

Sedgwick_{LLP}

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October 26, 2011

Sylvia Lankford
FOIA Team Leader
Information and Records Division
Office of Management Services
USAID
1300 Pennsylvania Ave., NW
Washington, DC 20523

Re: Letter of Support for Journalist Tracey Eaton

Dear Ms. Lankford:

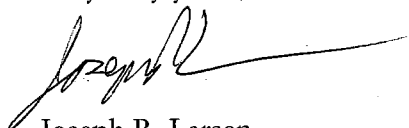
I write this letter of support for Tracey Eaton with regard to his classification as a journalist in connection with his FOIA requests to your office (see copy of your letter attached hereto for reference).

I am a media lawyer based in Houston, Texas¹ where I have represented Hearst media properties including the *Houston Chronicle*, the *San Antonio Express-News*, and *The Beaumont Enterprise*. I worked with Mr. Eaton over several years while he was the metro editor at the *Houston Chronicle*. I know him to be a journalist of long standing and excellent reputation and found him to be in the top drawer as an editor. I strongly urge USAID to classify Mr. Eaton as a journalist. He has already published some of his findings based upon the FOIA requests that he has made to USAID, and it is certain that he will continue to do so.

Particularly in this era of extreme economic pressure on news media, increasing reliance on freelance reporters as opposed to staff writers, and the virtual impossibility of distinguishing between a "blogger" and other journalists, USAID should be at the forefront of the recognition of that today's journalists are often not staff reporters for a major outlet, but freelance journalists with the time and tenacity to follow issues in the public interest and to report on them.

Please classify Mr. Tracey Eaton as a journalist for purposes of his FOIA requests to USAID.

Very truly yours,



Joseph R. Larsen
Sedgwick LLP

¹ I have attached a copy of my CV.



USAID
FROM THE AMERICAN PEOPLE

October 20, 2011

Mr. Tracey Eaton
138 Laramie Drive
Palm Coast, FL 32137

Dear Mr. Eaton:

USAID's FOIA office is in receipt of approximately 70 requests from you concerning the Cuba program. You have requested the contract, any attachments, and project proposal submitted by DAI/Nathan, Grupo de Apoyo a la Democracia, Cuba Online, Free Cuba, International Republican Institute, National Democratic Institute, Freedom House, and Pan American Development.

Your letter states that you are a freelance reporter working on a journalism project for the non-profit Pulitzer Center. A contract with a news media entity would provide a solid basis for expectation of publication. In order to determine your fee category, we need the following information from you:

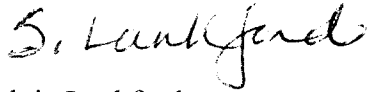
1. A copy of a current contract with a news media entity;
2. Copies of your most recent articles (written within the last three years);
3. Will you use your editorial skills to create new content based on the material gathered to distribute to an audience?

From the nature of your request, we anticipate the need to send submitter notifications to the companies awarded the contracts and proposals. We will afford them an opportunity to provide their arguments concerning the release or withholding of the document(s). We will contact you when this notification is sent.

Some of your requests did not specify a contract number. Our system is set up to search for contracts by number. Would you please provide the missing numbers?

Please respond in writing to our request for additional information regarding fee category and contract numbers **by October 25**. You may fax your response to (202) 216-3070 or e-mail it to me at slankford@usaid.gov. We will hold your requests until we hear from you.

Sincerely,

A handwritten signature in cursive script that reads "S. Lankford".

Sylvia Lankford
FOIA Team Leader
Information and Records Division
Office of Management Services

Joseph R. Larsen

Special Counsel
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Houston, Texas 77002
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Media, Entertainment & Sports Law
Commercial Practices
Creditor's Rights & Bankruptcy
Insurance Practices

Curriculum Vitae

Legal Professional History

- 2008 – Present Sedgwick LLP; Attorney focusing practice on media law and general and commercial litigation and bankruptcy; experienced in both insurance coverage disputes and insurance defense.
- 1994 – 2008 Ogden, Gibson, Broocks & Longoria LLP; Attorney with practice in media law, commercial litigation and bankruptcy, insurance coverage and defense.
- 1994-1995 Liddell, Sapp, Zivley, Hill & LaBoon LLP; Attorney with practice in commercial litigation and bankruptcy, insurance coverage and defense.

Educational History

- 1990 JD, University of Houston School of Law
Cum Laude; graduated top 10%; GPA 3.22
Member Houston Law Review; Research Editor
Member Order of the Coif
- 1990 MBA, University of Houston Business School (joint program)
Cum Laude
GPA 3.81
- 1982 BBA, University of North Dakota
Magna Cum Laude
GPA 3.51

Affiliations, Activities and Accomplishments

Recipient of 2010 James Madison Award

Board Member and Chair of Review Committee--Freedom of Information Foundation of Texas.

Admitted to practice in both Texas and Louisiana.

