



The Virtual Eighth Annual Seminar on
Public Records Act Litigation

*Top Public Records Act specialists will bring you up to date on the
latest developments in requests, responses and litigation*

June 12, 2020 | Via Zoom

Agenda

8:00 Registration Opens

8:30 Introduction & Overview

Nikki Moore, Esq., *Program Co-Chair,
Committee Counsel*

Assembly Committee on Public Safety ~ Sacramento, CA

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

Cannata O'Toole Fickes & Olson ~ San Francisco, CA

8:45 Judicial and Legislative Updates

Recent court decisions and pending cases; recent legislative initiatives including new bills that have been proposed; interplay between the Brown Act and the PRA

Christine Wood, Esq.,

Director of PRA Services and E-Discovery Counsel

Best Best & Krieger ~ Los Angeles, CA

9:15 Public Records in a Pandemic: How Agencies Are (and Sometimes Are Not) Responding to Records Requests after COVID-19

What are the rules? Is the right of access being quarantined?

Aaron Field, Esq.

Cannata O'Toole Fickes & Olson ~ San Francisco, CA

10:00 Break

10:15 The Tension between Privacy and the Public's Right to Know

Including records residing on employee private devices

Karlene Goller, Esq., *Of Counsel to Jassy Vick Carolan*

The Law Office of Karlene Goller ~ Los Angeles, CA

Geoffrey S. Sheldon, Esq.

Liebert Cassidy Whitmore ~ Los Angeles, CA

11:00 Oversight and the Federal Freedom of Information Act (FOIA) in the News: Similarities and Key Differences Between it and California's Public Records Act (PRA)

Vaughn Indexes under FOIA; new Supreme Court case on "trade secret" exemption; deliberative process assertions; search affidavits; fees to search vs. fees for duplication; FOIA ombudsman role; when to look to FOIA for guidance on PRA issues

Karl Olson, Esq., *Program Co-Chair*
Ellen London, Esq.
Alto Litigation ~ San Francisco, CA

12:00 Legal Ethics

PRA and Attorney-Client Privilege; Clawback and Quick-Peek Agreements; duties of public agency lawyers if they discover fraud or other wrongdoing

Kelly A. Aviles, Esq.
Law Offices of Kelly Aviles ~ La Verne, CA
Annie Loo, Esq., *PRA Services Attorney*
Best Best & Krieger ~ Irvine, CA

1:00 Lunch (on your own)

1:30 The Continuing Battle Over Police Records and the PRA

Cases following passage of Senate Bill 1421 creating a greater public right to access police records; possibilities for further legislative action

Nikki Moore, Esq., *Program Co-Chair, Moderator*

Cases following passage of Senate Bill 1421 creating a greater public right to access to police records; possibilities for further legislative action

Molly Sullivan
The Sacramento Bee ~ Sacramento, CA
David E. Mastagni, Esq.
Mastagni Holstedt ~ Sacramento, CA
Jeff Glasser, Esq., *General Counsel*
Los Angeles Times ~ Los Angeles, CA

3:00 Break

3:15 Trends in Enforcement

Parties pursuing PRA compliance in the courts (news outlets vs. not-for-profits vs. practitioners working on contingency); recent cases on attorney fees

Glen Smith, Esq., *Litigation Director*
First Amendment Coalition ~ San Rafael, CA
Michael R. Goldstein, Esq., *Senior Counsel*
University of California ~ Oakland, CA

4:15 Evaluations and Adjourn

Who Should Attend

Attorneys, journalists, local government officials, and other professionals who deal with public records requests under the California Public Records Act and Freedom of Information Act

About the Conference

Anyone with interest in national news has seen recent stories of documents being sought by congressional committees actually coming to light as a result of requests filed by NGOs under the Freedom of Information Act (FOIA) rather than in response to congressional requests. It is hard to overstate the importance of FOIA and California's Public Records Act (PRA).

At the same time, public agencies need flexibility to function efficiently and there are competing public interests such as the right to privacy. This seminar, led by top PRA specialists, is an opportunity to explore the most pressing current issues in a conversational forum.

