

The Oregonian

Portland must stop charging excessive fees for simple public records searches, judge says

*By Everton Bailey Jr.
November 19, 2019*

A Multnomah County judge ruled Monday that Portland must stop charging excessive fees for routine email and document searches to fulfill public records requests. The city's current system for determining records search costs is unreasonable, she declared.

Circuit Court Judge Shelley D. Russell's order, first reported by The Mercury, stems from a lawsuit filed in September 2018 by attorney and activist Alan Kessler, who claimed the city overcharged him by requiring him to pay \$311.67 for metadata from emails between a member of Portland's Historic Landmarks Commission and four employees at the Bureau of Development Services.

Russell noted that the city often uses high-paid employees to conduct public records request searches, which can drive up the costs for the requester, and doesn't have a method to refund money to requesters when it overcharges them.

[\[Read the judge's order and opinion\]](#)

A trial held Nov. 4 and Nov. 5 resulted in Russell's ruling and her injunction against future high search charges. The city gave Kessler a \$52 refund on Halloween in acknowledgment it had overcharged him by overstating an employee's hourly pay.

Russell wrote that the city is also liable to pay Kessler's attorney fees.

The Oregonian/OregonLive reported extensively in 2018 about the police bureau's high-cost low-speed approach to helping the public access records.

"I think the public has a way better shot now at getting records at a reasonable price," Kessler said Tuesday. "All we wanted was for them to bring down the search fees for records requests."

Tracy Reeve, Portland City Attorney, said the city was "appreciative of Judge Russell's careful consideration of the issues."

"We are still evaluating the decision and determining our next steps," she said.

Kessler filed his records request to the city in August 2018, the city denied it a week later and he appealed to the county district attorney's office, which ordered the city to produce the records. The city then charged Kessler \$205.61, estimating it would take two hours for a technology services bureau to search through the email accounts and other record keeping services.

But the city overstated the hourly pay rate of the analyst who performed the search by about \$12. Furthermore, evidence shows the city billed Kessler for a 1.25 hour search, but the analyst recorded spending only one hour on the work.

The city billed Kessler for 30 minutes of a manager's time, however, while the manager actually spent 37 minutes conducting what the city describes as oversight and record keeping regarding the request.

The judge noted that the city adds a 39% surcharge to a staff member's hourly pay rate to account for pension, health care and vacation benefits.

The city calculated the analyst's compensation rate at \$78.15 an hour and the manager at \$91.92 an hour.

A city public records coordinator sent Kessler an additional bill for \$106.06 in September, saying the city had underestimated the number of emails covered by the request. The city gave Kessler the records at the end of September.

The city has never done a review of the fees charged by its technical services bureau for responding to public records requests, Russell said. The bureau spends less than 5% of its time on public records requests, and the manager testified that people who request records typically are charged the "worst case" estimate.

"If the estimate is low, the city sends a revised estimate with the increased costs," Russell wrote.

"The city does not have a mechanism in place to refund overcharging that results from high estimates," she wrote. Russell said the city is looking to hire someone at a lower paygrade to handle requests, with the intent of lowering costs for the city and requesters.

Charley Gee, a Portland-based personal injury attorney who represented Kessler in the case, said he believes the suit should have never gone to trial.

"As a taxpayer, I think it has to be kind of frustrating," Gee said. "The city has salaried lawyers making a lot of money and they were willing to take this all the way to trial just because they didn't want to admit that their system is broken and flawed."

"At any point they could have just fix the overall issues that we raised, like we were asking them to, but they just weren't interested."

Willamette Week

City Hall Hears Divergent Views on How to Change Portland's Approach to Neighborhood Associations

By Rachel Monahan

November 8, 2019

After a contentious fight over the future of neighborhood associations, City Commissioner Chloe Eudaly has delayed definitive action from council. But city groups still in conflict over how long the delay on a change should be.

City Commissioner Chloe Eudaly earlier this fall walked back a proposal to change the city's code on neighborhood associations, delaying any decision until it's clear what the change might mean in practice—specifically, how the city's various bureaus get input from Portland residents and what groups they might turn to.

But at a hearing on Thursday night, Portlanders continued to offer conflicting perspectives on changes to the neighborhood associations, including proposals for how long the delay on changes should be, as well differing accounts of what's at stake.

