



**LAW SEMINARS  
INTERNATIONAL**

*The power of information®*

*The Tenth Annual Seminar on*  
**Public Records Act Litigation**

*Leading California PRA specialists will bring you up to date on the latest  
developments in requests, responses, and litigation*

**October 14, 2022**

Live Online via Interactive Broadcast

*Agenda*

**9:00 Introduction & Overview**

**Karl Olson, Esq., Program Co-Chair**  
Cannata O'Toole Fickes & Olson  
San Francisco, CA

**Christine Wood, Esq., Program Co-Chair,**  
*Director of PRA Services and E-Discovery Counsel*  
Best Best & Krieger ~ Los Angeles, CA

**9:15 Judicial and Legislative Updates**

Recent court decisions and pending cases including the use and possible abuse of the "catchall exemption";  
recodification of PRA

**Annie Loo, Esq., Deputy County Counsel**  
Orange County ~ Santa Ana, CA

Recent legislative initiatives including new bills that have been passed and proposed

**Brittney Marie Barsotti, Esq., General Counsel**  
California News Publishers Association  
Sacramento, CA

**10:00 Break**

**10:15 Litigating PRA Cases**

From the dance of negotiation over responses to voluminous requests through discovery issues, settlement  
discussions, trial prep, briefing, presentation of evidence, and post-trial issues including attorney fee  
disputes

**Kelly A. Aviles, Esq.**  
Law Offices of Kelly Aviles ~ La Verne, CA  
**Donald Larkin, Esq., City Attorney**  
Morgan Hill, CA

**11:15 Social Media and the Public Records Act**

The First Amendment and public records: Issues that arise when public officials make work-related posts,  
or comments critical of government personnel and policies, on personal social media accounts

**Aaron Field, Esq.**

Cannata O'Toole Fickes & Olson  
San Francisco, CA  
**HongDao Nguyen, Esq.**  
Best Best & Krieger ~ Irvine, CA

**12:15 Lunch Break**

**1:15 Police Records: Update on Public Records Act Cases Filed Under Senate Bill 1421**

Legislative update

**Robert Gammon**, *Communications Director/Policy Adviser*  
Office of Senator Nancy Skinner, District 9  
California State Senate~ Sacramento, CA

Views from the trenches on issues and strategies for dealing with what can be intense public interest in access to police records

**David E. Mastagni, Esq.**  
Mastagni Holstedt ~ Sacramento, CA  
**Nikki Moore, Esq.**, *Assistant District Attorney*  
San Francisco District Attorney's Office  
San Francisco, CA  
**Tenaya Rodewald, Esq.**  
Sheppard Mullin ~ Palo Alto, CA

**2:45 Break**

**3:00 Balancing Access and Exemptions: The Public's Right to Know in Situations Where Government Asserts a Need for Confidentiality**

Cases involving privacy, deliberative process assertions, employee discipline, and claimed exemptions to records disclosure

**Karl Olson, Esq.**, *Program Co-Chair*  
**Thomas Peele**, *Investigative Reporter*  
EdSource ~ Oakland, CA  
**Christine Wood, Esq.**, *Program Co-Chair*

**4:00 Legal Ethics**

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

**Abenicio Cisneros, Esq.**  
Law Offices of Abenicio Cisneros ~ Fallbrook, CA

**5:00 Evaluations and Adjourn**

*Who Should Attend*

Attorneys, journalists, 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*

In this year's live online interactive Public Records Act program, we again explore the most significant current issues facing public records requestors and custodians today. To lay a good foundation for the substantive discussion of key issues, we will start with a legislative and case law update followed by tips for litigating PRA cases from the initial request through discovery, negotiations, and trial prep.

We are seeing increasing use of personal social media by public officials. You will hear an update the First Amendment and other issues that arise when public officials make work-related posts on their personal accounts.

The conflict over police records continues as the profession continues to be under scrutiny. We will take a deep dive into cases filed under Senate Bill 1421 and strategies for dealing with situations where there is intense public interest in release of records.

