

GETTING PERSONAL ABOUT PERSONNEL RECORDS: PUBLIC RECORDS ACT UPDATE

38th Annual Civil Service Conference
Yakima, Washington

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This publication is for informational purposes only
and does not contain or convey legal advice.

Adoption of the Public Records Act – Ch. 42.56 RCW

- Adopted in 1972 under Initiative 276
 - Policy of open government
 - *“The people of this state do not yield their sovereignty to the agencies that serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may maintain control over the instruments that they have created.”*
- Liberal Interpretation
 - *“This chapter shall be liberally construed and its exemptions narrowly construed.”*

■ RCW 42.56.030

Agencies Must Make Public Records Available

- An agency must make available for public inspection and copying **all** public records, unless covered by a **specific** exemption.
 - RCW 42.56.070



Enforcement and Penalties

- Court can order statutory penalties be awarded to the requester (per day, per record)
 - And, even per page – *Wade's Eastside Gun Shop, Inc. v. Dep't of Labor & Indus.*, 185 Wn.2d 270 (2016)
- Court will order payment of requester's attorney's fees & costs
- Court can also order disclosure of all or part of withheld record, or non-disclosure of part or all of record
- Remember:
 - The PRA liberally construed; exemptions narrowly construed
 - The burden will fall on the agency to justify its conduct

Records Policies

- Required by RCW 42.56.040, .070
- Prominently display and make policy available
- Index of records
 - Not required if “unduly burdensome” to maintain
 - But, need a “formal order” explaining this (e.g., resolution)
- Include list of non-PRA exemptions that may apply
- Records retention policy

Do your policies need updating?

What is a “Public Record”?

- Broadly defined at RCW 42.56.010
- Three elements:
 - 1) “any **writing** . . . regardless of physical form or characteristics”
 - 2) “containing information **relating to the conduct of government** or the **performance of any governmental or proprietary function**”
 - 3) “**prepared, owned, used, or retained** by any state or local agency”
- Questions about whether something is a “public record” are usually about (2) or (3), not (1)
- Location of the record is not the test; public records can be located on personal devices, with third-party contractors, etc.

Responding to Public Records Requests

- Initial response – within **5 business days** (RCW 42.56.520)
 - Provide records, provide reasonable estimate of time, seek clarification, or deny
- Installments
- Exemption logs
 - Brief explanation of *how* exemptions apply to the record
 - Don't simply cite the statute

Responding to Public Records Requests

- Do not distinguish among requesters, except in rare instances where necessary (e.g., request by employee to view file)
- Purpose of request not generally not relevant
 - But, is the requester asking for a list of persons?
- No particular form of request is required
- “Overbroad” requests – agency cannot deny a request solely because it is overbroad (RCW 42.56.080)
- The Act covers requests for *records*, not information
 - But, consider whether to provide information anyway
- Provide the “fullest assistance” to requesters

Diligence: Hidden and Ambiguous Requests

- Comment cards at community forum
- Embedded requests otherwise irrelevant to the communication
- Even if it is ambiguous, treat as a records request
- Ask that oral requests be put in writing (or follow up in writing)
- [Forward all requests to designated Public Records Officer](#)

Can you see me?



Requests for Employment Records

- Who is the requesting party?
 - Employee or former employee?
 - Union?
 - Third party?
- Remember that the Public Records Act isn't the only source of duty to disclose employment records

Requests by Employees and Former Employees

- Employees and former employees have the right to review information in their personnel file and to challenge that information
 - RCW 49.12.240-.260; WAC 357-22-020
- Former employees retain the right of rebuttal or correction for up to two years
 - RCW 49.12.250

Requests by Union

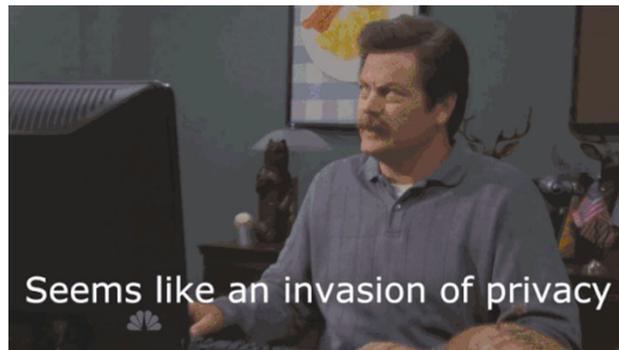
- Employer has general obligation to provide information needed by the bargaining representative for the proper performance of its duties
- Information about employees in the bargaining unit is presumptively relevant and must be provided
- Doesn't require a pending grievance
- “The contents of an employee’s personnel file unquestionably constitute relevant information as ‘intrinsic to the core of the employer-employee relationship’.”

