



THE STATE BAR OF CALIFORNIA
PUBLIC LAW SECTION
PRESENTS

Earn 7.5 Hours;
of which 1.0 Hour
applies to Legal Ethics



2014 California Public Records & Open Meetings Conference

FRIDAY, MAY 30, 2014

UC Hastings College of Law
200 McAllister St.
San Francisco, CA 94102

We gratefully acknowledge UC Hastings College of Law for the contribution of its facility and generous support for this event



UNIVERSITY OF CALIFORNIA
HASTINGS COLLEGE OF THE LAW



The Center for State and
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in the search for solutions to emerging legal issues.

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Register Online: <http://publiclaw.calbar.ca.gov>

PROGRAM SCHEDULE

WELCOME AND OPENING REMARKS

8:30 a.m. – 8:45 a.m.

GENERAL SESSIONS

8:45 a.m. – 9:45 a.m.

Overview and Update of Open Meetings Law 1.0 Hour CLE credit
Session 1

This session will provide an overview of and legislative and case law updates to the Brown Act, Gov. Code §§ 54950-54962, and the Bagley-Keene Act, Gov. Code §§ 11120-11132, including a discussion of what agencies and public bodies are covered; what agencies and public bodies are not covered; what constitutes a covered meeting; and what the Acts require agencies to do. Speakers will explain the time requirements of posting agendas; the contents of agendas; the requirements for calling special or emergency meetings; locations of meetings; sign-in requirements; public comment; public voting; 2013-2014 legislation both proposed and chaptered; court cases decided over the last year that affect the Brown Act; and more.

Speakers:

Julie Biggs; *Aleshire & Wynder, LLP*
Caroline Fowler; *City of Santa Rosa City Attorney*
Ted Prim; *Deputy Attorney General, California Department of Justice*

9:45 a.m. – 10:45 a.m.

Brown Act Traps and Escape Routes 1.0 Hour CLE credit
Session 2

An interactive session exploring the intersection of the Brown Act and the management of difficult situations arising in public agency meetings.

Speaker:

Michael Jenkins and Christi Hogin; *Jenkins & Hogin, LLP*

10:45 a.m. – 11:00 a.m.

Break

CONCURRENT SESSIONS

11:00 a.m. – 11:45 a.m.

Avoiding the Accidental Meeting .75 Hour CLE credit
Session 3

This session will address the prohibition on seriatim meetings – meetings that effectively take place when a quorum of the public body communicate through a series of contacts or through a third party to share information or reach a decision on an issue.

Speakers:

Hilda Cantu Montoy; *Montoy Law Corp.*
Jerry Horbrecht; *City of Vacaville City Attorney*
James Chadwick; *Sheppard Mullin Richter & Hampton, LLP*

11:00 a.m. – 11:45 a.m.

Technology and Telecommunications: Complying with the Brown Act .75 Hour CLE credit
Session 4

This session will explore some of the new technology impacting public agencies' compliance with the Brown Act. Speakers will also discuss how telecommunication (phone, video streaming, etc.) has been used by various public agencies to conduct meetings, while complying with the Brown Act.

Speakers:

Annette Ballatore-Williamson; *General Counsel, San Joaquin Air District Control Board*
Judy Alexander; *Law Offices of Judy Alexander*
Shawn Hagerty; *Best Best & Krieger, LLP*

11:45 a.m. – 1 p.m.

Luncheon & Keynote Speaker:
City of Bell, Updates and Lessons Learned 1.0 Hour CLE credit
General Session

Pulitzer Prize-winning Los Angeles Times reporter Jeff Gottlieb will provide an update on the City of Bell scandal, sharing the story of how he and colleagues used public records and public meetings to break the story of the exorbitant salaries being paid to part-time city politicians and administrators in the working-class city of Bell.

Speaker:

Jeff Gottlieb; *Pulitzer-Prize Winning Staff Writer, Los Angeles Times*

GENERAL SESSIONS

1 p.m. – 2 p.m.

Overview and Update of Public Records Law 1.0 Hour CLE credit
Session 5

This session will provide an overview of and legislative and case law updates to the California Public Records Act, Gov. Code §§ 6250-6276.48, including a discussion of what agencies and officials are covered; what agencies and officials are not covered; what types of records are covered; what types of records are not covered; what the Act requires agencies to do; 2013-2014 legislation both proposed and chaptered; and recent Attorney General Opinions and court cases decided over the last year that affect the PRA. Speakers will explain the time requirements for responding to public records requests, requests for electronic records, and more.

Speakers:

Eric Danly; *City of Petaluma City Attorney*
Julie Biggs; *Aleshire & Wynder, LLP*
Ted Prim; *Deputy Attorney General, California Department of Justice*

2 p.m. – 2:45 p.m.

Handling Voluminous and Burdensome Requests under the Public Records Act .75 Hour CLE credit
Session 6

This session will address the problem posed by repeated, burdensome California Public Records Act requests. Speakers will provide tips on how public agencies can lawfully respond to burdensome and voluminous requests while minimizing disruption to their business operations. Speakers also will give tips on decoding vague and overbroad requests. This session will also explore the costs to the agency associated with responding to a CPRA request. Speakers will explain permissible charges, who is required to pay for those charges, non-permissible charges, the logistics of production or providing access, how attorneys' fees could play a role, and more.

Speakers:

Eric Danly; *City of Petaluma City Attorney*
Karl Olson; *Ram Olson Cereghino & Kopczynski*
Michelle Mitchell; *Deputy Attorney General, California Department of Justice*
Charles Belle; *Executive Director, Institute for Innovation Law, U.C. Hastings*

2:45 p.m. – 3:00 p.m.

Break

CONCURRENT SESSIONS

3:00 p.m. – 4:00 p.m.

