

WASHINGTON STATE OPEN GOVERNMENT CONFERENCE

January 16, 2010 | University of Washington Seattle Campus

Walker-Ames Room of Kane Hall and Parrington Hall

Presented by the Washington Coalition for Open Government, the Society of Professional Journalists
and University of Washington, Department of Communication

Program Schedule

- 8:30 AM – 9:00 PM** **Registration and refreshments**
- 9:00 AM – 9:45 AM** **Opening Session** - Walker-Ames Room (Kane Hall 225)
Officiating: Toby Nixon, WCOG President
Welcome and Introductions
Key Award Presentations to Pat McCarthy, Meredith Mechling, Ira Appelman, and Ed Clark
**Address by Washington Attorney General Rob McKenna,
“Open Government is Accountable Government: The View from the Attorney General’s Office”**
Introduction of the leaders of the presentation/discussion groups
- 9:45 AM - 9:55 AM** **Conference attendees walk to Parrington Hall**
- 9:55 AM– 10:55 AM** **Presentation/Discussion Groups** - Parrington Hall Third Floor
- State and Local Public Records**, Room 308 (the Commons)
Convener: William Crittenden, *Attorney at Law*; *Guest Speaker:* Steve Miletich, *Seattle Times*
- State and Local Open Public Meetings**, Room 310
Convener: Michele Earl-Hubbard, *Allied Law Group LLC*
- Federal Public Records, Open Public Meetings and Whistleblower Protection: Using Your
Federal Open Government Laws**, Room 306
Convener: Gerry Pollet, Heart of America Northwest and Legal Advocates for Washington
Guest Speakers: Tom Carpenter, *Hanford Challenge*, Kirsten Grind, *Puget Sound Business
Journal*
- Money in Politics: How Lobby and Campaign Finance Disclosure Function Today**, Room 309
(the Forum)
Convener: Eric Nalder, Hearst Newspapers
Guest speakers: Hon. Jolene Unsoeld, *former member of Congress and of the Washington
legislature*, Bruce E. H. Johnson, *Davis Wright Tremaine LLP*, Daniel Lathrop, *author of Open
Government (2010)*
- 10:55 AM – 11:05 AM** **Break**
- 11:05 AM – 12:05 PM** **Presentation/Discussion Groups are repeated (see additional detail above)** - Parrington Hall
Third Floor
- State and Local Public Records**, Room 306
- State and Local Open Public Meetings**, Room 308 (the Commons)
- Federal Public Records, Open Public Meetings and Whistleblower Protection: Using Your
Federal Open Government Laws**, Room 309 (the Forum)
- Money in Politics: How Lobby and Campaign Finance Disclosure Function Today**, Room 310
- 12:05 PM – 12:15 PM** **Break and walk back to the Walker-Ames Room in Kane Hall**
- 12:15 PM – 2:00 PM** **Luncheon (included) and Address by Heather Brooke,
“Adventures in Open Government in Britain and the United States”**
Walker-Ames Room (Kane Hall 225)
- 2:00 PM** **Adjournment**

The Washington State Open Government Conference is presented by the Washington Coalition for Open Government, the Society of Professional Journalists, and the University of Washington Department of Communication

Open government, supervised by an informed and engaged citizenry, is the cornerstone of democracy.

The Washington State Open Government Conference would not have been possible without early and generous grants from the National Freedom of Information Coalition and the Norcliffe Foundation.

Thank you to the University of Washington's Center for West European Studies and the Department of Communication for helping to make Ms. Brooke's presentation possible.

Special thanks also go to the sponsors of this event: Skagit IMS (Silicon Supporter), WashBucket (Bronze Supporter), and the Washington Policy Center (Bronze Supporter).

For more information or to become a member of the Washington Coalition for Open Government: www.washingtoncog.org or call (206) 782-0393. For more information or to become a member of the Society of Professional Journalists: <http://www.spjwash.org> or (253) 404-0891 ext. 16. For information about the University of Washington Department of Communication: <http://www.com.washington.edu> or (206) 543-2660.