Serv. Co. of New Mexico, 360 NLRB No. 45 (Mar. 27, 2014) (citing cases)

Requests by Others

- Evaluate PRA and “other statute” exemptions
 - Some are mandatory (release prohibited by law)
 - Some can be waived
- Notice to affected individuals
 - RCW 42.56.540; WAC 44-14-04003(11)
 - Optional, but must comply with contract or other law requiring notice
- No liability for loss or damage based upon release of a public record if acted in good faith in attempting to comply with the Public Records Act
 - RCW 42.56.060

Privacy Under the Public Records Act



Privacy Under the Public Records Act

- There is no general “privacy” exemption in the PRA
 - See WAC 44-14-6002(2)
- But, violation of the right to privacy is an essential element of certain exemptions
 - E.g., personal information maintained in employee file
- Always consider redaction

Privacy Under the Public Records Act

- What is a person’s right to privacy under the PRA?
- Generally, applies only to the intimate details of one’s personal and private life
- RCW 42.56.050:
 - (1) Highly offensive to a reasonable person and
 - (2) Not of legitimate concern to the public
- It is not enough that the disclosure may cause embarrassment to the individual or to others

Application Materials – RCW 42.56.250(2)

“All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant”

- Does it still apply after the person is hired?
 - Court of appeals has said “yes” – *Belenski v. Jefferson County*, 187 Wn. App. 724, 742-44 (Div. II, 2015)*
- Does it apply to applications for elective office?
 - No. HB 1537 (2019) amended statute.

*Reversed in part on other grounds, Supreme Court No. 92161-0, 2016 WL 4574356 (Sept. 1, 2016).

Application Materials – RCW 42.56.250(2)

“All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant”

- Polygraph reports qualify as exempt
 - But see *Sheats v. City of East Wenatchee*, 6 Wn. App. 2d 513 (2018) (polygraph report exempt, but peace officer could not enjoin dissemination to PRA requesters of redacted report disclosed as *Brady* material)
- Other exemptions may apply
 - Military records?

Employment Information Exemption – RCW 42.56.250

- Lists several pieces of exempt employee information, such as:
 - Test questions, scoring keys, and other examination data
 - Applications, resumes, and related materials
 - Addresses, telephone numbers, e-mail addresses, SSNs, driver's license numbers, emergency contact and dependent information
- Is not dependent on violating the employee's right to privacy
- Where is the information maintained (e.g., in personnel file)?

Performance Evaluations

- Performance evaluations may be protected
- Discuss instances of misconduct?
 - If yes, that information must be disclosed
 - If not, disclosure of evaluation is presumed highly offensive
- But, who is being evaluated?
 - Legitimate concern of the public?
 - Elected official?

Employee Disciplinary Records

- No right to privacy in the mere fact of investigation (as distinguished from the factual allegations)
 - *Predisik v. Spokane Sch. Dist. No. 81*, 182 Wn.2d 896 (2015)
- Depends on whether complaint substantiated or resulted in some sort of discipline
 - Substantiated / discipline → disclose
 - Unsubstantiated → personal info may be exempt if alleged misconduct highly offensive (e.g., sexual misconduct with a student)
- **New Legislation in 2019** – EHB 2020 expands protections regarding certain employment investigations

Personal Information Exemption – RCW 42.56.230

“Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy”

- What is “personal information”?
 - Information relating to or affecting a particular individual, associated with private concerns, or that is not public or general. *Bellevue John Does 1-11 v. Bellevue Sch. Dist. #405*, 164 Wn.2d 199 (2008)
- Must violate the employee’s right to privacy (highly offensive and not of legitimate concern to the public)

Health Care Information

- Public agencies generally not subject to HIPAA or Washington’s Health Care Information Act (Ch. 70.02 RCW)
- HIPAA’s privacy rules generally do not protect a person’s employment records, even if the information in those records is health-related
- Private rights of action
 - Cannot sue for privacy violation under HIPAA. *Webb v. Smart Document Solutions, LLC*, 499 F.3d 1078, 1082 (9th Cir. 2007).
 - HCIA allows private cause of action for noncompliance, but only against a “health care provider or facility.” RCW 70.02.170.

