

The Freedom of Information and the Open Meetings Law CLE Program

This popular, recurring program will review current hot topics and trends in the Freedom of Information and Open Meetings Laws, with a focus on recent statutory amendments and recent New York Court of Appeals decisions, and on issues relating to information technology. Ongoing, high-profile issues, such as dealing with a public body's "Executive Session," notice requirements, email and the generation or extraction of information maintained electronically, and grounds for denials of FOIL requests, will be addressed.

Albany | Thursday, September 13 | New York State Bar Association | One Elk Street | Albany, NY 12207

New York City | Friday, September 14 | CFA Society New York | 1540 Broadway | Suite 1010 | New York, NY 10036

3.0 MCLE Credits: 2.5 Areas of Professional Practice; 0.5 Ethics

Sponsored by the General Practice Section, the Local and State Government Law Section, and the Committee on Continuing Legal Education of the New York State Bar Association.

Program Faculty

Anthony J. Fasano, Esq. | Guercio & Guercio, LLP | Farmingdale

Robert J. Freeman, Esq. | NYS Committee on Open Government | Albany

Cory H. Morris, Esq. | Law Office of Cory H. Morris | Huntington

www.nysba.org/FOIL2018

Agenda

8:30 a.m. - Registration

9:00 a.m. - Introductions

9:10 a.m. - **I. Freedom of Information Law**

- What is an Agency?
- What is a Record?

- Making Requests for Records
- Timelines for FOIL Responses
- Responding to FOIL Requests
- Fees for Production
- Preventing Abuse and Ethical Considerations in FOIL Requests
- Certification Requirements
- Exemptions

1.0 Areas of Professional Practice; 0.5 Ethics

10:25 a.m. Break

10:35 a.m. **II. Article 78 for FOIL**

- Burden of Proof
- Attorney's Fees
- No Reasonable Basis for Denial
- Substantially Prevailed

0.5 Areas of Professional Practice

11:00 a.m. **III. Open Meetings Law**

- Definition of a "Meeting"
- Noticing a Meeting
- Definition of a "Public Body"
- Executive Session
- Exemptions
- Minutes of a Meeting
- Enforcement Procedures

1.0 Areas of Professional Practice

11:50 a.m. Closing Remarks

12:00 p.m. Adjournment

3.0 MCLE Credits: 2.5 Areas of Professional Practice; 0.5 Ethics

Pricing

NYSBA Member: \$135

General Practice Section Member: \$110

Local and State Government Law Section Member: \$110

Non-Member: \$235