

## **Appendix G: Biographies of Second Edition Authors and Editors**

### **BRITTNEY BARSOTTI**

Brittney Barsotti became CNPA's general counsel in January 2021 after the retirement of James W. Ewert. Before law school, she was an editor of her community college publication, Las Positas Express, and obtained a degree in journalism at San Francisco State University. There she covered issues such as tuition increases and cuts to the CSU system in the state budget. She also served as managing editor, news editor and multimedia editor of the school's newspaper.

After spending a year of service with California's First 5, she attended McGeorge School of Law, where she specialized in regulatory and legislative issues. As a part of McGeorge's Legislative and Public Policy Clinic, she worked to pass Medi-Cal legislation, SB 1339 (2016). She has also worked on regulatory and legislative issues while at the Board of Parole Hearings, the Office of Legislative Counsel and the Board of Equalization.

In 2019 as part of Volunteers of America, she worked at a homeless shelter, where she received a ground-level view of one of California's most pressing issues. She also trained employees on various topics and helped clients file for expungement of criminal records, appeal denials of housing applications, navigate resources and enroll in higher education.

She joined CNPA in December 2019 as legislative advocate and staff attorney. In addition to her legislative duties, Brittney also operates CNPA's legal helpline. Members can reach her by email at [brittney@cnpa.com](mailto:brittney@cnpa.com) or by phone at 916-288-6006 with any legal questions they may have.

### **THOMAS R. BURKE**

Tom Burke defends speech and content across all mediums – representing internet companies; networks; studios; book, magazine and news publishers; and authors, journalists, photographers, documentary filmmakers, and environmental groups. With over 30 years of trial and appellate experience in California's state and federal courts, Tom's practice covers the full spectrum of content liability issues including First Amendment matters and the defense of speech claims including libel, privacy, right of publicity, and copyright matters.

A veteran newsroom lawyer, he regularly provides prepublication counseling and defends journalists facing subpoenas for unpublished information and confidential sources. He also regularly litigates high-profile state and federal public records lawsuits. Tom is the author of "Anti-SLAPP Litigation" (The Rutter Group 2013-present) and since 2002, teaches media law at the Graduate School of Journalism at the University of California, Berkeley.

## DUFFY CAROLAN

[Duffy Carolan](#) represents news, online and entertainment content providers in a variety of matters, including defamation, invasion of privacy, right of publicity, prior restraint, copyright, trademark, and Internet law issues at both the trial and appellate levels. She is newsroom counsel to over 40 California newspapers, providing 24/7 advice to reporters and editors on deadline. She often defends reporters and companies against subpoenas seeking unpublished source information, and regularly represents newspapers under the state's adjudication statutes. Duffy has extensive experience representing news organizations and private citizens seeking to obtain access to public records and public meetings under the California Public Records Act, Freedom of Information Act, and Ralph M. Brown Act. As a former journalist, she regularly conducts newsroom training sessions on a variety of timely topics. She is past president of the First Amendment Coalition and has been listed both in The Best Lawyers in America® and the Northern California edition of Super Lawyers for about 15 consecutive years. She was honored by the Northern California chapter of the Society of Professional Journalists as "Counsel of the Year" for 2011 and was selected by her peers through The Best Lawyers in America® as San Francisco's "Lawyer of the Year" in Litigation-First Amendment for 2013.

Notable representations:

- *California Newspaper Partnership v. County of Alameda* (Alameda Superior Court, 2021). Obtained order under the Public Records Act requiring county to disclose names of long-term care facilities with COVID-19 infections and the number of infections and deaths at each facility over county's objection that disclosure was prohibited under the Health Insurance Portability and Accountability Act.
- *Christopher Boyd v. Embarcadero Media* (Santa Clara Superior Court, 2020). Obtained order in libel action striking complaint and awarding attorneys' fees in favor of paper under the anti-SLAPP statute in matter involving newspaper's reporting on qualifications of candidate for local school board.
- *Applied Underwriters, Inc. v. Providence Publications, LLC*, 913 F.3d 884 (9th Cir. 2019). Obtained decision by the Ninth Circuit Court of Appeals affirming a district court's dismissal order under FRCP Rule 12(b)(6) in favor of news organization in a published decision holding that publication's use of an insurance company's trademarks in connection with an educational seminar was protected under the nominative fair use doctrine.
- *C.M. v. Superior Court of Riverside County* (Fourth District Court of Appeal, 2019). Obtained appellate court decision denying County's writ petition attempting to overturn juvenile court's ruling granting The Press-Enterprise access to deceased juvenile's case file related to high profile abuse and murder case.
- *State v. Joseph DeAngelo* (Sacramento Superior Court, 2018). Obtained order unsealing over 170 pages of warrant materials in Golden State Killer case upon joint motion by The Associated Press, The New York Times, Los Angeles Times, California Newspaper Partnership, Sacramento Bee, San Francisco Chronicle and ABC News to unseal the investigatory materials.
- *State v. William Robicheaux* (Orange Superior Court, 2018). Obtained order reversing as unconstitutional prior restraint on the media.