INFORMATION ON PRESENTATION/DISCUSSION GROUPS

For information on presenters and room numbers for presentation/discussion groups, please see schedule on front page.

State and Local Public Records

This session will explain the requirements of the Washington Public Records Act, including what constitutes a public record, how agencies are to maintain public records, and how they are to respond to requests for them. It will also provide an outline of how citizens can frame their requests for public records to best and most promptly obtain them. Additionally, it will address the legal issues in interpreting the Public Records Act that are now before the courts and provide an overview of various legislative proposals for modifying the Public Records Act that are expected to come before the upcoming session of the Washington State legislature. Finally, it will discuss initiatives that government agencies can take, beyond the minimal requirements of law, to better maintain records and make them most easily available to the public and to the agencies themselves.

State and Local Open Public Meetings

This session will explain the requirements of the Washington Open Public Meetings Act, including what constitutes a public meeting, and how public meetings must be publicized, carried out, and recorded. Earl-Hubbard will outline how citizens can identify a possible violation of the OPMA and what they can do about it, as well as the legal issues in interpreting the Open Public Meetings Act that are now before the courts. Additionally, an overview of various legislative proposals for modifying the OPMA that are expected to come before the upcoming session of the Washington State legislature will be discussed. Finally, Earl-Hubbard will discuss initiatives that government agencies can take, beyond the minimal requirements of law, to better conduct meetings so that they are most accessible to the public.

Federal Public Records, Open Public Meetings and Whistleblower Protection: Using Your Federal Open Government Laws

This session will discuss the Federal Freedom of Information Act, its provisions and exemptions and how it compares to Washington State's Public Records Act. The session will also discuss the Federal Advisory Committee Act and the White House's new "Comprehensive Open Government Directive." Additionally, presenters will provide an overview of Federal Whistleblower protection statutes and rules, as well as, examples of efforts to obtain records important to public oversight of government.

Money in Politics: How Lobby and Campaign Finance Disclosure Function Today

This session will focus specifically on campaign and lobby disclosures. Moderator Eric Nalder, senior enterprise reporter for Hearst Newspapers, will reveal how reporters eavesdrop on the money as it talks in politics. Jolene Unsoeld, former congresswoman, legislator and leader in the creation of Washington's state public disclosure laws, will compare her dreams when disclosure laws were created to the current situation. Bruce Johnson, litigator and media lawyer with Davis Wright Tremaine, will explore the current state of disclosure law. Daniel Lathrop, digital strategist and co-founder of InvestigateWest, will discuss the use of campaign and lobby disclosure data to unravel secrets.

KEYNOTE SPEAKERS



Heather Brooke **Author of “Your Right to Know”**

Heather Brooke is a UW graduate with dual U.K. and U.S. citizenship who has worked as a journalist in both countries. Now based in London, Brooke used open government techniques first learned in Washington state to expose improper use of government funds in the largest scandal of its kind in British history. Records released through her four-year court battle prompted the resignation of many Members of Parliament, with Michael John Martin becoming the first Speaker of the House of Commons in three centuries to be forced out by a vote of no confidence.



Rob McKenna **Washington Attorney General**

Rob McKenna is serving his second term as Washington’s 17th Attorney General. He is vice president of the National Association of Attorneys General, in line to become president in 2011-12. McKenna developed model rules for implementing the Public Records Act and established in his office the position of Open Government Ombudsman to assist citizens and agencies in knowing their rights and responsibilities under Washington’s Public Records Act and Open Public Meetings Act. With the help of an advisory committee formed jointly with the State Auditor, he has proposed reforms to make it easier for citizens and agencies alike to overcome potential barriers to prompt disclosure of public records.

PRESENTER BIOGRAPHIES

State and Local Public Records

William Crittenden, Attorney at Law, is an attorney in private practice who represents parties in litigation and appeals involving freedom of speech and access to public records. He is also Of Counsel to Groff Murphy, PLLC, where he represents developers, builders, owners, and other interested parties in litigation and in administrative and legislative land use matters. He is also a WCOG Board Member.

