



THE STATE BAR OF CALIFORNIA  
PUBLIC LAW SECTION  
PRESENTS

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



# 2013 California Public Records & Open Meetings Conference

FRIDAY, APRIL 26, 2013

The State Bar Offices-Los Angeles

1149 South Hill Street

Los Angeles, CA 90015

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

# PROGRAM SCHEDULE

## WELCOME AND OPENING REMARKS

8:15 a.m. – 8:30 a.m.

## GENERAL SESSIONS

8:30 a.m. – 9:15 a.m.

### Overview of Open Records Law .75 Hour CLE credit Session 1

This session will provide an overview of 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; and what the Act requires agencies to do. Speakers will explain the time requirements for responding to public records requests, permissible copying charges, non-permissible charges, the logistics of production or providing access, requests for electronic records, and more.

#### Speakers:

Julie Hayward Biggs  
Partner  
Aleshire & Wynder LLP

Terry Francke  
General Counsel  
Californians Aware

Ted Prim  
Deputy Attorney General  
California Department of Justice

9:15 a.m. – 10:15 a.m.

### Public Records Exemptions 1.0 Hour CLE credit Session 2

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:

Terry Francke  
General Counsel  
Californians Aware

Ted Prim  
Deputy Attorney General  
California Department of Justice

Holly Whatley  
Senior Counsel  
Colantuono & Levin

Rochelle Wilcox  
Partner  
Davis Wright Tremaine LLP

10:15 a.m. – 10:30 a.m. Break

## GENERAL SESSIONS

10:30 a.m. – 11:30 a.m. Overview of Open Meetings Law 1.0 Hour CLE Credit

### Session 3

This session will provide an overview of 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; and more.

#### Speakers:

Kelly Aviles  
Law Offices of Kelly Aviles  
VP for Open Government Compliance  
Californians Aware

Julie Hayward Biggs  
Partner  
Aleshire & Wynder LLP

Ted Prim  
Deputy Attorney General  
California Department of Justice

Renee Stadel  
Deputy City Attorney  
City of Los Angeles

11:30 a.m. – 1:00 p.m. Luncheon and Keynote Speaker 1.0 hour MCLE Credit

In 2010, the Los Angeles Times exposed the exorbitant salaries of part-time city politicians and administrators in the working-class city of Bell. Six former city council members are now on trial on felony charges, and the city's former chief executive and assistant city manager will stand trial later. Hear from LA Times reporters Jeff Gottlieb and Ruben Vives about how they used public records and paid attention at public meetings to break the story of the Bell corruption scandal.

#### Speakers:

Jeff Gottlieb  
Staff Writer  
Los Angeles Times

Ruben Vives  
Staff Writer  
Los Angeles Times

## CONCURRENT SESSIONS:

1:00 p.m. – 1:45 p.m. Break-Out Session 1.0 Hour CLE credit

### Session 4 Public Email on Private Accounts

This session will address the developing law requiring disclosure of emails addressing public business that are stored on private email accounts.

**Speakers:**

Karl Olson  
*Partner*  
Ram, Olson, Cereghino & Kopczynski

Bill Sartor  
*Assistant City Attorney*  
City of Tracy

Mike Dundas  
*Deputy City Attorney*  
City of Los Angeles

### Session 5 Controlling Closed Sessions

This session will explore the use of permissible closed sessions and how to keep such sessions on track and in compliance with open meetings law. Speakers will address the use of closed sessions to address personnel issues, pending litigation, labor negotiations, property negotiations, and other issues. Speakers also will review the agenda requirements for closed sessions and the post-session reporting requirements regarding votes taken and contracts or settlements approved.

**Speakers:**

Maribel Medina  
*Principal*  
Meyers Nave

Terry Francke  
*General Counsel*  
Californians Aware

Dion O'Connell  
*Deputy City Attorney*  
City of Los Angeles

## CONCURRENT SESSIONS:

1:45 p.m. – 2:45 p.m. Break-Out Session 1.0 Hour CLE credit

### Session 6 Privacy & Injunctions

This session will address the use of motions for injunctive relief to block the release of public records on privacy grounds when those records arguably threaten the subject of the records with injurious exposure.

