

Prak and Coble Speak on Openness in Government

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Brooks Pierce partners Mark Prak and Charles Coble updated Sunshine Day attendees on government transparency, saying that threats to openness in government in North Carolina remain. Coble, editor of the newsroom law blog, discussed the changes the state has made in the past few years to address openness, stressing there's still a ways to go.

Prak and Coble presented at the North Carolina Open Government Coalition Sunshine Day event on March 16 at the new International Civil Rights Center & Museum in downtown Greensboro, NC.

"Government should open transparency," Coble said. "This function is something that traces all the way back to Thomas Jefferson. It is an important principle that in some ways is under assault."

Coble referencing a New York Times article saying it costs smaller news organizations too much money to fight for withheld public records or closed access to public meetings or courts.

"What they found was while certain large national organizations (were) involved in record number of fights these days, when they looked to smaller, regional and local organizations the number of lawsuits or litigations were dwindling," he said. "The primary reason for that was the cost associated with waging these fights."

Spending money to pressure government agencies for records is near impossible.

"(Organizations) stonewall public records requests on the basis that newspapers don't have the money to fight it," Coble said.

This underscores the need for a cost-recovery mechanism, Coble said. He advocated a framework that would allow newspapers to recover some of the losses they acquire from trying to get access to open records.

North Carolina is also an outlier when it comes to personnel file exemption, which causes some public records to be hidden and exempted from public access.

"Ohio and Florida," Coble said, "have no exemption whatsoever."

Brooks Pierce partner Mark Prak, a North Carolina Open Government Coalition board member, praised Gov. Beverly Perdue for putting up a good fight for openness. Prak specifically referenced a bill she vetoed that would have kept certain legislation from public record.

“She’s got the right perspective on this issue,” Prak said.

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Mark J. Prak