



2023 MUNICIPAL LAW INSTITUTE SYMPOSIUM

Presented by:

League of California Cities

Center for Social Justice and Public Service, Santa Clara University School of Law

February 3, 2023

Program: 8:30 a.m. – 5:00 p.m.

2023: A Municipal Law Odyssey

Program Schedule

8:00-8:30 Registration Open

- Light breakfast and beverages provided

8:30-8:45 Welcome/Opening Remarks

- Dion O'Connell and Rob Ewing, Committee Chairs, Municipal Law Institute Committee, City Attorneys Department, League of California Cities

8:45-10:00 Closing the Gaps in Cybersecurity

A review of new legislative requirements for cybersecurity applicable to municipalities, tips on negotiating vendor contract terms to shift risks related to data privacy and cybersecurity, insuring for security breaches, and insights on how to prevent breaches and best first steps to take in the event an attack occurs.

- Moderators:

- Elizabeth A. Mitchell, Partner, Burke, Williams & Sorensen
- Kristine L. Mollenkopf, City Attorney, Lincoln
- Dion O'Connell, Deputy City Attorney, Pasadena

- Panelists:

- Justin Dietrich, Chief Information Security Officer, County of Santa Clara
- Alfred Ortiz, CEO, CSD Cyber
- Jon Paulsen, MBA, ARM, Vice President, Self-Insurance Pooling, Sedgwick
- Nora E. Wetzel, Partner, Burke, Williams & Sorensen

10:00-10:15 Break

10:15-11:30 Technology and Privacy in the City

As agencies that exist to serve the public, municipalities are uniquely responsible for promoting transparency and protecting the public interest. With increasing use and reliance on technology, municipalities find themselves at the forefront of identifying and addressing the inherent privacy implications of such technologies. This panel will discuss the present and future use of technology in the municipal sector, with an emphasis on police use of technology, including artificial intelligence, surveillance, smart cities, robots, genetic collection, and other technologies. This panel will also identify legal and practical strategies for regulating and responding to privacy concerns about such technologies, such as contract issues, data collection and retention policies, closing gaps in state and federal law, and other practice tips.

- Moderators
 - Megan McClurg, Deputy City Attorney, Chula Vista
 - Elaine Zhong, Deputy City Attorney, Los Angeles
- Panelists:
 - Matt Cagle, Technology and Civil Liberties Attorney, ACLU of Northern California
 - Amadis Sotelo, Deputy City Attorney, Oakland
 - Elizabeth E. Joh, Martin Luther King Jr. Professor of Law, University of California, Davis School of Law

11:45-12:45 Lunch and Keynote Panel- Lunch Provided**Representation in the City Attorney's Office: The Changing Faces of Municipal Law**

The field of municipal law is increasingly diverse, from the breadth of subjects covered, to the diverse nature of communities throughout California and those who practice in the field. The members of this panel embody that diversity and will share their experiences through an open conversation on inclusion, bias and the evolving field of municipal law.

- Moderators:
 - Jena Acos, City Attorney, Carpinteria
 - Rob Ewing, City Attorney, Danville
- Panelists
 - Eric Casher, City Attorney, Pinole
 - Megan Garibaldi, City Attorney, Goleta and Hawaiian Gardens
 - Deepa Sharma, Senior Associate, Burke, Williams & Sorensen

1:00-2:15 Social Media, Cybersecurity, and the Law

The use of social media as a communication platform for elected and appointed officials is becoming an increasingly popular way to share ideas, thoughts, and opinions. Unfortunately, social media also has a dark side, which includes cyberbullying, trolling, fake news, and privacy abuse. The dark side of social media also includes cybersecurity and content surveillance risks associated with social media sites based outside the United States, and the risks to elected and appointed officials and the constituents they serve. For elected and appointed officials, state and federal laws also add layers of complexity, including the recent 9th Circuit decision *in O'Connor-Ratcliff v. Garnier (O'Connor)*. The Court in *O'Connor* explores the balance of the First Amendment rights against individual social media accounts of elected and appointed officials. This panel will discuss the legal and practical implications of the Court's decision in *O'Connor* and cybersecurity considerations that matter for municipal practitioners.

- Moderators:
 - Isaac Rosen, Best Best & Krieger
 - Jennifer Beyers, Assistant City Attorney, Redwood City
- Panelists:
 - David L. Sloss, John A. and Elizabeth H. Sutro Professor of Law, Santa Clara University School of Law
 - Eric Goldman, Associate Dean of Research, Professor of Law and Co-Director, High Tech Law Institute
 - Giselle Hale, former Mayor of Redwood City
 - Javan N. Rad, Chief Assistant City Attorney, City of Pasadena

2:15-2:30 Break**2:30-3:45 Ethics & Technology: The Next Frontier**

How does the public lawyer advise their client on a subject of which they know little about? The use of innovative technology by governmental entities can make life and work more efficient, easy and even more exciting, but at what expense? The consideration of ethics and professional responsibility in advising clients on the use of technology is not an easy analysis. When technology, innovation, ethics and the practice of law converge, counselors' own ethical responsibilities are at issue. A public lawyer must be aware of laws governing competency as well as the required use of technology in the practice of law. This panel will have a roundtable discussion on technology, innovation, ethics and professional responsibility even when we don't know what that means.

- Moderators:
 - Kristen Steinke, Partner, Burke, Williams & Sorensen, City Attorney, City of Lemon Grove
 - Darren Ziegler, Best, Best & Krieger

- Panelists:
 - Brian Hofer, Chair & Executive Director for Secure Justice, Chair of Oakland's Privacy Commission
 - Irina Raicu, Internet Ethics Program Director, Markkula Center for Applied Ethics, Santa Clara University
 - Brian Pascal, Non-Residential Fellow, The Center for Internet and Society, Stanford Law School

4:00-5:00 Meet and Greet Reception

Join us after the conclusion of the program to meet attorneys from the Attorney Development and Succession Committee as well as attorneys who practice municipal and public law.