These include the continuing conflicts over access to police records and information about public officials and servants that arguably should remain private. We are seeing a change in who files enforcement suits as news outlets scale back their staffing and a combination of NGOs and contingency fee private practitioners step into the void. You will also have an opportunity to hear comprehensive legislative and case law updates and hear about the ethical rules unique to this area of practice.

It's always a lively discussion. We hope to see you there.

~ Nikki Moore, Esq. of Assembly Committee on Public Safety and
Karl Olson, Esq. of Cannata O'Toole Fickes & Olson, Program Co-Chairs

Registration & Other Conference Information

Tuition: Regular tuition for this program is \$695 with a group rate of \$625 each for two or more registrants from the same firm. For government employees, we offer a special rate of \$520. 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 program sessions and course materials. 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 Friday, June 5, 2020. After that time, we will credit your tuition toward attendance at another program or the purchase of an audio or video replay.

Continuing Education Credit: Live credits: Law Seminars International is a State Bar of California approved MCLE provider. This program qualifies for 6.75 California MCLE credits and 6.50 AICP land use planner credits. Upon request, we will help you apply for CLE credits in other states and other types of credits.

Time Shift Your Content: Audio podcasts and video replays, with course materials, are available for download or on a flash drive at the same price as live attendance. The course materials alone are available for \$100. Replays will be available within five business days after the program or from the date we receive payment.

Faculty

Nikki Moore, Program Co-Chair, is Committee Counsel for the Assembly Committee on Public Safety. She previously served as Legal Counsel for the California News Publisher's Association.

Karl Olson, Program Co-Chair, is a named partner at Cannata O'Toole Fickes & Olson. He specializes in Public Records Act litigation and in defending news media clients and individuals against defamation and SLAPP suits (Strategic Lawsuits Against Public Participation).

Kelly A. Aviles, Law Offices of Kelly Aviles, focuses on legal issues related to media and government transparency. She has served as Vice President for Open Government Compliance with Californians Aware.

Aaron Field, Cannata O'Toole Fickes & Olson, focuses on media and First Amendment law and represents clients in efforts to access to public records and proceedings. He serves as Co-Chair of the Northern California Society of Professional Journalists Freedom of Information Committee.

Jeff Glasser is General Counsel of the Los Angeles Times and San Diego Union-Tribune. As head of the company's legal department, Glasser handles newsroom counseling, litigation, intellectual property, contract and commercial matters, privacy, compliance and other legal issues.

Michael R. Goldstein is Senior Counsel for the University of California. He previously was in private practice with Morrison & Foerster in San Francisco.

Karlene Goller, The Law Office of Karlene Goller, is a specialist in vetting content for all platforms. She provides independent, strategic business and legal counseling for global media companies, filmmakers, start-ups, reporters, podcast producers, and authors. This includes acting as Of Counsel to Jassy Vick Carolan.

Ellen London is a partner at Alto Litigation. She formerly served as an Assistant United States Attorney in the U.S. Attorney's Office for the Northern District of California. Before that, she served in the U.S. Attorney's Office for the Southern District of New York.

Annie Loo is a PRA Services Attorney at Best Best & Krieger. She previously worked as a Deputy County Counsel for the County of Orange and was a reporter for The Orange County Register.

David E. Mastagni, Mastagni Holstedt, specializes in labor and employment representation of public safety employees. He devotes much of his practice to representing peace officers and their unions in a variety of areas, including disciplinary proceedings, enforcement of the POBR and privacy rights, critical incident investigations, and collective bargaining.

Geoffrey S. Sheldon, a partner at Liebert Cassidy Whitmore, chairs the firm's Public Safety Practice Group. His representation of public safety agencies includes public records issues.

Glen Smith is Director of Litigation for the First Amendment Coalition (FAC). Prior to joining FAC, he was Assistant Chief Counsel at ABC, Production Counsel for Telepictures Productions, and Director of Litigation for the Los Angeles Times.

Molly Sullivan covers crime, breaking news and police accountability for The Sacramento Bee. She grew up in Northern California and is an alumna of Chico State.

Christine Wood is Director of PRA Services and E-Discovery Counsel at Best Best & Krieger. She is known for being able to distill complex and voluminous data with efficiency and ease, most notably in response to requests for public records.