## **JAMES W. EWERT**

James W. Ewert is the former General Counsel and Legislative Advocate for the California News Publishers Association (CNPA). He spent 25 years advocating on behalf of CNPA before California's legislature on issues relating to freedom of information, media access, circulation, workplace relations, advertising, worker's compensation, and the environment.

Among the many bills he worked on over his career, Ewert was successful in getting legislation passed that: twice established a Constitutional right for the public to access government information; required law enforcement to release documents regarding police misconduct and body cam footage; allowed journalists to use their cell phones to make copies of public records without paying exorbitant copying costs; required the UC and CSU Foundations to provide public access to financial documents; protected school journalism advisers from retaliation for content published by students; prohibited the attachment or insertion of hate literature in newspapers; prohibited the theft of freely distributed newspapers; and required candidates for state office to electronically file campaign finance information and to report that information online.

## **AARON FIELD**

[Aaron Field](#) is an attorney at Cannata O'Toole Fickes & Olson LLP. He focuses his practice on media and First Amendment law and civil litigation and regularly represents news media organizations, advocacy groups, and others in efforts to access public records and proceedings under the California Public Records Act and the First Amendment, among other laws. Additionally, he represents clients in defamation cases, cases involving California's anti-SLAPP statute, whistleblower retaliation cases, and a broad spectrum of other litigation matters.

In one notable Public Records Act case, he represented The Sacramento Bee and the Los Angeles Times in *The Sacramento Bee and Los Angeles Times v. Sacramento Co. Sheriff's Dept., No. 34-2019-80003062* (Sacramento Super. Ct.), the first lawsuit brought by the news media to enforce the right of access to records of police misconduct investigations under Penal Code section 832.7(b) and SB 1421. The Bee and the Times won favorable rulings interpreting multiple provisions of SB 1421 for the first time, including one provision, Penal Code section 832.7(b)(1)(A)(ii), that provides a right of access to records related to incidents in which the use of force by a peace officer or a custodial officer against a person resulted in death or "great bodily injury."

Aaron Field served as Attorney Co-Chair of the Society of Professional Journalists, Northern California Chapter's Freedom of Information Committee (FOIC) from 2018-2020. In 2019, he received SPJ NorCal's 2019 John Gothberg Meritorious Service to SPJ Award for his and the FOIC's advocacy in response to unlawful searches of a San Francisco journalist's home and office. He was selected in 2020-2021 to the Northern California Super Lawyers "Rising Stars" list.

## **JEAN-PAUL (JP) JASSY**

[Jean-Paul \(JP\) Jassy](#) is a partner in the Los Angeles, CA office of Jassy Vick Carolan LLP. He litigates nationwide with an emphasis on disputes in the media, internet, First Amendment and entertainment arenas. He also routinely represents all types of businesses in multi-million dollar breach of contract, breach of fiduciary duty, fraud, copyright, trademark, idea submission and profit participation cases. JP's clients include internet giants, television networks, metropolitan newspapers, motion picture studios, nonprofits dedicated to free press and free expression, top-flight production companies and award-winning reporters. He has taught full-length courses on First Amendment and media law at prestigious law schools, and repeatedly been named by his peers to *The Best Lawyers in America®* in the First Amendment field, and in 2015, 2016, 2019 and 2021, he was named Los Angeles "Lawyer of the Year" in his field. He is also listed in *Chambers and Partners* in the field of Media & Entertainment: First Amendment Litigation - California. JP founded two law firms listed as Tier 1 (top tier) by *US News & World Report*, both nationally and locally. He has successfully litigated cases in the United States Supreme Court and the California Supreme Court. His work has been covered in the *Los Angeles Times*, *New York Times* and *Washington Post*, among other media outlets. JP also routinely advises production companies and publishers in ways to avoid and mitigate liability. He is on the Board of Directors of the First Amendment Coalition, and formerly on the Governing Committee of the American Bar Association's Forum on Communications Law.