Health Care Information Exemption

- Public Records Act exemption incorporating Health Care Information Act. (RCW 42.56.360(2)).
- But only as to “health care information **of patients**”
- Employer-mandated evaluations likely don’t qualify
 - *Hines v. Todd Pac. Shipyards Corp.*, 127 Wn. App. 356 (2005)
 - Release of drug test result not a violation of HCIA – purpose was not health care or medical treatment; required as condition of employment after work injury

Health Care Information Exemption

1) Does the record contain health care information of a patient?

- E.g., is it a record from a doctor to support a disability claim?
- Yes? → withhold, or redact if appropriate

If redaction of identity enough, must do that instead.

Prison Legal News, Inc. v. Dep't of Corr., 154 Wn.2d 628, 645 (2005);
see also RCW 42.56.210(1)

- No? → consider other exemptions, such as . . .

Health Care Information Exemption

2) Does the record contain information that would violate the employee's right to privacy if disclosed?

- Highly offensive to a reasonable person and
- Not of legitimate concern to the public

Seattle Firefighters Union Local No. 27 v. Hollister, 48 Wn. App. 129 (1987)

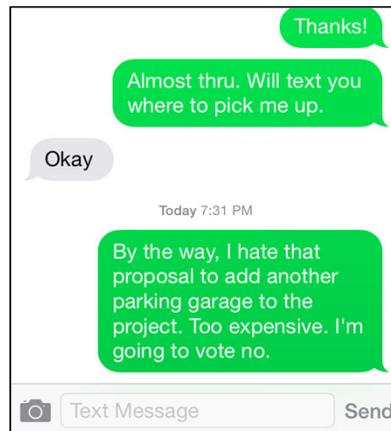
- PRA request for files of retired disabled firefighters and police officers held by Department of Retirement Systems
- Information pertaining to back injury, asthma, emphysema, ulcers, and possible arterial problems
- *“None of these are unpleasant, disgraceful, or humiliating illnesses. They are not the kinds of illnesses that would be highly offensive to reasonable people.”*

Technology: Separating Agency Business

- Problems arise when agency officials, employees use personal e-mail or electronic devices for agency business
- Can subject personal devices to search
 - “Government employees and public officials who conduct business on private computers cannot reasonably expect those records to be classified as private; business conducted in . . . official capacities is not the personal property of that employee and is not subject to protections afforded to private property.”
Paulson v. City of Bainbridge Island, Kitsap County Cause No. 13-2-01839-1 (Memorandum Opinion, November 1, 2013).
- Evolving area of law

Technology: Separating Agency Business

- Text messages can be public records
- *Nissen v. Pierce County*,
183 Wn.2d 863 (2015)
- Retention challenges



Technology: Manage Risk

- Dedicated e-mail accounts and devices for agency business
- Central servers and other electronic document sharing solutions
- E-mail, text, and telecommute policies
- Disable certain features on agency devices
- Be consistent in your practices
- Use the records retention schedules to your advantage
 - Common Records Retention Schedule (“CORE”)
<https://www.sos.wa.gov/archives/recordsmanagement/UsingtheLocalGovernmentCommonRecordsRetentionScheduleCORE.aspx>

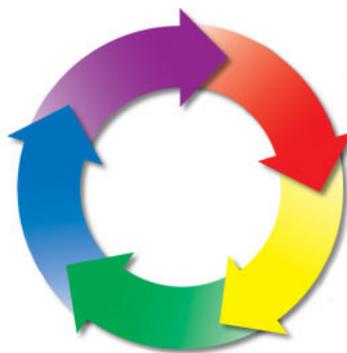
Closing Observations

- Employee files can present difficult judgment calls
- Privacy test standards evolve
 - What is “highly offensive to a reasonable person”?
 - What is of legitimate concern to the public?
- Court cases provide guidance (and reliance can lessen penalties if a violation), but are not necessarily determinative
- Public records issues are fact-specific
- Consider third-party notice
- Risk analysis

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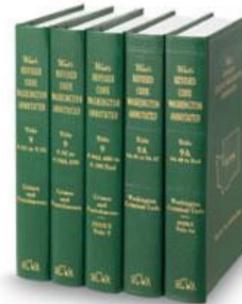
Records Life Cycle

- Create / Receive
- Use / Send
- File / Store
- Dispose
 - Archive
 - Destroy



Why Does This Matter?

