

Timeline
City Council Email Public Records Case
December 2008-July 2009

- December** Lawyer Tracie Washington requests City Council emails from City Sanitation Director (Council not made aware)
- December** City Sanitation Director, working with City Technology Director, retrieves City Council emails (Council not made aware)
- December** City Council emails are turned over by Sanitation Director to Tracie Washington without review. (Council not made aware)
- February 19** City Council first learns of Tracie Washington's public records request
- March** City Council finds out that Sanitation Director turned over its emails to Tracie Washington. City Attorney confirms.
- March** City Council investigates Council emails sent to Tracie Washington by Sanitation Director without review by the City Attorney
- March 4** After Tracie Washington refuses to return Council emails for appropriate review, at the request of the City Council, a temporary restraining order prohibiting release of Council emails by Tracie Washington is granted by Orleans Civil District Judge Lloyd Medley. A hearing date on the matter is set for March 12, 2009.
- March 12** Civil District Court Judge Lloyd Medley orders emails in the possession of Tracie Washington turned over to the Court. During the Court hearing, the Council's Legal Counsel presents oral argument and affidavits from Councilmembers, a former City Attorney and lawyers currently representing the City Council to support the Council's position. The City Council's Legal Counsel argues that the release of these emails may constitute a serious breach of legal rights and protections afforded the City Council, its constituents and the City of New Orleans. A Representative of the current City Attorney's office makes oral argument in support of the City Council's position.
- March 20** City Council authorizes action to expedite responses to public records requests, further enhancing accountability to the public. Council consults with technology information management professional to streamline release of records to the public.

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- April 17** City Attorney informs City Council Legal Counsel that it intends to release 440,000 (2.5 million pages) City Council emails to others who have made public records requests at the close of business Tuesday April 21, 2009. The City Attorney by letter states that the City Council will have 24 hours to review the emails beginning at 9 a.m. on April 20, 2009.
- April 17** City Council Legal Counsel responds by requesting that the City Attorney give the City Council a reasonable opportunity to review the emails and to remove any attorney-client privileged or otherwise confidential matters.
- April 18** Because the City Attorney refuses to agree to the Council's request, City Council Legal Counsel obtains a temporary restraining order prohibiting the City Attorney's release of the emails. A hearing date on the matter is set for May 6, 2009.
- April 21** With 24-hour notice, the City Attorney delivers to the City Council more than 400,000 emails comprising over 2 million pages. Upon receipt of the emails, the Council's Special Legal Counsel working with a technology expert begins the development of a rolling system to separate and catalog the emails and remove computer viruses. Using word searches and manual review, Special Legal Counsel begins to review and redact privileged and confidential constituent information from a portion of the emails.
- May 6** Court prohibits City Attorney's public release of Council emails until its Legal Counsel conducts privilege and confidential information review. Orleans Parish Civil District Court Judge Madeleine Landrieu rules that the New Orleans City Council is the custodian of its emails and that it can review the emails for privileged and confidential information prior to responding to public record requests.
- May 12** The Fourth Circuit Court of Appeal overrules Orleans Civil District Court and allows City Councilmember emails in possession of lawyer Tracie Washington to be made public.
- May 13** The State Supreme Court halts City Councilmember email release by Tracie Washington. The Council's Special Counsel files an application with the Louisiana Supreme Court to stay proceedings in the Council's lawsuit against Tracie Washington and asks the Supreme Court to review the Fourth Circuit Court of Appeal's judgment.
- May 16** District "B" Councilmember Stacy Head announces she is reviewing her emails and will begin posting them for public view on her personal website beginning May 18, 2009.

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- May 19** City Council Vice-President, Councilmember-At-Large Arnie Fielkow announces he is reviewing and will begin posting his emails on the City Council's website on Friday, May 22, 2009.
- May 22** In response to recent Public Records Requests made to the Council, all Councilmembers begin posting emails on the Council's website, making available to the public three years of its emails. The Council with its staff and a team of lawyers, paralegals, technology and communications professionals, continue the task of reviewing more than two-million pages that total over 400,000 emails to ensure that email website postings are made on a rolling basis as quickly as possible.
- May 26** The City Council requests an Attorney General opinion on document production time and constituent privacy privilege requirements under the Louisiana Public Records Act. The Council's Special Counsel sends a letter to the State Attorney General James D. "Buddy" Caldwell.
- May 29** A unanimous decision of the State Supreme Court vacates the Fourth Circuit Court of Appeal judgment in the City Council versus Tracie Washington email case. The case is remanded back to the Court of Appeal for further proceedings. The Supreme Court rules that the Court of Appeal should not have considered Ms. Washington's First Amendment argument to make public non-privileged City Councilmember emails in her possession. The Court cites the longstanding jurisprudential rule of law in Louisiana that litigants cannot raise constitutional attacks on appeal unless they first raise them at the trial level. As a result, the Supreme Court found the Court of Appeal erred in ruling in Ms. Washington's favor.
- June 3** The City Council reaches out to remind citizens that some email communications with Councilmembers could be classified as public records and might be subject to release to the public at large by media outlets. The Council states that they do not want to discourage citizen electronic communication with Councilmembers - but only want the public to be aware that communications on these issues might not be protected.
- June 23** The City Council's Legal Counsel files a motion in Orleans Civil District Court asking the Court to limit the scope and define the areas of public records inquiries; protect citizens' privacy; and/or, as provided under the Louisiana Public Records Act, have public records requestors, not the public, pay the fees and costs associated with the review of 2.5 million pages of emails. The motion addresses public records requests made by a variety of media outlets and one private citizen.

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July 24 Orleans Civil District Court rules on motion in Council emails case, that the City Council has fulfilled its obligation to produce its emails in response to various public records requests, the privacy rights of citizens will remain protected, and there will be no public funds expended to pay for the public records requests at issue. The ruling resulted from a decision by the Times Picayune and other media outlets to withdraw their pending public records requests. Judge Madeleine Landrieu also ruled that radio station WBOK had waived its right to demand the City Council emails because no one from WBOK appeared in court to respond to the City Council's motion.