## **BETTY HEESO KIM**

[Betty Heeso Kim](#) held an externship with the First Amendment Coalition while a law student at UC Irvine School of Law, where she was a certified law clerk for the Intellectual Property, Arts and Technology Clinic. In her work for the clinic, she worked to unseal grand jury transcripts in a criminal case on behalf of a journalist and conducted research and drafted memoranda on press freedom and record disclosure matters under the California Public Records Act. During law school, she also served as an extern for Judge Richard Y. Lee of the Orange County Superior Court of California. She graduated from Brown University with a B.A. in International Relations in May 2016.

## **DAN LAIDMAN**

[Dan Laidman](#) is Counsel in Davis Wright Tremaine's Los Angeles office. His practice focuses on media, First Amendment, and intellectual property litigation and counseling, including defamation, newsgathering, prior restraint, reporter's privilege, records and courtroom access, privacy, right-of-publicity, copyright, and trademark issues. He also advises newspaper, internet, radio, and television clients on pre-publication and pre-broadcast legal issues. Dan co-chairs the California Chapter of the Media Law Resource Center, serves on the board of directors of the nonprofit open government group Californians Aware, and has been on the Davis Wright Tremaine Pro Bono Committee.

Davis Wright Tremaine LLP is a full-service, national law firm with a leading practice in media and First Amendment law. Attorneys in DWT's Los Angeles and San Francisco offices work with media organizations throughout the state on the full range of media-law issues. DWT attorneys defend media outlets and journalists in defamation, privacy, newsgathering, right of publicity, and intellectual property cases, as well as reporters' privilege, subpoena, and prior restraint matters. DWT also provides prepublication review and advising services and represents media outlets in freedom of information cases and in seeking access to court records and proceedings.

## **NIKKI MOORE**

Nikki Moore is a staff attorney for the Advance Records Center at the law firm Best Best & Krieger, where she provides legal advice in the review and disclosure of public records for government agencies. Moore was formerly legal counsel and legislative advocate for the California News Publishers Association (CNPA). In that role, she worked in the courts and the California Legislature to defend the public's right to know. Moore worked on CNPA's behalf to draft and successfully advocate to amend the laws related to the disclosure of police personnel records with SB 1421, and the release of body camera footage with AB 748, both from 2018. In 2019, she began working for the Committee on Public Safety, for the California State Assembly where she worked as a legislative attorney until 2021.

## **ROGER MYERS**

[Roger Myers](#) is a partner in the San Francisco office of Bryan, Cave, Leighton Paisner LLP, and co-authored the original version of *The Right to Know: A Guide to Public Access and Media Law*. He was a newspaper reporter and editor before law school, and after graduating from UC Berkeley School of Law clerked for Judge James Browning on the U.S. Court of Appeals for the Ninth Circuit in San Francisco.

During his more than 30 years of practice, he has served as newsroom counsel for more than 30 newspapers, as well as counseling and representing all manner of media (including online platforms and publishers, Internet radio and music media, as well as television, radio, magazines and books) in all manner of litigation (including defamation, privacy, access, subpoena, IP, unfair competition, trade secrets and employment).

He also won three of the most important recent decisions in the 100-year history of adjudicating newspapers of general circulation entitled to publish legal notices: *Press-Democrat v. Sonoma County Herald Recorder*, 207 Cal. App. 4th 578 (2012); *In re Crawford-Hall*, 38 Media L. Rptr. 1973 (Santa Barbara Super. Ct 2009), *aff'd*, 2010 WL 2089991 (Cal. Ct. App. May 26, 2010); *In re Eureka Reporter*, 165 Cal. App. 4th 891 (2008). "Roger and his team have operated the First Amendment Coalition hotline for more than 15 years, and they author the California Chapter of the 50-state survey on Media Privacy & Related Law published annually by the Media Law Recourses Center, Inc.

Roger also worked with his partner, Rachel Matteo-Boehm, and her team on the ground-breaking case that established, for the first time in the Ninth Circuit, a First Amendment right of timely access to civil court pleadings that attaches upon receipt of the records by the court. *Courthouse News Service v. Planet*, 947 F.3d 581 (9th Cir. 2020).

## KARL OLSON

Karl Olson specializes in Public Records Act litigation and in defending news media clients and individuals against defamation and “SLAPP suits” (Strategic Lawsuits Against Public Participation). He has successfully defended dozens of such defamation cases in his 39-year legal career, disposing of most of them at a very early stage and obtaining sanctions or fee awards against the plaintiffs in many such cases. He has successfully prosecuted numerous battles for access to public records under the California Public Records Act, including successful lawsuits decided by the California Supreme Court involving access to public employee salaries and access to emails sent by government employees on their “private” electronic devices.