Balancing the public's right to know against legitimate government needs for confidentiality can be a difficult task. You will hear updates on recent cases involving privacy, deliberative process assertions, employee discipline, and claimed exemptions to records disclosure.

We will end with an update on the ethical rules unique to this area of practice. Register soon to join us as we explore the most pressing current PRA issues in a conversational forum. We hope to "see" you there.

~ Karl Olson, Esq. of Cannata O'Toole Fickes & Olson and  
Christine Wood, Esq. of Best Best & Krieger, 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 public interest NGO's, students, and people in their job for less than a year, our rate is \$347.50. All rates include admission to all program sessions and course materials.

Make checks payable to Law Seminars International.

As a value-added bonus, you will receive access to audio and video recordings of the program at no extra charge. 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, October 7, 2022. 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 6.50 (1 Ethics included) California MCLE credits and 6.25 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 and video replay files, with course materials, are available for download or on a flash drive at the same price as live attendance. Files are available for downloading five business days after the program or from the date we receive payment. Flashdrive orders are sent via First Class mail within seven business days after the program or from the date we receive payment. The course materials alone are available for \$75.

### *Faculty*

**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).

**Christine Wood**, *Program Co-Chair*, 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.

**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.

**Brittney Marie Barsotti** is General Counsel of the California News Publishers Association (CNPA). She worked as a journalist before pursuing a legal career. Prior to joining CNPA, she was active in public service, working with the California Department of Corrections and Rehabilitation, the Boards of Parole Hearings and Equalization, and the Office of Legislative Counsel in Sacramento.

**Abenicio Cisneros**, Law Offices of Abenicio Cisneros, focuses on California Public Records Act cases. He helps clients obtain records from government officials and entities.

**Aaron Field**, Cannata O'Toole Fickes & Olson, focuses his practice on media and First Amendment law. He has extensive experience representing clients in efforts to access public records and proceedings, defending defamation cases, and using California's anti-SLAPP statute to quickly defeat meritless claims.

**Robert Gammon** is Communications Director/Policy Adviser in the Office of State Senator Nancy Skinner (D-Berkeley) who is the author of SB 1421, California's landmark police transparency law. He also worked on SB 16, Senator Skinner's follow-up legislation in 2021 that expanded and strengthened SB 1421.

**Donald Larkin** is City Attorney for a full-service city of approximately 45,000 residents. He provides advice to City Council and staff in all areas of municipal service, including land-use/planning, public works, economic development, public contracting, labor and employment practices, police, and recreation services. He also represents the City in writ litigation, prosecute municipal code violations, and manage government claims and tort litigation.

**Annie Loo** is Deputy County Counsel for Orange County. She is a former reporter for the Orange County Register and advises the County on Public Records Act issues. She also is adjunct faculty at Biola University where she teaches Public Affairs Reporting.

**David E. Mastagni** is a partner at Mastagni Holstedt. He specializes in labor and employment representation of public safety employees and 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.

**Nikki Moore** is an Assistant District Attorney in the San Francisco District Attorney's Office. She previously served as counsel for the Committee on Public Safety for the California State Assembly, legal counsel for the California News Publishers Association (CNPA), as a public records act services and e-discovery attorney at Best Best & Krieger.

**HongDao Nguyen** is a partner at Best Best & Krieger and formerly worked as a news reporter. She now serves as Assistant City Attorney for the cities of Stanton, Aliso Viejo, and Lake Forest, and as deputy city attorney for the City of San Clemente.

**Thomas Peele** is an Investigative Reporter for EdSource. He won a Pulitzer Prize for stories on the tragic Ghost Ship fire in Oakland and has won more than 70 other journalism awards including the (Ralph) McGill Medal for Journalistic Courage, and the Tom Renner Award from Investigative Reporters and Editors for reporting on organized crime. He is the author of *Killing the Messenger*, a book about the 2007 assassination of Oakland journalist Chauncey Bailey.

**Tenaya Rodewald** is a partner in the Litigation and Privacy and Cybersecurity practices at Sheppard Mullin. She advises clients of all sizes on legal issues related to privacy, media law and online content distribution.