

2011 Annual
Florida Bar
Convention

June 22-25



Florida and Federal Perspectives on Freedom, Confidentiality, and Access to Information

COURSE CLASSIFICATION: INTERMEDIATE LEVEL

Thursday, June 23, 2011

1:00 p.m. - 5:00 p.m.

Staff Contact: Summer Hall

Course No. 1376

Gaylord Palms Resort & Convention Center • 6000 W. Osceola Parkway • Kissimmee, FL 34746 • 407-586-2000

Overview:

The Sunshine State has a long tradition of open government, a concept embraced in its Constitution. On their respective Inauguration Days, Governors Charlie Crist and Rick Scott each issued Executive Orders creating and re-establishing the Office of Open Government. But in an era when abundant information can collide with privacy and security concerns – from an NCAA investigation in Tallahassee to the worldwide WikiLeaks sensation – Florida lawyers should fully understand the scope of, and exceptions to, the state and federal laws governing public records.

In this seminar, Pat Gleason, Special Counsel for Open Government for Attorney General Pam Bondi, and past editor of *The Florida Government in the Sunshine Manual*, will discuss Florida's broad public records laws, the exceptions to those laws, and, significantly, the limited statutory work product exemption. Her federal counterpart, P. Stephen Gidiere III, a partner with Balch & Bingham LLP and author of the American Bar Association's *Federal Information Manual*, will address the Freedom of Information Act, Federal Electronic Records Initiatives, and the Federal Privacy Act. Together, this pair of experienced attorneys is expected to open eyes to some of the nuances, and consequences, of the state and federal open government laws.

Lecture Program

PART I. PUBLIC RECORDS LAWS: COMPARING FLORIDA AND THE FEDS

- 1:00-1:50 **Overview of Public Records Law**
Pat Gleason, Tallahassee
- 1:50-2:00 **Creative quiz (with bonus prizes!)**
- 2:00-2:15 **Break**
- 2:15-3:05 **Overview of Federal Public Records and Information Laws**
P. Stephen Gidiere III, Birmingham, AL
- 3:05-3:15 **Creative quiz (with bonus prizes!)**
- 3:15-3:30 **Break**
- PART II. AS APPLIED: STATE AND FEDERAL CASE STUDIES**
- 3:30-4:00 **Seminole, Secrecy and the NCAA**
Pat Gleason, Tallahassee
- 4:00-4:30 **Hear ye! hear ye! Now pending before SCOTUS**
P. Stephen Gidiere III, Birmingham, AL
- 4:30-4:35 **Break**
- PART III. QUESTIONS AND ANSWERS (and more prizes too!)**
- 4:35-5:00 **Panel Discussion**
Keith Rizzardi, West Palm Beach, Moderator

Speakers

PAT GLEASON serves as Special Counsel/Open Government for Attorney General Pam Bondi. Prior to rejoining the Attorney General's Office, she was Director of Cabinet Affairs and Special Counsel for Open Government for Governor Charlie Crist. Prior to joining the Governor's Office, she was General Counsel in the Attorney General's Office where she specialized in Sunshine Law and Public Records issues. She is a graduate of Florida State University College of Law. Ms. Gleason is a recognized expert in the area of open government and public records laws in the State of Florida. She was the editor of the *Government in the Sunshine Manual* of the Office of the Attorney General.

P. STEPHEN GIDIERE III is a partner with Balch & Bingham LLP, Birmingham, Alabama in the Environmental and Natural Resources Section and Environmental Litigation Practice Group. His experience and practice cover a wide variety of environmental, natural resources, administrative, and information law topics. Mr. Gidiere has significant experience litigating civil matters against the federal government. He is a nationally-recognized expert in the area of open government and freedom of information laws. He is also the author of *The Federal Information Manual* (ABA 2006), a new book published by the American Bar Association. Mr. Gidiere frequently publishes articles and opinion pieces on current and emerging government information topics. Prior to joining Balch & Bingham LLP, Gidiere served as an attorney-advisor with the United States Department of the Interior of Washington, D.C., where he served as counsel to the U.S. Fish and Wildlife Service, the National Park Service, and the Office of the Surface Mining. He also served as a law clerk to the Honorable Emmett R. Cox of the United States Court of Appeals for the Eleventh Circuit.

CLE CREDIT

CLER PROGRAM
(Max. Credit: 4.0 hours)
General: 4.0 hours
Ethics: 0.0 hours

CERTIFICATION PROGRAM
State and Federal Government Admin Practice: 4.0 hours
City, County Local Government: 4.0 hours