He is considered one of the foremost experts on California’s anti-SLAPP statute and has been actively engaged in litigation, commentary and legislation relating to the statute. He has written amicus curiae briefs for California newspapers and the California Newspaper Publishers Association in many of the anti-SLAPP cases decided by the California Supreme Court. He was the 2018 “Best Lawyer of the Year” named by Best Lawyers of America in the field of “Litigation -- First Amendment” in northern California, and has been named a “Northern California Superlawyer” for about 15 years running.

Mr. Olson represented news media in the briefing and oral argument in the California Supreme Court in *City of San Jose v. Superior Court*, the 2017 case which established that public officials’ and public employees’ emails and texts using “private” electronic devices to conduct public business are subject to the California Public Records Act. He has successfully pursued many media access to public records cases. He successfully represented the *Contra Costa Times* in a lawsuit against the City of Oakland to obtain public employee salary information, winning a landmark California Supreme Court opinion. (*IFPTE v. Superior Court* (2007) 42 Cal. 4th 319). He also represented the Contra Costa Newspaper Group against the California Department of Health Services, winning access to records on employees disciplined by the Department and obtaining an award of attorney’s fees for his client. In 2011, he successfully represented the Sacramento Bee in a Public Records Act case involving access to pension amounts received by retired public employees.

He successfully represented the *San Francisco Chronicle* in defending, and obtaining dismissal of, a libel suit brought by a podiatrist against the Chronicle and two star athletes. (*Carver v. Bonds* (2005) 135 Cal. App. 4th 328). He also represented the California First Amendment Coalition and, before that, the *San Jose Mercury News* in obtaining access to investment records of the California Public Employees Retirement System (CalPERS). In addition, he represented the Coalition of University Employees in a successful lawsuit against the University of California to obtain access to its venture capital performance returns.

Karl Olson's practice also focuses on pre-publication counseling; public and press access to court records and governmental proceedings; intellectual property matters such as copyright and trademark infringement claims; and trade secret litigation. His practice also includes employment law and other commercial litigation matters. Recently, he was part of the team led by COFO's Therese Cannata and Mark Fickes which successfully represented whistleblower Joanne Hoeper in recovering over \$2 million from the City and County of San Francisco. He has written numerous articles on media law issues and lectured widely on defamation and First Amendment topics for both professional journalists and lawyers.

He won the 2018 and 2005 James Madison awards for legal counsel from the Northern California Chapter of the Society of Professional Journalists and was featured in a front-page article in San Francisco's Daily Journal, "Attorney Who Advocates for Public Access Wins Praise" (March 16, 2005). He won the California Newspaper Publishers Association's Freedom of Information Award in 2012.

## **TENAYA RODEWALD**

Tenaya Rodewald is Special Counsel for Sheppard, Mullin, Richter & Hampton LLC, where her practice focuses on media law, intellectual property, defamation defense, public records, and First Amendment litigation. She has represented media clients, online video and music distributors, computer hardware manufacturers, nonprofits, and others in litigation in state and federal court.

She also counsels clients of all sizes on legal issues related to privacy, media law and online content distribution, including European (GDPR), US and California privacy-law compliance, intellectual property compliance and enforcement, the Computer Fraud and Abuse Act, and responding to private litigant and government demands for information.

Tenaya was awarded *American Lawyer*'s 2020 Tony Mauro Media Lawyer Award recognizing her zealous advocacy for freedom of the press.

Notable representations include:

--In *VanderSloot v. Foundation for National Progress*, successfully defended *Mother Jones* magazine from defamation claims brought by a billionaire Idaho businessman, obtaining a summary judgment ruling that the statements were non-actionable and protected by the First Amendment.

--Represented media clients in litigation across the state of California to enforce the public right of access to records of police serious uses of force and misconduct and obtained published opinion upholding access to records. *Walnut Creek Police Officers' Assn. v. City of Walnut Creek*, 33 Cal. App.5th 940 (2019).

--Obtained published appellate court ruling setting important precedent protecting the rights of all public records requestors to intervene in "reverse PRA" cases and to recover their attorney's fees if they prevail. *Carlsbad Police Officers Assn. v. City of Carlsbad*, 49 Cal. App. 5th 135 (2020).

--Successfully quashed subpoenas to the Electronic Frontier Foundation that would have invaded EFF's First Amendment rights and reporter's privilege.

## GLEN SMITH

[Glen Smith](#) is a veteran First Amendment and media lawyer who oversees the [First Amendment Coalition](#)'s strategic litigation program, including its open-government lawsuits in state and federal courts. He provides legislative oversight, monitoring proposed laws that could hinder the public's right to know or interfere with free speech protections. Glen also contributes to FAC's free Legal Hotline, providing advice to journalists on deadline, and to FOI Boot Camp sessions, leading hands-on workshops for journalists and others.