- Chapter 40.14 RCW – Preservation and Destruction of Public Records
- Chapter 42.56 RCW – Public Records Act
 - *Agencies shall adopt and enforce reasonable rules and regulations ... to protect public records from damage or disorganization.... (RCW 42.56.100)*



Why Does This Matter?

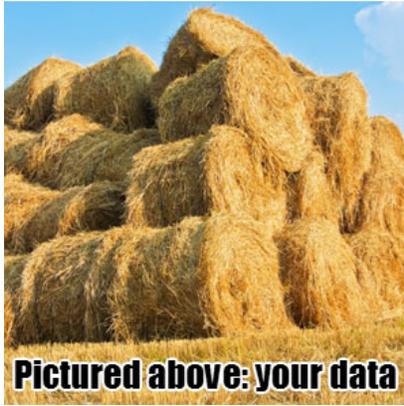
- **RCW 40.16.010**

Every person who shall willfully and unlawfully remove, alter, mutilate, destroy, conceal, or obliterate a record, map, book, paper, document, or other thing filed or deposited in a public office, or with any public officer, by authority of law, is guilty of a class C felony and shall be punished by imprisonment in a state correctional facility for not more than five years, or by a fine of not more than one thousand dollars, or by both.



Why Does This Matter?

Organization = Efficiency



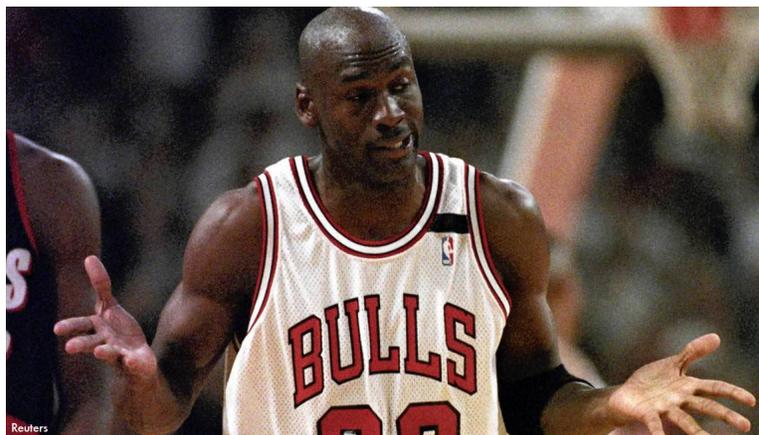
Credit: <http://info.prelert.com/blog/the-secrets-to-successful-data-mining>



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Why Does This Matter?



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Why Does This Matter?

- It costs a lot of money!
 - Storage
 - Time spent looking for records
 - Public records requests
 - Litigation
 - Review time



Would You Let Your House Look Like This?



How Did This Happen?

- Technology shifted responsibility to you
- No tools or training up front to teach us how to manage our electronic records
- Relatively easy to ignore

Yes, It's Overwhelming



Tips For Getting A Grip

- Set yourself up for a better future
 - Limit creation of unnecessary records
 - Adopt policies
 - Find an organization system that works for you
 - Train (and train again)
 - Enforce
 - Records management is everybody's responsibility
- Know what you can delete

Records Retention Schedules



Washington State Archives
Office of the Secretary of State

*Public Hospital Districts Records Retention Schedule
Version 5.0 – March 31, 2011*

1. AGENCY MANAGEMENT

The function relating to the overarching management of the local government agency and its general administration, where not covered by CORE. Also includes managing the agency's interaction with its community, and legal matters.

See CORE's **AGENCY MANAGEMENT** function for additional record series relating to general agency administration.

1.1 COMMUNITY RELATIONS

The activity of the local government agency interacting with its community.