**Speakers:**

Karl Olson  
*Partner*  
Ram, Olson, Cereghino & Kopczynski

Rochelle Wilcox  
*Partner*  
Davis Wright Tremaine LLP

### Session 7 Avoiding the Accidental Meeting

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:**

Kelly Aviles  
*Law Offices of Kelly Aviles*  
VP for Open Government Compliance  
Californians Aware

Maribel Medina  
*Principal*  
Meyers Nave

Ted Prim  
*Deputy Attorney General*  
California Department of Justice

Bill Sartor  
*Assistant City Attorney*  
City of Tracy

2:45 p.m. – 3:00 p.m. Break

## CONCURRENT SESSIONS:

3:00 p.m. – 4:00 p.m. Break-Out Session 1.0 Hour CLE credit

### Session 8 Contracts & Trade Secrets

This session will address how public officials deal with requests for contracts with third-parties that may contain trade secrets or other proprietary information.

**Speakers:**

Leslie Gallagher  
*Assistant General Counsel*  
San Diego County Water Authority

Karl Olson  
*Partner*  
Ram, Olson, Cereghino & Kopczynski

### Session 9 Records Retention & Drafts

This session will help public officials develop reasonable records retention policies that comply with the law – and that avoid the unnecessary retention of documents that would not be discoverable if not kept in the ordinary course of business.

**Speaker(s):**

Kelly Aviles  
*Law Offices of Kelly Aviles*  
VP for Open Government Compliance  
Californians Aware

## GENERAL SESSION:

4:00 p.m. – 5:00 p.m. Ethical Issues in Open Government Law 1.0 Legal Ethics credit

### Session 10

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.

**Speaker(s):**

Julie Hayward Biggs  
*Partner*  
Aleshire & Wynder LLP

5:00 p.m. – 6:30 p.m. Networking Reception

# REGISTRATION INFORMATION

**Online registration:**

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

**Mail To:**

Program Registrations, 180 Howard Street, 4th floor,  
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 April 19, 2013 and is subject to a \$25 service charge. Substitutes 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 information please call (415) 538-2508. For information regarding the program 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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ca.gov

# 2013 California Public Records & Open Meetings Conference

Friday, April 26, 2013 • Los Angeles, 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: \_\_\_\_\_

(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 APRIL 19, 2013:

- \$125 for Public Law Section members
- \$175 for Non-Section members (includes membership in the Public Law Section for 2013)
- \$100 for Journalists and Non-Attorneys
- \$50 for Full-time Law Students

### ON-SITE REGISTRATION:

- \$150 for Public Law Section members
- \$200 for Non-Section members (includes membership in the Public Law Section for 2013)
- \$125 for Journalists and Non-Attorneys
- \$75 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: \_\_\_\_\_

Cardholder's Name: \_\_\_\_\_

Cardholder's Signature: \_\_\_\_\_

### SELECT ONE PROGRAM IN EACH TIMESLOT:

#### CONCURRENT 1:00 PM TO 1:45 PM, PLEASE CHECK ONE PREFERENCE:

- Session 4: Public Email on Private Accounts
- Session 5: Controlling Closed Sessions

#### CONCURRENT 1:45 PM TO 2:45 PM, PLEASE CHECK ONE PREFERENCE:

- Session 6: Privacy & Injunctions
- Session 7: Avoiding the Accidental Meeting

#### CONCURRENT 3:00 PM TO 4:00 PM, PLEASE CHECK ONE PREFERENCE:

- Session 8: Contracts & Trade Secrets
- Session 9: Records Retention & Drafts

**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 April 19, 2013.

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

**Mail To:** Program Registrations, 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.

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