Eudaly announced a delay earlier this month, offering that she would propose a "3-year extension" for district coalition offices that support to neighborhood associations "to thoughtfully examine the current structure and work with the community to develop recommendations for improvements to better serve all Portlanders." (Those contracts are set to expire in June.)

At the same time, city bureaus will meet to determine civic engagement going forward, assuming the resolution is approved. A recommendation on that would be due in November 2020.

Eudaly faced backlash over the proposed change to city codes, which give neighborhood associations official status in Portland as civic groups to which the city is accountable. Eudaly says the changes were designed to reflect a more inclusive approach while neighborhood associations accused her of trying to eliminate them.

After Eudaly's fellow commissioners declined to support the changes she proposed, she initially threatened them via email, WW reported.

People supporting the continued importance of neighborhood associations have proposed a five-year extension of the contract for coalition offices, effectively kicking the can down the road till 2025.

"What's at stake here is the livability and quality of life in Portland's residential neighborhoods," testified Terry Parker, who identified himself as a fourth-generation Portlander, and who serves on the Rose City Park Neighborhood Association.

"Civic engagement must not come just from special interests, take place in closed-door back rooms or become a hand-picked administrative task under the control of a czar-like bureau director. Transparency is paramount," he added.

Those who supported Eudaly's efforts, on the other hand, requested just a one-year extension to the proposal, citing an amendment put forward by the Coalition for Communities of Color.

"If I'm fully candid, I don't believe this resolution goes far enough to level the playing field between the largely affluent, largely white property owners who have run our city for generations and the vibrantly diverse communities of color immigrants, tenants, and other middle-class, working-class marginalized people who actually represent the vast majority of this city," said Henry Kraemer, a housing advocate.

"That some neighborhood association leaders see that equal treatment as an attack is the same tendency to horde power and access that make so many of us wary of their influence," he added.

City Council is expected to vote on a resolution next month which will direct the city bureaus to work together on a plan and determine how long the current neighborhood association system will be in place.

Past Portland Mayoral Candidates Set Campaign Spending Limits Far Lower Than Ted Wheeler's

*By Nigel Jaquiss
November 20, 2019*

Portlanders have favored candidates who set lower caps—with Wheeler a prominent exception.

Last week, Portland Mayor Ted Wheeler announced campaign contribution limits in his bid for re-election.

His announcement disappointed reformers, who hoped the incumbent would honor the \$500 limit on individual contributions voters approved for city races in 2018. (That measure is tied up in court.)

Instead, Wheeler said he'd cap contributions at \$5,000 from individuals and \$10,000 from organizations—limits far higher than previous mayoral candidates have set. His leading opponent, Sarah Iannarone, will cap contributions at \$500.

A recent history shows Portlanders have favored candidates who set lower caps—with Wheeler a prominent exception.

2004: Tom Potter limited contributions to \$25 in the primary and \$100 in the general election. He defeated Jim Francesconi, who imposed no limits.

2008: Sam Adams won while limiting individual contributions to \$500. His opponent, Sho Dozono, capped contributions at \$1,000.

2012: Charlie Hales limited contributions to \$600. Hales defeated Jefferson Smith, who capped contributions at \$1,000.

2016: Jules Bailey limited contributions to \$250. Wheeler, who did not cap contributions, won.

Popular Sneaker Shop Relocates From Chinatown to Portland's Ritzy West End—on the City's Dime

By Nigel Jaquiss
November 20, 2019

“My thought was, the city was supposed to be subsidizing parts of town that need subsidy, like Old Town.”

The soaring windows at 107 NW 5th Ave. in Old Town/Chinatown reveal only forlorn, empty floors where the retailer Compound Gallery operated until the end of October.

"After 18 years, we're making moves from Chinatown to downtown," reads a sign in the window.

For sneakerheads and trendsetters, Compound Gallery offered limited-edition shoes and cool streetwear, bringing fashion-conscious shoppers to a neighborhood that has struggled with boarded-up storefronts and street crime.

The store's departure from Old Town—and a subsidy from Prosper Portland, the city's economic development agency, to aid that move—has raised the hackles of nearby business owners.

"My thought was, the city was supposed to be subsidizing parts of town that need subsidy, like Old Town," says David Leiken, longtime owner of the Roseland Theater, a music venue a block from Compound Gallery's old space. "I don't know how you can say you are trying to help Old Town when you enable one of our flagship businesses to fly the coop."

