

- RESPONDING TO REQUESTS
- DOCUMENT TYPES & EXEMPTIONS
- JUDICIAL REVIEW & REMEDIES
- RECORDS MANAGEMENT



JOHN D. BAKKER

Chair, California Public Records Act Practice Group

John Bakker is the City Attorney for the City of Dublin and General Counsel for the Bayshore Sanitary District, Kensington Fire Protection District, Napa Sanitation District and Tamalpais Community Services District.

John advises clients on all aspects of municipal law and he is widely regarded for his expertise in government finance, California Public Records Act, Political Reform Act, Cortese-Knox-Hertzberg Local Government Reorganization Act, elections, land use, telecommunications and public utilities.

For the League of California Cities, John co-authored its "Implementation Guide for Proposition 26 and 218" and served on the hoc committees for both Propositions. John is a member of the League of California Cities' City Attorneys Department and Municipal Finance Committee.

LAW FIRM OF CHOICE: With more than 30 years of experience serving public entities, Meyers Nave is the "go-to" firm for helping public agencies understand the California Public Records Act's requirements, exemptions and penalties; establish protocols for efficient and cost-effective compliance; and develop strong defenses in the event of a courtroom challenge. We offer proactive advice, counseling and training; provide updates on the law; and help develop and implement best practices.

COMPREHENSIVE EXPERIENCE

Meyers Nave attorneys have advised on and handled thousands of Public Records Act requests on behalf of cities, counties, municipal corporations, successor agencies, joint powers authorities, commissions, boards, committees, schools and universities, and special districts of all types. In appropriate circumstances, we have also helped public entities obtain public documents through the Public Records Act.

Our attorneys have expertise with public records requests that reflect the extensive scope of public agency interests and operations, including matters relating to:

- SB 1421/peace officer records
- Public officials' emails, text messages and voicemails on private devices and accounts
- Employee performance
- Commercial lease negotiations
- Construction projects
- Student records
- Juvenile police records
- Resolution of litigation
- Retention and destruction of electronic copies of communications

CLIENT TRAINING

Meyers Nave attorneys help clients create the best public records strategies for balancing openness with the efficient and effective functioning of government. Our client training programs cover critical issues such as the duty to respond, timing of the response, types of responses, assisting the requester and redacting records. Our goal is to help clients become self-sufficient with protocols

and procedures for evaluating, handling and responding to records requests. We also provide Client Alerts and webinars on legislative and case law developments to help keep clients apprised of emerging trends and nuanced issues relating to public records.

TECHNOLOGY-ENHANCED RESPONSE

Technology can be tremendously beneficial in swiftly responding to Public Records Act requests, which is imperative given the statutory requirement of responding no later than 10 calendar days from receipt of the request. We help clients develop and update their systems to be more efficient and streamlined in handling records requests. Our insight includes advising clients on electronic records policies, e-discovery procedures, and special issues relating to metadata and geographic information system programs and databases.

LITIGATION

From trial through appeal, our litigators have successfully defended against lawsuits alleging Public Records Act violations, including the issue of attorney's fees, and obtained published decisions in the process. Our litigation experience places us in a strong position to help clients obtain favorable settlements that avoid lawsuits. In addition to suits solely about records requests, we are experienced in handling litigation in which plaintiffs' counsel use Public Records Act claims as a secondary tool to advance their position in other cases. Our litigators also have well-proven expertise managing e-discovery in Public Records Act litigation, including responsive records not identified during the pre-petition collection process.

REPRESENTATIVE MATTERS

City of Los Angeles

Meyers Nave successfully defended the Los Angeles Memorial Coliseum and its Commission in high-profile litigation alleging Brown Act and California Public Records Act (CPRA) violations related to the Commission's negotiations with the University of Southern California over a long-term lease for the Coliseum. The *Los Angeles Times* and the nonprofit Californians Aware took action shortly after the Commission approved a \$70 million-dollar-plus contract with the University of Southern California for future management of the Coliseum.

The petitioners alleged the Commission with violating open meeting laws during negotiations with USC and with failing to provide all documents responsive to hundreds of CPRA requests relating to all aspects of Coliseum operations and finances. The petitioners' writ of mandate action sought invalidation of the lease and the release of reams of Coliseum records and a declaration that our client had violated the Brown Act.

City of Burbank

Meyers Nave successfully defended the City of Burbank in a Public Records Act challenge relating to a local newspaper columnist's request for cellular telephone bills of various councilmembers. The case resulted in a published decision.

Los Angeles World Airport (LAWA)

Meyers Nave represented LAWA in the California Supreme Court in a Public Records Act case to compel LAWA to disclose proposals received in response to an RFP for a property lease at the Van Nuys Airport. The California Supreme Court overturned a lower court decision requiring disclosure of the proposals.

City of Bell

In the City of Bell corruption scandal, Meyers Nave oversaw and coordinated litigation that encompassed a variety of defense cases and cross-complaints. The matter included advising on more than 1,000 Public Records Act requests and coordinating electronic data sought by investigative agencies, including the IRS, SEC, District Attorney and State Controller.

Chico Unified School District and Chico State University

Meyers Nave served as Special Master to review 9,580 pages of emails to determine which documents were public records. All parties agreed to follow our finding, which was that a total of 9,152 pages were public records. The novel matter involved a state university producing the public records of school district officials who also worked at the university and sent or received school district-related messages on their university email accounts.

City of San Bruno

Meyers Nave filed an action on behalf of the City of San Bruno against the California Public Utilities Commission seeking public documents from four public records requests relating to our seven-year role as Special Counsel representing the City of San Bruno against PG&E in the natural gas pipeline explosion that killed eight people, injured 58 others and destroyed or damaged 90 homes and businesses.

The ultimately disclosed records revealed corruption and improper communications between Pacific Gas and Electric Company executives and CPUC senior personnel and administrative law judges. Our work led to multiple state and federal criminal investigations and convictions, along with numerous terminations, resignations and recusals at CPUC and PG&E.

University of California

Meyers Nave represented the University of California with regard to a verified petition for writ of mandate and complaint for declaratory and injunctive relief pursuant to the Public Records Act, and recently advised in the defense and settlement of two other Public Records Act petitions.

City of Livingston

Meyers Nave advised the City of Livingston in the settlement of a writ petition filed by the Animal Legal Defense Fund under the Public Records Act regarding the city's non-disclosure of water use records relating to the location of a poultry processing plant.

City of Moreno Valley

Meyers Nave's litigation team assisted the City of Moreno Valley regarding a government corruption investigation of the Mayor, every member of the City Council and a warehouse developer. The investigation was conducted by a joint federal and state task force involving the FBI and the Riverside District Attorney's office.

Our assistance included managing e-discovery, which included more than 500,000 pages of documents from City departments, councilmembers' email accounts and various City operations. We collected, evaluated and produced the non-privileged items to the Assistant U.S. Attorney. The massive amount of electronically stored information also had to be reviewed from the Public Records Act perspective and, in select instances, uploaded to a City website that provided the public with updates and information about the investigations.