Steve Miletich has been a reporter in the Seattle area for more than 30 years. He has worked for The Seattle Times since 1999 and previously worked for the Seattle Post-Intelligencer and the Journal-American of Bellevue. He has extensive experience covering state and federal courts and the criminal-justice system. He has twice been a finalist for the Pulitzer Prize for his reporting of the D.C. sniper case and the improper sealing of court cases.

Federal Public Records, Open Public Meetings and Whistleblower Protection: Using Your Federal Open Government Laws

Gerry Pollet is an attorney with twenty six years of legal experience utilizing federal and state open government laws. He is Executive Director and counsel for the environmental groups Heart of America Northwest and Legal Advocates for Washington. He is also Secretary and member of the Board of Directors of the Washington Coalition for Open Government.

Tom Carpenter is an attorney with two decades of experience representing federal and state whistleblowers. He formerly served as the West Coast Director of the Government Accountability Project and is currently the executive director of Hanford Challenge.

Kirsten Grind is a staff writer for the Puget Sound Business Journal who wrote a much-praised two-part series on the demise of Washington Mutual. As a part of this research, she has struggled to obtain release of documents from the Office of Thrift Supervision regarding its decision to seize the bank’s assets.

State and Local Open Public Meetings

Michele Earl-Hubbard is a principal and media law attorney at Allied Law Group LLC in Seattle. She represents clients in public records, open meetings, open court, defamation, privacy, copyright, reporter’s privilege, and media antitrust matters. Ms. Earl-Hubbard serves as the Washington State Freedom of Information Delegate for the Society of Professional Journalists and is a former member of the Board of the National Freedom of Information Coalition and a former founding board member and former President of the Washington Coalition for Open Government.

Money in Politics: How Lobby and Campaign Finance Disclosure Function Today

Eric Nalder directs investigations nationally for Hearst Newspapers as the senior enterprise reporter. A two-time Pulitzer Prize winning journalist, Nalder led the investigative teams at both the Seattle Post-Intelligencer and the Seattle Times, and was an investigative reporter at the San Jose Mercury News.

Jolene Unsoeld served as member of the U.S. House of Representatives from 1989 to 1994, and before that as a member of the Washington legislature from 1985 to 1988. Prior to that time, she served from 1972 to 1985 as an unpaid full-time citizen lobbyist in Olympia, protecting and strengthening the Public Records Act, the Open Public Meetings Act, and campaign and lobby disclosure laws.

Bruce Johnson is an attorney at the Seattle firm of Davis Wright Tremaine LLP where he represents information industry clients on issues involving media and communications law as well as technology and intellectual property matters. He has chaired the Media Law and Defamation Torts Committee of the American Bar Association and the Defense Counsel Section of the Media Law Resource Center.

Daniel Lathrop is coauthor (with Laurel Ruma) of [Open Government: Collaboration, Transparency, and Participation in Practice](#) (O’Reilly Media, Inc., forthcoming), a collection of essays, interviews, and case studies that constitute a handbook for advocates of openness and e-government. As a journalist he previously worked at the Seattle Post-Intelligencer and the New York Times.

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Western Washington Pro Chapter



Improving & Protecting Journalism

The Western Washington Pro Chapter of the Society of Professional Journalists is proud to support the Washington State Open Government Conference. The Society of Professional Journalists is the nation's most broad-based journalism organization, dedicated to encouraging the free practice of journalism and stimulating high standards of ethical behavior. Founded in 1909 as Sigma Delta Chi, SPJ promotes the free flow of information vital to a well-informed citizenry through the daily work of its nearly 10,000 members; works to inspire and educate current and future journalists through professional development; and protects First Amendment guarantees of freedom of speech and press through its advocacy efforts. The Western Washington Pro Chapter has been named the society's Best Large Chapter in the Nation for three consecutive years. For more information, visit www.spjwash.org.

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