The intersection of Northwest 5th Avenue and Couch Street was a bright spot in Old Town/Chinatown: The restaurant Mi Mero Mole thrives on the southeast corner, the boutique Upper Playground stands on the southwest corner, and the arcade Ground Kontrol once surrounded Compound Gallery on both sides.

Now, Compound Gallery operates in a temporary space on Southwest 10th Avenue as it awaits completion of a permanent home in new, subsidized, street-level retail space in the city-owned SmartPark building at Southwest 10th Avenue and Yamhill Street. The parking structure anchors the West End, a neighborhood that has seen a surge of new restaurants and shops, and hundreds

of millions of dollars in new residential development. Prosper Portland wants to add a half-dozen more retailers to that mix.

Compound Gallery owner Katsu Tanaka says he decided to move his business because his lease in Old Town was up and he was tired of crime in the neighborhood.

"Old Town was getting too dangerous," Tanaka says. "We had break-in and theft issues there."

Tanaka says he'll lease two spaces in the city building from Prosper Portland—1,300 feet for retailing new products and about 800 feet for a consignment space.

"They have been great to work with," he says of Prosper Portland.

Amy Nagy, a project coordinator for the city's economic development agency, confirms that Prosper is negotiating with Tanaka to fill some of the newly renovated, ground-floor retail space in the garage.

"We've been talking to them for a while," Nagy says.

Back in 2017, Prosper Portland announced that following renovations of the parking garage, the agency would actively market its 21,000 feet of retail space to businesses owned by women and people of color.

Nagy says the new storefronts, with improvements paid for by the city, are being offered to qualified tenants at a discount—undisclosed for now, until details are final—from market rents.

Prosper Portland changed its name and its focus a couple of years ago, shifting from a bottom-line emphasis on new development to "building an equitable economy," which includes targeting entrepreneurs of color, like Tanaka.

The agency must balance that equity work with attention to neighborhoods identified for urban renewal, such as Old Town/Chinatown. That can be difficult.

The city's involvement with Compound Gallery is frustrating to Old Town/Chinatown business owners, who see Compound Gallery's empty storefront as a metaphor for neglect by city officials. Leiken says the store brought foot traffic to the neighborhood, and he's sorry it's gone.

"On one hand, the city and Prosper Portland claim they are trying to bring business and people to Old Town, and yet they turn around and help enable one of the really successful stories in this area to move," says Leiken. "I think it's speaking out of both sides of your mouth."

David Gold, who was Compound Gallery's landlord, says Tanaka's move caught him by surprise.

"He was a pioneer of the street apparel movement in Old Town," Gold says. "Lots of others followed him in."

Gold's beef is not with Tanaka but with Prosper Portland.

"The West End is probably the hottest retail market in the city right now," Gold says. "They are building Ritz Carlton and lots of other projects there. Why the hell are tax dollars going to support that area?"

Such dissatisfaction extends to what the agency has failed to do in Old Town/Chinatown—such as find a solution for the vacant site adjacent to the Chinatown Gate at Northwest 4th Avenue and West Burnside Street that was formerly home to Cindy's Adult Bookstore and, later, the homeless camp Right 2 Dream Too.

Charles Mattouk, owner of Charlie's Deli at 22 NW 4th Ave., just north of the vacant lot, says since Prosper Portland moved Right 2 Dream Too in 2017, the space has been strewn with garbage and needles.

"Prosper is a horrible landlord," Mattouk says. "Having nothing there and no oversight from them is way worse than having Right 2 Dream."

Nagy says Prosper did not solicit Compound Gallery to leave Old Town. Rather, she says, Prosper merely executed the agency's strategy of helping to create a more equitable city.

"We aren't recruiting from one neighborhood to another," she says. "[Compound]'s lease was up."

She says the agency has been intentional, not only in its choice of prospective tenants but that those tenants fit into a concerted downtown retail strategy of luring shoppers to a mixture of national brands and unique, locally owned stores.

"The story is a success story," Nagy says. "How does the city provide great, beautiful space and promote people coming downtown?"

Jessie Burke, general manager of the Society Hotel at 203 NW 3rd Ave., questions why Prosper hasn't engaged in a strategy for Old Town/Chinatown similar to the marketing strategy for the 10th and Yamhill garage.