Joseph R. Larsen

Reported Cases

- *Gaines v. Kelly*, 235 S.W.3d 179 (Tex. 2007)
- *In re Texas Senate*, 36 S.W.3d 119 (Tex. 2000)
- *Hearst Newspaper Partnership, L.P. v. Macias*, 283 S.W.3d 8 (Tex. App.—San Antonio 2009, no pet.)
- *In re BP Products North America, Inc.* --- S.W.3d ----, 2006 WL 3230760 (Tex. App.—Houston [1st Dist.] 2006, no pet.)
- *Brown v. Lanier Worldwide, Inc.*, 124 S.W.3d 883 (Tex. App.--Houston [14 Dist.] 2004, no pet.)
- *The Baytown Sun v. City of Mont Belvieu*, 145 S.W.3d 268 (Tex. App.--Houston [14 Dist.] 2004, no pet.)

Publications

- Co-author, *Tort Trial & Insurance Practice Law Journal*, Winter 2011.
- Co-author, *Tort Trial & Insurance Practice Law Journal*, Winter 2010.
- Author “Sign O’ the Times: DMCA Battle Over Good Faith vs. Fair Use of Prince Song” *ABA/TIPS Media, Privacy and Defamation Law Committee Newsletter*, Winter/Spring 2009.
- “Attorneys’ Fees Under the Texas Public Information Act” *ABA/TIPS Media, Privacy and Defamation Law Committee Newsletter*, Winter/Spring 2009.
- “The Texas Free Flow of Information Act,” Speaker, Society of Professional Journalists, Houston Chapter, March 13, 2009.
- Author, “Sign O’ the Times: DMCA Battle Over Good Faith vs. Fair Use of Prince Song,” *Sedgwick’s Media Law Bulletin*, March 2009
- Author, “Attorneys’ Fees Under the Texas Public Information Act,” *Media, Privacy and Defamation Law Committee Newsletter*, January 2009
- Author, “The Texas Public Information Act and Bioresearch: Application and Implications,” for the “Congressionally-Directed Homeland Defense and Civil Support Threat Information Collection” November 2007
- Author, “Texas Open Meetings Bill Falls Short of the Mark,” *American Bar Association Media, Defamation and Privacy Newsletter*, Spring Edition, 2004

Speeches/Panels/CLE

- “Have Social Media Wrecked Traditional Venue Law,” Panel Member, Reynolds National Center for the Courts and Media Regional Conference, South Texas College of Law, Houston, Texas, January 26, 2011

Joseph R. Larsen

- “Citizens United and Corporate Speech,” Panel Member, Austin College Law Symposium, Sherman, Texas, February 3, 2011
- Moderator for teleseminar panel: “Hot Topics in Media Law: Recent Developments in Defamation, Privacy and the Internet” sponsored by Media, Privacy and Defamation Law Committee, January 25, 2011
- Co-presented full day CLE/Certification seminar on the Texas Public Information Act and Texas Open Meeting Act in Galveston, Texas on June 18, 2010
- “The Public's Business -- In Private Hands,” Panel Moderator, State Conference for Freedom of Information Foundation of Texas, October 24, 2008
- “How to Win FOI Fights,” Panelist, 2008 NICAR Conference, Houston, Texas, March 1, 2008
- “Access to Government Records,” Speaker, ACLU of Texas, Houston, Texas, February 19, 2008
- “Texas Public Information Act,” Speaker, Certified Fraud Examiners, Houston, Texas, January 8, 2008
- “State Open Government Law and Practice in a Post 9/11 World,” Speaker, National Press Club, Washington, D.C., November 14, 2007
- “Showcase Panel, Legal Assaults on the Press and Battling Back,” Speaker, National IRE Conference, Fort Worth, Texas, June 16, 2006
- “Brownbag with Media Lawyers,” Speaker, National IRE Conference, Fort Worth, Texas, June 16, 2006
- “State Bar Convention – Open Government,” Panelist, Texas State Bar, June 15, 2006

Speeches/Panels/CLE (cont.)

- “To Shield or Not to Shield: Where is Texas Law?” Speaker, HBA Law and Media Seminar, Houston, Texas, February 25, 2006
- “How to Write a Good FOI Request,” Speaker, South Houston Concerned Citizen’s Group, Houston, Texas, July 21, 2005
- “Texas Public Information Act,” Speaker, Houston Property Rights Association, Houston, Texas, April 1, 2005
- Texas Municipal League, Annual Conference, February 7, 2004

Other Seminars

Joseph R. Larsen

Texas Municipal League, Open Government seminar, September 26, 2005

Texas Municipal League, Open Government seminar, March 24, 2006

Texas Municipal League, Open Government seminar, June 2, 2006

Open Government Seminars (with Attorney General's Office)

2002 - Tyler, 08/09

2004 - Harlingen, 06/04

2006 - Harlingen, 03/14

El Paso, 04/18

Amarillo, 06/09

Tyler, 10/20

2007 - Houston, 10/18

2008 - San Antonio, 4/10

Responsible Rights Seminars (Freedom on Information Foundation of Texas)

2002 - Lubbock, 06/06

2003 - Denison, 09/29

Abilene, 10/09

2005 - Corpus Christi, 07/26