ITEM NO.	DESCRIPTION OF RECORDS	DISPOSITION AUTHORITY NUMBER (DAN)	RETENTION AND DISPOSITION ACTION	DESIGNATION
1.1.1	<p>Patient Relations Records relating to the agency's interactions with patients or their representatives, such as inquiries, complaints, and grievances.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none"> • Inquiries/complaints/grievances received; • Documentation of agency response(s). <p>Excludes HIPAA-related complaints covered by HO2011-112.</p>	HO55-03V-04 Rev. 1	<p>Retain for 8 years after inquiry/complaint/grievance <i>then</i> Destroy.</p>	NON-ARCHIVAL NON-ESSENTIAL OFM

Records With Minimal Retention Value (Transitory)

- Most of your email falls in this category
- Unless covered by a more specific record series, generally retain until no longer needed for agency business and then destroy
- Common examples:
 - Copies (primary vs. secondary)
 - Informational messages (“I’m running late to the meeting”)
 - Publications/reference materials from external sources
 - Preliminary drafts (not needed as evidence of external consultation or due diligence in the drafting process)
 - Notices of social gatherings, traffic, weather, etc.

But, You Can’t Always Delete

- Litigation Hold
- Active Public Records Request
 - If a request is made for an existing record that is scheduled for destruction in the near future, the agency “*shall retain possession of the record, and may not destroy or erase the record until the request is resolved.*” (RCW 42.56.100)

Reminders About Electronic Records

- They're public records just like a paper record would be
- Metadata ("data about data")
 - You cannot properly preserve an electronic record by printing it
 - Moving, copying, forwarding, etc., changes the metadata
- Text messages
- Avoid use of personal devices for agency business

Tips For Getting A Grip

- Come to grips with your past
 - Inventory what you have
 - Don't bulk destroy – track and record (yes, I just told you to create more records)
 - Get rid of "ROT" (**R**edundant, **O**utdated, **T**rivial)
 - Make use of targeted searches
- Start organizing now
- Set aside time to organize the older stuff

Tips For Email Management

- Unsubscribe to lists that add junk to your inbox
- Don't overuse "reply all"
- Zero out your inbox and sent mail every day
 - If overwhelmed, create a "To File", "Backburner" or similar folder to help get things out of your inbox for now
 - Use folder systems that work for you – big buckets are o.k. and often preferable
- Send less email!

Resources

- Get help if you need it
- Contact the Washington State Archivist:
<https://www.sos.wa.gov/>
 - Training videos
 - Advice sheets and FAQs covering particular topics
 - Guidance specific to your agency
- Ask other public agencies what systems they are using

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SERVICES

Litigation & Dispute Resolution
 Airports
 Class Action Litigation
 Constitutional Law & Statutory Rights
 Eminent Domain & Inverse Condemnation
 Land Use, Planning & Zoning
 Municipal Government
 Ports (Chair)
 Public Records & Open Government
 Real Estate
 Senior & Affordable Housing
 Transportation

PRACTICE OVERVIEW

Adrian represents public and private clients in trial and appellate litigation, with a particular focus on real estate and municipal law. She is experienced in eminent domain and inverse condemnation matters and also advises her clients regarding the Public Records Act and Open Public Meetings Act, municipal government, and statutory, regulatory and constitutional law issues.

REPRESENTATIVE MATTERS – Appellate Decisions

- *Public Utility District No. 1 of Okanogan County v. State*, 182 Wn.2d 519 (2015): represent public utility district in affirming authority to condemn easements over State lands for transmission corridor project
- *Admasu v. Port of Seattle*, 185 Wn. App. 23 (2014), *review denied*, 183 Wn.2d 1009 (2015): represent municipal airport operator in dismissal of putative class action seeking damages and injunctive relief based on alleged inverse condemnation, nuisance and trespass caused by airport operations
- *McDonnell v. City and County of Denver*, 878 F.3d 1247 (10th Cir. 2018): represent Airports Council International – North America as amicus curiae in reversal of preliminary injunction on First Amendment challenge to airport permit policies governing protests and demonstrations
- *Lewington v. Parsons*, 193 Wn. App. 1044 (unpublished), *review denied*, 186 Wn.2d 1012 (2016): Represent property owner in obtaining a favorable decision on interpretation and application of neighborhood restrictive covenant
- *Vern F. Sims Family Ltd. Partnership v. City of Burlington*, 194 Wn. App. 1048 (2016) (unpublished): represent Northwest-based global retail developer in litigation regarding latecomer agreement for street improvement project, affirming dismissal of claims under LUPA
- *McCleary v. State of Washington*, 173 Wn.2d 477 (2012): represent petitioners in trial and appellate litigation to enforce State Constitution’s public education clause, including Washington Supreme Court enforcement and contempt proceedings