Burke says Prosper, which is headquartered in Old Town, seems disengaged from its own backyard, even though, she notes, there's plenty of money available—more than \$50 million in urban renewal funding for Old Town/Chinatown.

"There are a lot of businesses that could use their help in Old Town," Burke says. "But things keep happening where it feels like the cards are stacked against the neighborhood."

Emails Show Portland Businesses Wanted Homeless Meal Service Gone From a Downtown Park

*By Kelsey Harnisch
November 19, 2019*

Emails from parks employees and the Portland Business Alliance show references to Free Hot Soup's services as "feeds" or "the Feed."

Newly obtained emails show the city's crackdown on free meals in a downtown park, couched as a sanitation and regulatory measure, followed significant pressure from nearby businesses and trade associations.

In October, Portland Parks & Recreation told the volunteer group Free Hot Soup, which serves free meals five nights a week in Director Park, it would now need permits to continue providing meals.

The permits would require the group, which has been providing free meals for six years, to follow food-handling regulations, obtain liability insurance, and reduce service in Director Park to one night a week.

The city says the move will ensure charities provide food that is safe, that areas are kept clean, and that other members of the public have equal access to Portland parks.

However, emails WW obtained through public records requests show City Commissioner Nick Fish and the parks bureau, which he oversees, may be more focused on keeping downtown businesses happy than looking out for the homeless.

Here's what the emails show.

1. Businesses near Director Park threatened to leave.

- "We've seen a big increase in the homeless population on our corner and in the park in the last year, and we know it has increased security issues and, looking at declining sales, had a negative impact on our business," wrote Susan Bashel, an owner of Pastini restaurant adjacent to the park, in an email to Fish on April 24. "We have recently put a restaurant remodel there on hold, and are evaluating whether we should renew our lease there."
- Elephants Deli, in nearby Fox Tower, also reported issues before it closed its satellite location in Director Park. "Elephant's noted conflicts with a non-permitted nightly food sharing program—Free Hot Soup," read a Portland Parks & Recreation briefing document dated Feb. 7, 2018.

2. Travel Portland, which recently moved into a kiosk in Director Park, also complained about safety issues.

- "Their employees have been accosted a number of times to the point where they are carrying pepper spray during their shifts, and Travel Portland would like to find a way to help fix the safety concerns themselves," Fish aide Jamie Dunphy wrote to Todd Lofgren of the parks bureau on Aug. 15.
- "I just left you a message to see if you are available to meet tomorrow concerning the dangerous situation our employees and volunteers are encountering at the Visitors Center in Directors Park," Jeff Miller, president of Travel Portland, wrote to Dunphy on Aug. 19. "I am incredibly concerned."
- "I know you already understand what kind of behavior goes on in the park but this has been a shock for our employees and volunteers to encounter," Miller wrote to parks security manager Vicente Harrison on Aug. 20. "Frightening frankly."

3. Emails from parks employees and the Portland Business Alliance show a high level of coordination and references to Free Hot Soup's services as "feeds" or "the Feed."

- "My understanding is that there is a broader strategy still under development/review about dealing with feeds and other social services," Eileen Argentina of the parks bureau wrote to Lofgren on Jan. 9. "Is that likely to be the vehicle for addressing Free Hot Soup, to the extent that there is one?"
- "I believe we have a meeting scheduled to discuss our approach to address the 'Feed' at Director Park," parks director Adena Long wrote to staff on May 14.
- "Any chance you could send us over those draft rules on the feeds[?] We have our Central City Standing Committee coming in today," Jon Isaacs of PBA wrote to Fish's chief of staff Sonia Schmanski on Sept. 17. "We'd like to be able demonstrate the good work you and Commissioner Fish have been doing on this to that group."

Kaia Sand, executive director of the homeless advocacy group Street Roots, doesn't like the way meals were characterized. "I'm struck by how language such as 'dealing with feeds' sounds industrial, dehumanizing," she says. "People sharing food—housed and unhoused—in the heart of our city: Isn't that actually a beautifully aspirational vision?"

Schmanski says the new policy resulted in more than two years of consultation with stakeholders. She says Fish is committed to helping groups such as Free Hot Soup continue their work and that the proposed permits "grew out of bureau concerns regarding stewardship of our shared spaces, safety, and fair community access to our parks."

