

PSWH Files NJ Supreme Court Amicus Briefs Dealing with Transparency

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Recently, Pashman Stein Walder Hayden has filed several amicus curiae briefs in pending Supreme Court appeals dealing with transparency issues:

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Paff v. Ocean County Prosecutor's Office: This case will provide further guidance on whether dash cam videos are available under OPRA. While the Court recently ruled that dash cam recordings of a police-involved shooting were not subject to OPRA in North Jersey Media Group Inc. v. Twp. of Lyndhurst, this appeal considers arguments that were not made in that case. We filed an amicus brief in support of transparency on behalf of Latino Leadership Alliance, Garden State Equality, People's Organization for Progress, and the NJ Chapter of the Society of Professional Journalists. This will be one of the most important cases on the Court's docket this year, as dash camera footage is vital to transparency and police accountability.

Brennan v. Bergen County Prosecutor's Office: The Court will determine whether the names and addresses of individuals bidding on government property at an auction are subject to access under OPRA or whether OPRA's privacy provision would shield such information. The issue of whether addresses are protected by OPRA's privacy provision has popped up repeatedly. In earlier cases, the courts found a minimal privacy interest and granted access to records containing addresses, but lately, the courts have trended the other way. We filed an amicus brief in support of the requestor on behalf of Libertarians for Transparent Government.

Kean Federation of Teachers v. Ada Morell: The Court will consider whether a public agency complied with the Open Public Meetings Act (OPMA) obligation to make meeting minutes "promptly available" to the public (N.J.S.A. 10:4-14) when it took ninety-four days and fifty-eight days, respectively, to release the minutes of two meetings. We

filed an amicus brief in support of the requestor on behalf of Libertarians for Transparent Government arguing that there is no requirement in OPMA that minutes be “approved” prior to releasing them to the public and that permitting agencies to use an optional “approval” process to delay access to meeting minutes undermines OPMA’s “promptly available” requirement.