

Sunshine Week: Harry Scheeler

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Continuing with our Sunshine Week theme, today's blog focuses on Harry Scheeler. Recently, CJ Griffin of Pashman Stein secured a victory on Mr. Scheeler's behalf against the Office of the Governor, which had denied access to RSVP lists for those attending Governor Christie's Town Halls.

Interview with Harry Scheeler:

1. When and how did you initially become interested in the open government movement?

I first became interested in open government as a teenager. In the early 1990s the police department in my hometown was given cell phones for the purpose of calling judges for restraining orders and warrants. Over time you could see officers parked in their cars talking on the phone. When I requested copies of the bills they revealed many personal calls being made. At the time, the calls were billed per minute based on peak and off peak. The exposure of these bills in the court of public opinion put a stop to the abuse. The experience proved to me how powerful public oversight is.

2. What types of government records or open government issues interest you most?

My main interest is testing the willingness of the government to turn over records to the public. When they don't, I use litigation to enforce the law and compel compliance.

3. How many OPRA requests do you file a year? How many times would you estimate the public agency violates OPRA? Of those, how many do you actually litigate?

I estimate I file about 100 requests per year. Of those requests there is a 50/50 chance there will be a violation. I attempt to correct the violation with the custodian but most of the time I am met with a bureaucratic attitude which leads to litigation quickly. I would estimate I average 20 lawsuits per year, most of which are filed with the GRC.

4. If you could persuade the Legislature to amend OPRA, what would be your top suggestions?

I would ask for two things. First, mandatory fines for custodians who repeat a violation. Second, I would have the GRC randomly audit an agency's compliance with OPRA to identify issues. Currently it appears custodians end up being trained by way of litigation started by activists such as myself.