Court Rules Portland's Hefty Fees for Public Records Aren't Reasonable

*By Kelsey Harnisch
November 19, 2019*

Highly-paid employees are often used to conduct simple document searches for public records requests.

A Multnomah County Circuit Court Judge ruled this week in favor of attorney and activist Alan Kessler in his lawsuit against the City of Portland. Kessler sued the city in September for overcharging him for a public records request.

During the November trial, officials from city bureaus testified that highly-skilled, highly-paid employees are often used to conduct simple document searches for public records requests.

The Court ruled Monday that the City's method for calculating fees for a "routine email and document search" is not reasonable. The judge also ruled that the city is enjoined from charging hefty fees for routine email and document searches.

The city attorney's office said it's still digesting the decision. "We are currently reviewing [the opinion], but have not yet made any decision regarding the City's future steps," Chief Deputy City Attorney Karen Moynahan said in a statement.

"All Portlanders should be thrilled," Kessler said in a statement. "The decision should make our City's business far more accessible to the press and public."

The Portland Mercury

Mayoral Candidate Sarah Iannarone Releases Sweeping Public Safety Plan

*By Alex Zielinski
November 19, 2019*

Sarah Iannarone, an urban policy consultant and contender in Portland's 2020 mayoral election, released a list of her campaign's public safety priorities Tuesday morning.

The 11-page document is a mix of aspirational and concrete ideas on a broad range of local issues that intersect with law enforcement. The detailed document doesn't offer any big surprises, but does show how far Iannarone's willing to drift to the left of incumbent Ted Wheeler. We've plucked out some of the more notable suggestions—with added context—below. ([For the entire plan, click here.](#))

Direct leadership to "show up in times of conflict alongside our people" and encourage public participation in peaceful protests. This is a clear jab at Wheeler's absence from Portland's

headline-grabbing protests and Police Chief Danielle Outlaw's ask for Portlanders to not participate in an August 2019 protest. Iannarone adds that police officers should always intervene when a fight breaks out between protesters, and prioritize attendees' personal safety over deterring property destruction.

Establish a "zero-tolerance policy" for racist officers. "Police officers who have been found demonstrating racist or violent behavior have lost the trust of the public and shall be fired." Iannarone hints at the city's continued employment of PPB Capt. Mark Kruger, who was suspended for two weeks in 2010 after erecting a plaque to honor Nazi soldiers in a public park.

Abolish the Gun Violence Reduction Team. Iannarone echoes a 2018 city audit, which found that members of the GVRT (then the Gang Enforcement Team) disproportionately pulls over drivers of color. "While all gangs should be discouraged, it is clear that the police have been profiling people of color rather than individuals engaging in criminal activity," she writes.

Require that all new Portland Police Officers live in Portland. Last time we checked, only 18 percent of all PPB officers had an address with a Portland ZIP code. To ensure that all officers are "invested in the community they are policing," Iannarone proposes instituting a residency requirement for all new officers no later than 2024.

Ban facial recognition technology from public spaces. This is a nod to Commissioner Jo Ann Hardesty, who has begun hammering out a city policy that would bar the use of facial recognition cameras in public spaces.

Allow the public to offer aid to homeless Portlanders in public spaces. This is a clear reference to a new policy proposed by Portland Parks and Recreation, which limits social service groups' ability to serve food in public parks.

Direct police to stop prioritizing drug use as a crime. Instead, Iannarone writes, redirect police funds to public health programs (like clean needle exchanges and recovery programs) to help people who have a substance use disorder.

Remove armed police officers from schools. Currently, Portland Public Schools employs PPB officers as armed "School Resource Officers" (SROs), a position students, teachers, and police accountability activists had asked to abolish earlier this year. Despite their concerted campaign to defund the SRO program, Wheeler financed the SRO positions in the 2019-2020 city budget.

Decriminalize sex work. Iannarone suggests PPB stops enforcing the state law that criminalizes sex work, and instead focus on ending sex trafficking and sex abuse.

End all cooperation with the federal Joint Terrorism Task Force (JTTF). Portland City Council voted to remove its officers' direct participation in the JTTF in February, citing concerns that the program targeted minority and immigrant communities. PPB now interacts with JTTF on a case-by-case-basis. Iannarone's request goes a step further by severing all ties with JTTF projects in Portland.