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OTHER REPRESENTATIVE MATTERS

- Represent port district in multiple matters involving claims of alleged inverse condemnation, nuisance and trespass caused by airport operations and overflights
- Represent private Seattle-based real estate developer, Northwest-based food and drug retailer, and other business and individual property owners in multiple condemnation actions related to Sound Transit's East Link and Lynnwood Link Extension Light Rail Projects
- Represent port district in dismissal of superior court litigation to vacate lease of cargo terminal, reversal of city interpretation and notice of violation of shoreline substantial development permit, and in responding to associated public records requests
- Represent and advise Class 1 railroad in matters involving quiet title, adverse possession, prescriptive easement, federal preemption, franchises and eminent domain
- Represent city in multiple condemnation matters for downtown flood improvement project and associated Public Records Act litigation
- Represent multiple cities in condemnation matters to acquire property rights for street improvement and recreational trail projects
- Represent major public institution in litigation under the Open Public Meetings Act
- Represent major public institution in condemnation of property necessary for campus expansion
- Represent housing authority in federal class action, settlement and settlement administration regarding public housing utility allowances
- Represent private developer in challenge of preliminary plat application and associated environmental impact statement under SEPA
- Represent property owner at trial court and appellate levels in successful action to quiet title to rights under easement
- Represent property owners in utility easement acquisitions by local energy utility
- Represent Northwest-based food and drug retailer in condemnation litigation concerning shopping center master lease and subleases
- Represent port district on matters involving use of airport property, FAA compliance issues and condemnation
- Advise public agencies regarding the development and adoption of policies for disclosure of public records and records retention; provide mandated training in open public meetings and public records; advise regarding responses to public records requests; and represent in litigation as needed

RECOGNITION

- Rising Star, Washington Super Lawyers list, 2014-2016

ACTIVITIES

- Washington Public Ports Association
- Association of Washington Housing Authorities
- Washington State Association of Municipal Attorneys
- Tacoma-Pierce County Bar Association
- Federal Bar Association
- Housing Justice Project, Volunteer Attorney, 2009 - 2011

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QUOTED

- "Judge Dismisses 237 of 291 Plaintiffs Suing Port Over Noise from New Runway," *Airport Noise Report*, Volume 25, Number 15, May 2013

PUBLICATIONS

- Foster Pepper's [Local Open Government Blog](#), Contributor
- Washington State Bar Association Public Records Act Deskbook: Washington's Public Disclosure and Open Public Meetings Laws, Author, Chapter 22 (Open Public Meetings Act), 2019 Supplement (publication pending)
- "[New FAA Drone Regulations Take Effect August 29, 2016: The New Rules and What They Could Mean for Industry](#)," Author, Foster Pepper News Alert, August 2016
- Washington State Bar Association Civil Procedure Deskbook, Author, Chapters 20 and 21, 2014 edition
- "[Court of Appeals Reaffirms Public Utility District Authority to Condemn State School Trust Lands](#)," Co-author, Foster Pepper News Alert, May 2013
- "[Court Enforces Avigation Easements, Dismisses Claims Based on Flights on Third Runway at Seattle-Tacoma International Airport](#)," Co-Author, Foster Pepper News, March 2013
- "[Court Denies Certification of Alleged Takings Class Action Based on Noise from Third Runway at Seattle-Tacoma International Airport](#)," Co-Author, Foster Pepper News, June 2012