Before joining FAC, Glen held numerous leadership roles in legal departments of news companies, including serving as assistant chief counsel at ABC from 2000-2015. He was production counsel for Telepictures Productions in Burbank, Calif., and held the position of director of litigation for the Los Angeles Times, where he both supervised outside counsel and personally represented the newspaper and its reporters in legal challenges involving defamation, privacy, the California Public Records Act, and the reporter's shield law. After leaving the LA Times, Smith served as counsel for television station KCAL and was a partner at the Los Angeles office of Baker & Hostetler, where he represented newspapers, book publishers and broadcasters in defamation, newsgathering, privacy, intellectual property and other litigation matters.

## DAVID SNYDER

[David Snyder](#), a lawyer and former journalist, became executive director of the [First Amendment Coalition](#) in December 2016. Before leading FAC, David represented journalists and news media for the law firm Sheppard Mullin. His clients included Mother Jones magazine, Salon, California Sunday Magazine and the San Jose Mercury News. Snyder had an active pro bono practice that included representing FAC in a long-running case seeking public access to data on applicants for admission to the State Bar of California. David served a two-year term as the volunteer attorney member of the San Francisco Sunshine Ordinance Task Force, which hears citizen complaints about violations of that city's open-government law.

Before law school, David was a reporter who started his career at his hometown newspaper, the Albuquerque Tribune, where he covered high school sports. He went on to work at the Dallas Morning News and the Washington Post, where he was a staff writer on the metro desk from 2000 to 2005.

He received a Bachelor of Arts with highest honors from the University of Texas at Austin's Plan II Honors Program and a Master of Science in Journalism, with honors, from Columbia University's Graduate School of Journalism. He earned his law degree from the UC Berkeley School of Law. During law school, he held internships with the Samuelson Law, Technology and Public Policy Clinic and the Electronic Frontier Foundation, where he worked on civil liberties matters. After law school David clerked for Justice Richard Bosson of the New Mexico Supreme Court.

During David's tenure, FAC has grown its staff and programs, which now include a journalist [Subpoena Defense Initiative](#), [FOI Boot Camps](#), a broader range of [strategic litigation](#) in state and

federal court, and more live programs in California and beyond. David frequently comments on free-speech, free-press and government transparency issues in the local, regional and national press.

David is the 2020 recipient of the Freedom of Information award given by the Los Angeles Chapter of the Society of Professional Journalists. Under David's leadership, FAC was named the non-profit recipient of the 2020 James Madison award given by the Society of Professional Journalists' Northern California Chapter.

### **SHERENE TAGHAROBI**

Sherene Tagharobi joined the First Amendment Coalition in June 2020 for a yearlong fellowship focused on press freedom and government transparency. An attorney and Emmy-nominated former reporter, Sherene has counseled dozens of journalists on deadline, helping them navigate the First Amendment and various open government laws. Sherene's advocacy helps media outlets and journalists gain access to important public records and meetings, as well as court records and proceedings. Sherene has also litigated First Amendment and public records cases.

Sherene joined FAC on secondment from the law firm Nixon Peabody, where she is an associate in the Complex Commercial Disputes practice group. In that role, Sherene represents businesses and individuals in a variety of matters, including intellectual property, environmental, real estate and land use, insurance, government investigations, and more. Sherene previously served as a judicial extern for Judge R. Gary Klausner of the U.S. District Court for the Central District of California.

Prior to becoming an attorney, Sherene worked as an on-air reporter and producer for several news organizations, including ABC News and NBC San Diego, often covering the justice system. Sherene's reporting earned an Emmy nomination, among other honors.

### **KEVIN VICK**

Kevin Vick is a litigator with extensive experience representing clients in the entertainment, media, internet and other industries. His trial experience includes successfully defending motion picture companies and talent agencies in jury and bench trials. His appellate experience includes successful representations of major internet, media and entertainment clients. He routinely litigates copyright, trademark, defamation, publicity rights, idea submission, invasion of privacy, Section 230, and anti-SLAPP matters, as well as business disputes involving breach of contract, trade secrets and partnerships.

He is a trustee of the Los Angeles County Bar Association's Board of Trustees, and a chair emeritus of the Entertainment and Intellectual Property Section of the Bar Association. He has taught First Amendment law at the University of Southern California Law School and has been named a Super Lawyer in Intellectual Property Litigation by Super Lawyers magazine since 2015. He graduated

with honors from Stanford University and Harvard Law School and clerked for the Honorable Florence-Marie Cooper of the United States District Court for the Central District of California.