

Dave Ress, a veteran reporter at the *Daily Press* in Newport News, has been pressing the Office of Executive Secretary for more than a year to gain access to a database of court case records that would shed light on the way cases are concluded. Though the OES used to distribute the database, which also supports the court's online case-by-case search, but the office changed course in 2014, claiming the office wasn't subject to the Freedom of Information Act and insisting the data belonged to the clerks of court. Ress and the *Daily Press* filed a lawsuit to gain access to the database; the case is still pending.

Ben Schoenfeld, a "civic hacker" with Code for New River Valley, wrote a program to "scrape" the case data from the OES website.

DAVE RESS,
DAILY PRESS

BEN SCHOENFELD

JACK KENNEDY,
CLERK OF COURT FOR
WISE COUNTY AND THE
CITY OF NORTON

He couldn't get all of the database's data, but he got enough for Ress to analyze and discover troubling trends in the way race may affect a case's outcome.

Schoenfeld has also worked with reporters at *The Roanoke Times* to develop vacircuitcourtsearch.com, a site that simultaneously searches all localities for cases pending against an individual, a much quicker process than the one offered by the court system's locality-by-locality search.

Jack Kennedy, the Clerk of Court for Wise County and the City of Norton, was one of only a handful of court clerks to freely give Ress the data his locality sent to the OES for inclusion in the state database. Not only that, Kennedy pleaded with his fellow clerks, a majority of whom did not want to turn over the data through a FOIA request, to release the data because "the insights to be learned from the analytical measurements will benefit all parties wittingly or unwittingly." Kennedy has consistently been an early adopter of technology and methods to improve public access to the court case and other records maintained in the clerks' office.

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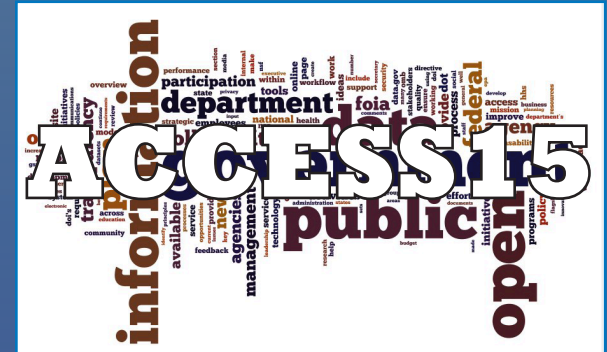


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The Virginia Coalition for Open Government Annual Conference

November 12, 2015
*Gari Melchers Home & Studio Pavilion
of the University of Mary Washington*



Speakers, Panelists & Moderators

- | | |
|---|--|
| Matt Chittum
<i>The Roanoke Times</i> | Jack Kennedy
<i>Wise County/City of Norton
Clerk of Court</i> |
| Steven Farnsworth
<i>University of Mary
Washington</i> | Alice Neff Lucan
<i>Attorney</i> |
| Alan Gernhardt
<i>Virginia Freedom of
Information Advisory Council</i> | Rob Pogenklass
<i>ACLU of Virginia</i> |
| Kevin Goldberg
<i>D.C. Open Government
Coalition</i> | Del. David Ramadan
<i>Dulles</i> |
| Adam Goldstein
<i>Student Press Law Center</i> | Jon Russell
<i>Town of Culpeper</i> |
| Eric Gregory
<i>King George County Attorney</i> | Ben Schoefeld
<i>Code for New River Valley</i> |
| Dick Hammerstrom
<i>Virginia Coalition for Open
Government</i> | Rees Shapiro
<i>The Washington Post</i> |
| John Jones
<i>Virginia Sheriffs Association</i> | Glenn Smith
<i>Library of Virginia</i> |
| | Corinna Zarek
<i>White House Science &
Technology Policy Office</i> |

10:00 - 10:15

Conference Registration

Gari Melchers Home & Studio Pavilion of the University of Mary Washington, 224 Washington St., Falmouth VA 22405

The agenda is very tight; some panels may run over

10:15 - 11:15

Data Collection, Body Cams and Privacy

From LPRs to drones to facial recognition to Stingrays, there are more and more ways for government to collect data on its citizens. And body cams capture data about police. Who has access to what, and what exactly is meant by "privacy."

Featuring: Kevin Goldberg, John Jones and Alice Neff Lucan (moderator)

11:15 - 11:45

Elections 2015

The off-year elections are over, leaving very little changed in the House of Delegates or Senate. But with the retirement of the two stalwarts of the powerful Senate Finance Committee, what might be ahead at the state level. Meanwhile, many local elections and school boards witnessed substantial turnover. What does it all mean for open government in the coming year.

Speaker: Professor Stephen Farnsworth

11:45 - 1:00

Lunchtime Program

Presentation of VCOG's open government awards.

VCOG's annual meeting, including appointment of new board members and renewal of some board member terms. (All VCOG members are eligible to vote.)

Keynote Speaker: Corinna Zarek on "Expanding open government collaboration among the federal, state and local levels"

1:00 - 2:00

Databases: Not Just a Virginia Supreme Court Problem

This panel will examine the problem many FOIA requesters face when asking for databases. From the headline grabbing lawsuit against the Virginia Supreme Court's Office of Executive Secretary, where that office has insisted it is not a custodian of a case information database, to anecdotes about barriers to access like format, fees and data queries. What potential do databases hold for business, media and citizens.

Featuring: Matt Chittum, Jack Kennedy (moderator), Rob Pogenklass and Ben Schoenfeld

coffee, tea and sweets will be available all afternoon

2:00 - 3:00

"Private" Emails and Texts

It took Hillary Clinton's use of a private email server at her home to drive home the point to many citizens that government officials frequent eschew a government email address or device in favor of their own Gmail account or personal smart phone. The law in Virginia says those records are still public records if they have to do with public business, but the reality is many of those messages are not properly managed and possibly not even searched in response to a FOIA request. What are the best practices for meeting one's obligations for records retention and FOIA and communicating in the modern world.

Featuring: Alan Gernhardt, Eric Gregory (moderator), Jon Russell and Glenn Smith

3:00 - 4:00

Getting Schooled on Access

We have frequently focused on the relationship between student journalists and the institutions of higher learning that they cover, but access to campus information goes beyond FOIA. How can the public and the press gain access to administrators, faculty and boards of visitors?

Featuring: Adam Goldstein, Dick Hammerstrom (moderator), Del. David Ramadan and T. Rees Shapiro

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