PRESENTATIONS

- "[Condemnation: Particular Practices and Processes, Trends and Updates](#)," Speaker, Washington State Association of Municipal Attorneys 62nd Annual Spring Conference, April 2019
- "Open Government Update: Executive Session to Discuss Real Estate Transactions, Updating Your Policies, and New State Reporting Requirements," Speaker, Association of Washington Housing Authorities Spring Meeting, May 2018
- "*McDonnell v. City and County of Denver*: A Case Study on Regulating Speech in the Nonpublic Forum," Speaker, Washington State Association of Municipal Attorneys 61st Annual Spring Conference, May 2018
- "Executive Session to Discuss Real Estate Transactions: *Columbia Riverkeeper v. Port of Vancouver USA*," Speaker, Washington State Association of Municipal Attorneys 60th Annual Fall Conference, October 2017
- "Records Retention and Destruction: Electronic Records," Speaker, Washington Housing Authorities Accounting Professionals Annual Conference, September 2017
- "[Open Government Update](#)," Speaker, Washington Public Ports Association Spring Meeting, May 2017
- "Records Retention and Destruction: Why Records Management Matters and What to do About it," Speaker, Association of Washington Housing Authorities Spring Meeting, April 2017
- "*Telford* Issues: When is a Private Agency the Functional Equivalent of a Public Agency," Speaker, Law Seminars International, March 2017
- "[Aviation Legal Update: Policy on the Non-Aeronautical Use of Airport Hangars](#)," Speaker, Washington Public Ports Association Aviation Committee Fall Meeting, November 2016
- "[When Is It Too Personal?: Public Records Act Update on Personnel Records](#)," Speaker, 35th Annual Civil Service Conference, September 2016
- "[Open Government Update: Per Page Penalties, 'Commercial Purpose' Requests, and Other Developments](#)," Speaker, Washington Public Ports Association Spring Meeting, May 2016
- "Aviation Legal Trends: Proposed FAA Rules on Small Unmanned Aircraft Systems (Drones)," Speaker, Washington Public Ports Association Fall Aviation Committee Meeting, November 2015
- "Open Public Meetings Act Training," Speaker, Verdant Health Board of Commissioners Annual Retreat, June 2015

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- "[Lobbying Rules for Housing Authorities](#)," Speaker, Association of Washington Housing Authorities Spring Meeting, April 2015
- "Mandatory Reporting Requirements for Child Abuse," Speaker, Association of Washington Housing Authorities Winter Meeting, February 2015
- "Recent Legal Developments for Airports," Speaker, Washington Public Ports Association Fall Aviation Committee Meeting, December 2014
- "Public Records Act and Open Public Meetings Act Update," Speaker, Washington Public Ports Association Fall Legal Committee Meeting, December 2014
- "Next Up in *McCleary* and What It Means for Districts," Co-presenter, Washington State School Directors' Association Annual Conference, November 2014
- "Public Records Act Training," Co-presenter, Association of Washington Housing Authorities webinar, November 2014
- "[Getting Personal About Personnel Records: Public Records Act Update](#)," Speaker, 33rd Annual Civil Service Conference, September 2014
- "Open Public Meetings Act Training," Co-presenter, Association of Washington Housing Authorities webinar, August 2014
- "Recent Legal Developments for Airport Managers," Speaker, Washington Airport Management Association 2014 Conference, May 2014
- "Public Records Act: Tenant and Employee Privacy," Speaker, Association of Washington Housing Authorities Spring Meeting, April 2014
- "Like a Good Neighbor - Planning For and Defending Airport Noise Claims," Speaker, Washington Public Ports Association Fall Aviation Committee Meeting, November 2013
- "Public Records Act: Key Lessons Learned (and Some Reminders)," Speaker, Washington Public Ports Association Continuing Legal Education Seminar: Environmental Compliance and Increased Public Scrutiny, November 2013
- "Like a Good Neighbor - Planning For and Defending Airport Noise Claims," Speaker, Washington Airport Management Association Spring Conference, May 2013

EXPERIENCE

- Foster Pepper PLLC
 - + Member, 2016-Present
 - + Associate, 2008-2015
- U.S. District Court (Beaumont, TX), Law Clerk to the Hon. Marcia A. Crone, 2006-2008
- U.S. District Court (Eugene, OR) Extern to the Hon. Ann L. Aiken, January 2006-May 2006
- Stevens, Baldo, Freeman & Lighty, L.L.P. (Beaumont, TX), Summer Associate, 2004-2005

BAR ADMISSIONS

- Washington, 2006

EDUCATION

- J.D., University of Oregon School of Law, 2006
 - + Order of the Coif
 - + Managing Editor, Oregon Law Review
 - + Teaching Assistant, Legal Research & Writing Program
 - + Business Officer, Moot Court Board

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- + ABA National Appellate Advocacy Competition
- B.A., University of Washington, 2003
- + Phi Beta Kappa Honor Society