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Ready, Aim, Fire: Employing Open Records Acts As Another Weapon Against Public Law School Clinics

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?Information is the oxygen of democracy.? Indeed, transparency in government is the essence of any democratic system - without it, corruption is free to thrive in secrecy. Therefore, it is essential to provide the citizenry with freedom of information as it allows one to not only properly scrutinize his or her government's actions, but to participate in an ?informed debate of those actions.? The legal demand for readily available information through open records and freedom of information acts is an evolutionary product of the ?bureaucratic complexities of the early twentieth century.? During this time, government entities began to implement increasingly intensive systems of record-keeping. However, as government transactions grew more personal in nature, the public demanded an increased level of transparency and record access. Once modern technology allowed for government entities to efficiently comply with information requests, both the United States federal government and all fifty state governments enacted information access and open record legislation. In 1966, the federal government passed the Freedom of Information Act (?FOIA?), which ?provides a right of access to the public of government records.? Although many states modeled their public record laws after FOIA, no state laws are completely identical and thus may be subject to various interpretations by different courts.

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