

Unanimous Decision of State Supreme Court
Vacates 4th Circuit Court of Appeal Judgment
In City Council versus Tracie Washington Email Case

News Release

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City Council](#)

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New Orleans, LA - May 29, 2009 - Today, in a unanimous decision, the Louisiana Supreme Court vacated the judgment of the Fourth Circuit Court of Appeal in the City Council versus Tracie Washington email case, remanding the case back to the Appeal Court for further proceedings consistent with today's Supreme Court ruling.

The Supreme Court ruled 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 cited 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.

According to the City Council's Special Counsel Steven J. Lane, the City Council maintains the position it has held since it first learned that Tracie Washington had obtained City Councilmember emails without the Council's knowledge in December 2008.

Lane said, "The Council has never had an issue with non-privileged or non-private constituent information being made public. The Council wants the opportunity to review the emails in order to protect private information of constituents and attorney client privileged information. We are hopeful that the Attorney General will give some guidance on the

issues of protecting private constituent information, and expediting and reducing the cost of the email review process."

Lane went on to say, the Council will continue to go through the time consuming and costly process of reviewing every email and making public as many emails as possible, as quickly as possible.

Mr. Lane is out of town on business and will be returning to New Orleans tomorrow.

Media calls are being referred to Steven J. Lane, Attorney and Managing Partner, Herman, Herman, Katz & Cotlar, (504) 680-0527, slane@hhkc.com.

New Orleans City Council

The New Orleans City Council is the legislative branch of New Orleans City government. The Council considers and enacts all local laws that govern the City of New Orleans. The Council also approves the operating and capital budgets for the City, as recommended by the mayor, and continually monitors revenues and expenditures for local government operations. The City Council is also the regulatory body for public utilities. It also reviews and has final say on many land use and zoning matters, as well as considers major economic development projects for the City. As a Board of Review for Orleans Parish, the Council examines appeals of property tax assessments for real estate taxes, and certifies tax rolls to the Louisiana Tax Commission. Other responsibilities of the Council include overseeing the operation of the public access television in Orleans Parish.

The City Council is comprised of five districts and two councilmembers-at-large. Council President and Councilmember-at-Large Jacquelyn Brechtel Clarkson; Council Vice-President and Councilmember-at-Large Arnie Fielkow; District "A" Councilmember Shelley Midura; District "B" Councilmember Stacy S. Head; District "C" Councilmember James Carter; District "D" Councilmember Cynthia Hedge-Morrell; and District "E" Councilmember Cynthia Willard-Lewis.