jose case involving the extent to which communications on personal electronic devices and email accounts by government officials are subject to disclosure.

This comprehensive program will examine recent litigation trends and the resulting impact on the duties of government agencies faced with PRA requests, pending cases working their way through the courts, the unique procedural issues for bringing and defending PRA suits, and the practical steps that citizens, media entities, and government agencies should take. This will include a view from the bench from Alameda County Superior Court Judge Evelio Grillo and ethical tips from both the requester and the agency side.

Coverage of hot topics will include trade secret claims, third party records, and the "constructive possession" doctrine. We'll look the implications of the transition from the Obama Administration to the Trump Administration for federal transparency under the Federal Freedom of Information Act (FOIA). We'll also spotlight new issues in the evolving law for public access to records maintained by law enforcement.

This annual program will continue to be a valuable resource both for those with experience in making and responding to PRA requests, and for those who are new to the field. We hope to see you there.

~ 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 on employment law. Additionally, he counsels and advises public entities regarding public disclosure of information and the Brown Act, providing these services to the California Office of the Legislative Counsel, the California Assembly Rules Committee, and the Sacramento County Employees' Retirement System.

Karl Olson, Program Co-Chair, partner at Ram, Olson, Cereghino & Kopczynski LLP, 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 PRA, including a successful lawsuit decided by the California Supreme Court involving access to public employee salaries.

Thomas R. Burke is a partner at Davis Wright Tremaine LLP. He is experienced in litigating PRA and FOIA matters in the trial and appellate courts on behalf of media clients and individuals.

Ashley K. Dunning is Co-Chair of the Public Pension and Investments Practice Group, a member of the Litigation Practice Group, and a partner at the national law firm Nossaman LLP. She advises on issues involving fiduciary obligations, governance, and California's public retirement, conflict of interest, open meetings, and public records laws

Nora Frimann is an Assistant City Attorney for City of San Jose responsible for litigation. Her responsibilities also include the City's appellate practice. Previously, her litigation practice emphasized environmental, products liability, employment, and commercial matters.

Jeffrey D. Glasser, Senior Counsel at the Los Angeles Times, assists reporters in obtaining records from public agencies. Previously, he was at Davis Wright Tremaine LLP.

Karlene Goller, The Law Office of Karlene Goller PC, provides independent, strategic business and legal counseling for global media companies,

filmmakers, start-ups, reporters, producers, and authors. Previously she was Vice President and Deputy General Counsel for the Los Angeles Times Media Group.

The Hon. Evelio M. Grillo is a Judge in The Superior Court of California, County of Alameda. Prior to being appointed and then elected to the bench, he was a partner at the firm of Grillo and Stevens.

Jonathan Koltz, Legal Counsel, California Public Utilities Commission, advises decision makers (Commissioners, their advisers, and Administrative Law Judges) in energy, water, and telecommunications proceedings; trial and appellate litigation; compliance with the California Environmental Quality Act; and compliance with the PRA.

Michelle Lo is an Assistant United States Attorney at US Department of Justice in San Francisco, where she specializes in FIOA litigation.

Annie Loo is Deputy County Counsel for the County of Orange. She advises the County on Public Records Act issues and serves as in-house advisory counsel to the Social Services Agency. She is also adjunct faculty at Biola University where she teaches Public Affairs Reporting. Previously she was a reporter for the Orange County Register.

David E. Mastagni, partner in the Labor Department of Mastagni Holstedt PC, specializes in complex civil, class action, and collective-action litigation matters in labor and employment law, including trial and appellate litigation in California and federal courts. He represents public safety representatives and their members with respect to their employment.

David Snyder, Executive Director of the First Amendment Coalition, is a lawyer and journalist. His experience as a journalist includes time at the Albuquerque Tribune, the Dallas Morning News, and the Washington Post. As a lawyer, he represented journalists and news media for Sheppard Mullin.



Registration & Other Seminar Information

To Register:

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Mail the registration form on the front page.
Walk-ins are welcome, subject to space availability.
Registration is complete when we receive payment or agree to later payment.

Tuition: Regular tuition for in person or webcast attendance for this program is \$695 with a group rate of \$520 each for two or more registrants from the same firm. For government employees, we offer a special rate of \$465. For students, people in their job for less than a year, and public interest NGO's, our rate is \$347.50. All rates include admission to all seminar sessions, food and beverages at breaks, and all course materials. Materials will be available for download and review a few days before the seminar. Make checks payable to Law Seminars International. Financial aid is available to those who qualify. Contact our office for more information.

Substitution & Cancellation: You may substitute another person at any time. We will refund tuition, less a \$50 cancellation fee, if we receive your cancellation by 5:00 p.m. on Thursday, June 1, 2017. After that time, we will credit your tuition toward attendance at another program or the purchase of a webcast or audio replay.

Seminar Location: The seminar will be held at the Holiday Inn San Francisco Fisherman's Wharf at 1300 Columbus Ave in San Francisco, CA 94133. Call the hotel directly at (800) 942-7348 by May 7 for reservations at the special negotiated rate of \$249 and mention that you are attending a Law Seminars International seminar.

Rooms are on a first come, first served basis.

Continuing Education Credits: Live credits: Law Seminars International is a State Bar of California approved MCLE provider. This program qualifies for 6.75 (including 1 Ethics) California MCLE credits. Upon request, we will apply for, or help you apply for, CLE credits in other states and other types of credits.

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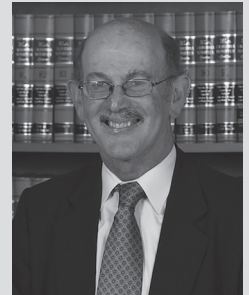
June 7, 2017
 San Francisco, California

Holiday Inn San Francisco Fisherman's Wharf
 1300 Columbus Ave
 (415) 771-9000

Our Co-Chairs:



John T. Kennedy, Esq.
 Nossaman LLP



Karl Olson, Esq.
 Ram Olson Cereghino &
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General Webcast Info

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- Includes the ability to ask questions
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- The Vodcast option allows you to make effective use of in-flight plane time

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- Perfect for making more effective use of the time you spend commuting

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Related Seminars & Webcast Replays:

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Cannabis as a Business in California	February 3, 2017	Sacramento, CA
Environmental Due Diligence in Real Estate Transactions	January 11, 2017	Los Angeles, CA
SGMA, GSA Setup-GSP Preparation	January 9-10, 2017	Los Angeles, CA
Transportation-CEQA	November 2, 2016	Los Angeles, CA
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California Environmental Quality Act	September 16, 2017	Santa Monica, CA

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