



KAPLAN KIRSCH ROCKWELL

Public Meetings, Open Records, and Participation in the Public Process

Kaplan Kirsch & Rockwell attorneys understand that successful representation of clients can often involve access to sensitive information that may be legally required to be open to the public, but is often strategically shielded from widespread public view. Our attorneys have expertise in both pursuing and defending against public records claims as well as claims under local and state public meetings laws.

For clients seeking access to federal government records, Kaplan Kirsch & Rockwell has developed a creative approach to preventing government agencies from applying common loopholes under the Freedom of Information Act (FOIA). For example, we frequently assist client in reaching negotiated agreements under which the government agency voluntarily releases documents on a recurring basis without the need for repeated information requests. We have worked with local governments to establish strategies to protect confidential legal strategies, even in the face of stringent public disclosure laws, where disclosure of such information would seriously compromise the client's strategy and ability to achieve its objectives.

Our attorneys have broad experience in making and defending requests and litigating unresolved issues under applicable laws, including the Freedom of Information Act, Federal Advisory Committee Act, state open meetings laws, state open records acts, and other similar provisions.

The public participation process that is an integral component of much of the practice of Kaplan Kirsch & Rockwell is grounded in administrative law and the petition clause of the First Amendment. The Firm's attorneys are intimately familiar with the administrative process, having drafted many government clients' master plans and zoning codes and having worked with the full panoply of government, private sector, and citizen clients in the administrative process. The Firm also has specialized litigation experience in petition-related challenges and petition clause immunity, which are often implicated by testimony before and communications with governmental entities. Kaplan Kirsch & Rockwell represented parties in the leading Colorado and Tenth Circuit petition clause cases and in legislative hearings on the issue.