Public Email on Private Accounts and Production of Third Party Documents 1.0 Hour CLE credit
Session 7

This session will address the developing law requiring disclosure of emails addressing public business that are stored on private email accounts. In addition, it will discuss related concerns in preserving and producing third-party documents (including electronic documents) maintained by private persons and entities.

Speakers:

Shawn Hagerty; *Best, Best & Krieger, LLP*
Peter Scheer; *Executive Director, First Amendment Coalition*
Charles Belle; *Executive Director, Institute for Innovation Law, U.C. Hastings*
Tina Shim; *Deputy City Attorney, City of Los Angeles*

3:00 p.m. – 4:00 p.m.

Public Records Exemptions and Limitations 1.0 Hour CLE credit
Session 8

This session will cover the exemptions to the CPRA – the types of records that fall within the definition of “public records” but are exempt from disclosure – and how and when the exemptions apply. Speakers will discuss the exemptions for attorney-client privileged information; records whose disclosure would impair the deliberative process; preliminary drafts, notes and memoranda; home addresses; personnel and medical records; police incident reports and arrest records; financial data; and tax, welfare and family/adoption/birth records. This session will also address inadvertent waiver of privileged and exempt records and how to avoid it.

Speakers:

Julie Weng-Gutierrez; *Senior Assistant Attorney General, California Department of Justice*
Rochelle Wilcox; *Davis Wright Tremaine, LLP*
Judy Alexander; *Law Offices of Judy Alexander*
Michelle Mitchell; *Deputy Attorney General, California Department of Justice*

GENERAL SESSION

4 p.m. – 5 p.m.

Ethical Issues in Open Government Law 1.0 Hour CLE credit (Legal Ethics Credit)
Session 9

This session will address ethical issues that arise when advising clients on open records and open meetings law, including determining who your client is for purposes of the attorney-client privilege; advising the recalcitrant client; the attorney's obligations (or not) to disclose breaches or violations of open government law; and more.

Speakers:

Kathleen Morris; *Professor, Golden Gate University*
Max Huntsman; *Los Angeles County Inspector General*
Karl Olson; *Ram Olson Cereghino & Kopczynski*

5:00 p.m. – 6:00 p.m.

Networking Reception

REGISTRATION INFORMATION

Online registration:

<http://publiclaw.calbar.ca.gov>

Mail To:

Program Registrations, The State Bar of California,
180 Howard Street
San Francisco, CA 94105

Fax to:

Program Registrations at (415) 538-2368, in order to fax your registration, credit card information is Mandatory.

Cancellations and Deadlines:

Cancellations and request for refunds must be received in writing by May 23, 2014 and is subject to a \$25 service charge. Substitute registrants are allowed but must register in their own name at the meeting to receive MCLE credit.

Onsite Registration:

Limited and subject to availability. Call to confirm space availability. Please register in advance.

Special Assistance:

For special assistance please call (415) 538-2248.

Questions:

For registration questions please call (415) 538-2508. Telephone registrations will not be accepted. For program content and/or section information please call (415) 538-2248.

CYLA MEMBERS:

Now offering 25% off registration. Call (415) 538-2248 for more information.

PROGRAM PLANNING COMMITTEE

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Public Law Coordinator
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2014 California Public Records & Open Meetings Conference
Friday, May 30, 2014 • San Francisco, CA

REGISTRATION FORM

Note: One registrant per form. Photocopies may be used.

Bar Number: _____

Name: _____

Firm: _____

Firm Address: _____

City, State: _____ Zip Code: _____

Phone Number: _____ Fax Number: _____

Email Address: _____

Check here if you do not want your information released. (Required for email confirmation)

Program package materials includes 7.5 hours of MCLE of which 1.0 hours apply to Legal Ethics, program materials, continental breakfast and lunch.

REGISTRATION BY MAY 23, 2014:

- \$150 for Public Law Section members
- \$200 for Non-Section members (includes membership in the Public Law Section for 2014)
- \$125 for Journalists and Non-Attorneys
- \$75 for Full-time Law Students

ON-SITE REGISTRATION:

- \$175 for Public Law Section members
- \$225 for Non-Section members (includes membership in the Public Law Section for 2014)
- \$150 for Journalists and Non-Attorneys
- \$100 for Full-time Law Students

AMOUNT ENCLOSED OR TO BE CHARGED \$ _____

CREDIT CARD INFORMATION (VISA/MasterCard Only)

I authorize the State Bar of California to charge my program registration to my VISA/MasterCard account. (No other credit card will be accepted.)

Account Number: _____ Expiration Date: _____

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SELECT ONE PROGRAM IN EACH TIME SLOT:

CONCURRENT FROM 11:00 AM – 11:45 AM, PLEASE CHECK ONE PREFERENCE:

- Session 3: Avoiding the Accidental Meeting
- Session 4: Technology and Telecommunications: Complying with the Brown Act

CONCURRENT 3:00 PM – 4:00 PM, PLEASE CHECK ONE PREFERENCE:

- Session 7: Public Email on Private Accounts and Production of Third Party Documents
- Session 8: Public Records Exemptions and Limitations

Deadline: In order to pre-register, your form and check, payable to The State Bar of California, or credit card information, must be received no later than May 23, 2014.

Register Online: <http://publiclaw.calbar.ca.gov>

Mail To: Program Registrations, The State Bar of California,
180 Howard Street, San Francisco, CA 94105.

Fax To: Program Registration at 415-538-2368. In order to fax your registration, credit card information is **MANDATORY**.
(Photocopies of checks will NOT be accepted.)

The State Bar of California and the Public Law Section are approved State Bar of California MCLE providers.

Register Online <http://publiclaw.calbar.ca.gov>



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