



NATIONAL LAWYERS GUILD

New York City Chapter

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U.S. JUDGE QUASHES NYC'S SUBPOENA SEEKING CLIENTS' EMAILS TO THE NATIONAL LAWYERS GUILD

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For Immediate Release

February 25, 2008 – New York - A federal judge has rejected the City of New York's bid to subpoena hundreds of emails to the New York City Chapter of the National Lawyers Guild (NLG-NYC) from clients who were arrested during the Republican National Convention (RNC) in 2004 regarding their arrests and detentions.

In an Order dated February 20, 2008, Magistrate Judge James C. Francis IV held that all of the 574 documents submitted to the Court for review were, without exception, **“protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine.** They reflect information provided to counsel in connection with the provision of legal advice or information collected by counsel in connection with anticipated or ongoing litigation.”

The NLG-NYC and its attorneys had attorney-client relationships with individuals and organizations predating the RNC by more than six months during which NLG-NYC attorneys prepared to represent those seeking demonstration/parade permits and people who would be arrested. The pre-RNC work took on added urgency when the City announced it was prepared to arrest as many as 1000 demonstrators per day. The NLG-NYC "Writ Squad" represented RNC arrestees in *habeas corpus* and contempt proceedings in 2004 and 2005, winning a \$231,200 settlement from the City.

The NLG-NYC is not a party to any of the civil cases brought by many of the 1,806 RNC arrestees. Nevertheless, it has been the target of three subpoenas from the City seeking RNC-related records.

According to NLG-NYC President Daniel L. Meyers: “The City has engaged in a pattern of harassment designed to make our clients pay for openly opposing, or daring to sue over, governmental misconduct, including targeting our organization by issuing grossly improper subpoenas such as the one the Court just quashed.”

The NLG-NYC vigorously opposed producing communications from its clients on the basis of attorney-client privilege. At oral argument on September 17, 2007, Judge Francis warned the City against embarking on a “fool’s errand” in trying to force the NLG-NYC to disclose clients’ communication.

As provided by law, the attorneys for the NLG-NYC will seek compensation from the City to be paid fees and costs for defending against its unwarranted – and failed - attempt to invade the sanctity of privileged communications between our clients and their attorneys.

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