



# LAW SEMINARS INTERNATIONAL

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## *The Eleventh 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*

**November 9, 2023**

Live via Interactive Online Broadcast

### *Agenda*

#### **9:00 Introduction & Overview**

**Karl Olson, Esq.**, *Program Co-Chair*  
Cannata O'Toole & Olson ~ San Francisco, CA  
**Christine Wood, Esq.**, *Program Co-Chair*  
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 plus prospects for a  
PRA-related ballot measure

**Craig P. Alexander, Esq.**  
Law Offices of Craig P. Alexander ~ Dana Point, CA

#### **10:30 Break**

#### **10:45 Litigating PRA Cases**

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

**Karl Olson, Esq.**, *Program Co-Chair*  
**Reed W. Gallogly, Esq.**, *Deputy County Counsel*  
County of Monterey ~ Salinas, CA

#### **12:00 Lunch Break**

#### **1:00 Do You Know the Way from San Jose?**

Use of private electronic devices to conduct public business: Perspectives on where we are six-plus years  
after the landmark decision in San Jose vs. Superior Court

**Christine Wood, Esq.**, *Program Co-Chair, Moderator*  
**Amy Ackerman, Esq.**  
Renne Public Law Group ~ San Francisco, CA

**The Hon. Chris Duncan, Esq., Mayor**  
City of San Clemente ~ San Clemente, CA

**David Loy, Esq., Legal Director**  
First Amendment Coalition ~ San Diego, CA

**Ramona Giwargis, Co-Founder and CEO**  
San Jose Spotlight ~ San Jose, CA

**2:15 Managing the Interplay Between PRA Issues in a Court of Law vs. the Court of Public Opinion**

How the media uses public records in news stories; what the journalists expect when filing a PRA request

**Sam Stanton, Reporter**  
The Sacramento Bee ~ Sacramento, CA

**2:45 Break**

**3:00 The PRA's Great Balancing Act: Recent Cases Involving the Section 6255 "Catch All" Exemption**

Tips for conducting the case-by-case analysis to determine when the public interest served by nondisclosure clearly outweighs the public interest in served by disclosure

**Zachary Colbeth, Esq.**  
Cannata O'Toole, & Olson ~ Walnut Creek, CA

**Kathryn Romo, Esq.**  
Best Best & Krieger ~ Ontario, CA

**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; potential issues with the emerging use of generative artificial intelligence in litigation

**Abenicio Cisneros, Esq.**  
Law Offices of Abenicio Cisneros ~ Oakland, 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. 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, the trial, and post-trial issues including appeals and attorney fee disputes.

Over six years has passed since the landmark San Jose vs. Superior Court ruling on use of private electronic devices to conduct public business. You will hear an in-depth panel discussion of how those issues have evolved with changes in device technology and government officials, along with the rest of the populace, change how we live and work. It will be an opportunity to hear insights into what will be coming next in terms of issues and what to expect in terms of likely outcomes.

In our national political arena we have numerous examples of the interplay between courts of law and the court of public opinion. This year we will have a featured presentation on how the media uses public records in news stories and situations where government agencies may want to release records to ahead of the story rather than litigating whether they are obligated to release the records. We'll follow that with a discussion of the Section 6255 "Catch All" exemption from disclosure and how to determine when the public interest served by nondisclosure clearly outweighs the public interest in served by 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 \$795 with a group rate of \$715 each for two or more registrants from the same firm. For government employees, we offer a special rate of \$595. For public interest NGO's, students, and people in their job for less than a year, our rate is \$397.50. 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, November 3, 2023. 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 It also qualifies for 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 & 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.

**Amy Ackerman** is a partner at Renne Public Law Group and serves as the head of the firm's government practice group. She joined the firm after serving for 16 years as a Senior Deputy City Attorney with the City and County of San Francisco. She currently serves as Town Counsel for the Town of Corte Madera, City Attorney for the City of Belvedere, and General Counsel for the San Francisco Downtown Community Benefits District.

**Craig P. Alexander,** Law Offices of Craig P. Alexander, represents clients in litigation and non-litigation matters regarding the California Public Records Act. He is the former General Counsel for the California Policy Center and performed PRA work to help create the [transparentcalifornia.com](http://transparentcalifornia.com) web site regarding government employee pay information. His clients include the Center for American Liberty, the California Policy Center, and the National Republican Committee.

**Abenicio Cisneros,** Law Offices of Abenicio Cisneros, focuses on California Public Records Act cases. He helps journalists, activists, attorneys, and other concerned members of the public obtain records from government officials and entities.

**Zachary Colbeth** is a partner Cannata O'Toole, & Olson. He focuses on business and civil litigation, appellate law, employment law, media and public transparency law, probate and estate law, and on counseling individuals and businesses on a wide array of litigation and transactional matters.

The Hon. Chris Duncan is the Mayor of the City of San Clemente. He served as a senior attorney and prosecutor at U.S. Customs and Border Protection for 16 years. He is now in private practice.

**Reed W. Gallogly** serves as Deputy County Counsel for the County of Monterey, advising and counseling county staff, officials, and a variety of its agencies and districts. He formerly served as Deputy County Counsel for the County of San Benito.

**Romona Giwargis** is Co-Founder and CEO of the San Jose Spotlight. She has covered politics and government for a decade, working in San Jose, Merced, Salinas, Eureka and most recently as the state government reporter for Nevada's largest newspaper, the Las Vegas Review-Journal. A San Jose native, she is passionate about investigative and watchdog journalism.

**Annie Loo** is Deputy County Counsel for the County of Orange and advises the County on Public Records Act issues. Her primary assignment is to advise the Orange County Sheriff's Department and Orange County Probation. She previously was a reporter for the Orange County Register.

**David Loy**, Legal Director for the First Amendment Coalition, has fought for public disclosure and governmental transparency for over 20 years. He joins FAC from the ACLU Foundation of San Diego & Imperial Counties, where he served as legal director for nearly 16 years, overseeing a diverse docket of civil rights cases.

**Kathryn Romo** is an attorney in Best Best & Krieger's Advanced Records Center (ARC), where she combines her legal experience with the firm's cutting-edge technology to provide efficient and effective support for public records and e-Discovery requests. Before joining BBK, she was deputy county counsel in the Special Litigation and Advisory Services Division of the Office of County Counsel for Riverside County, California.

**Sam Stanton** has been a Reporter for The Sacramento Bee since 1991 and has covered a variety of issues, including politics, criminal justice, and breaking news. He formerly reported for The Arizona Republic.