Cancel the US Immigration and Custom Enforcement (ICE) lease at its Portland facility. This idea was initially explored by City Commissioner Chloe Eudaly during the 2018 protests at the ICE facility in Southwest Portland, but ultimately fizzled out.

Create a gun buyback program. Iannarone proposes paying gun owners to hand their firearms over to the city, "no questions asked."

Hire a non-police LGBTQ+ community liaison. "Many [LGBTQ+] community members don't feel safe contacting the police about safety issues," the proposal reads, citing the high rate of transgender and gender non-conforming victims to violent crimes.

End the city's involvement in homeless camp cleanups. Iannarone proposes placing a moratorium on the city's current system of routinely making Portlanders living outside relocate—a process that often results in lost property and arrest.

Erect more public restrooms throughout Portland. In Iannarone's words: "There is no good reason why there should be stagnant urine or feces in the streets of Portland." Wheeler has already earmarked funds to create public hygiene facilities where people can take showers, use the restroom, and wash up. Iannarone suggests expanding that plan to include temporary shelter beds and "critical services" on the premises.

Use the state funds allocated to expand I-5 in the Rose Quarter to make other state-owned streets safer for pedestrians. In response to the city's uptick in pedestrian deaths by people driving cars, Iannarone suggests funneling money meant for a plan to benefit vehicle traffic (at the expense of environmental protections) to improve streets operated by the Oregon Department of Transportation, like 82nd, Barbur, Lombard and Powell.

Portland Has Been Overcharging People for Public Records, Court Finds

*By Alex Zielinski
November 19, 2019*

A Multnomah County judge has ruled that the City of Portland's current method for calculating the cost of a public records search is "excessive" and "not reasonable."

In a Monday ruling, Circuit Court Judge Shelly Russell ordered the city to stop overcharging members of the public for routine requests for city emails or documents. Under state law, any member of the public can request these documents, and the city is obligated to turn them over in a timely fashion.

Her findings stem from a civil lawsuit filed by affordable housing advocate Alan Kessler in September 2018. Kessler had requested records of emails involving Wendy Chung, a member of the city's Historic Landmarks Commission whom Kessler suspected was wielding her power unethically.

The city initially denied Kessler's request, citing formatting issues, but his appeal to the Multnomah County District Attorney was upheld. In response, the city informed Kessler that his request would cost a steep \$205.61. So, he sued.

Public institutions are allowed to pre-charge members of the public who request records with a "reasonably calculated" fee to pay for staff time spent retrieving the documents.

According to court documents, the City of Portland estimates public record request costs by increasing an employee's hourly rate by 39 percent, and multiplying that by the hours that staffer worked on a specific request. In her ruling, Russell finds that the city overcharged Kessler for the recorded staff time spent on his request and unnecessarily assigned overqualified (and higher paid) staff to work his low-level request, resulting in a higher price tag.

"Based on the evidence presented by the city, the court finds the city did not meet its burden to show that the fees charged to plaintiff were reasonably calculated," Russell writes. She estimates that Kessler was overcharged by at least \$25.

But this is more than just a small, one-time miscalculation.

Russell points to testimony by city data analyst Paul Rothi who said that the city's records division routinely gives people a fee estimate based on a "worst case [scenario]" calculation—or, the highest conceivable price tag for the specific request. According to Russell, Rothi also confirmed that the city "currently has no mechanism" for refunding people who overpay for labor that ends up being less costly than initially estimated.

Russell's ruling orders the city to stop charging people excessive fees for routine records requests—and to stop assigning high-salaried staffers to work on them.

In an interview with the Mercury, Kessler said this lawsuit was never just about getting his small fees reimbursed.

"Being able to really dig in and understand why the city was charging so much money and how they were justifying it, that was my dream," Kessler says. "The fact that the court has agreed with my assessment... I'm thrilled."

Kessler expects the injunction on "excessive" costs will add a needed layer of oversight to the city's current records system, at least for the short-term.

It's one of several recent changes to the city's record-sharing system. The city pledged to improve its public record system earlier this year, with Mayor Ted Wheeler using budget funds to expand the Portland Police Bureau's records program and axing records fees for crime victims. In 2018, Portland collected a total of \$767,659 in fees associated with records requests. Sarah Iannarone, an urban policy consultant running for Wheeler's seat in 2020, has proposed a policy that would stick a \$20 flat fee on email search that captures fewer than 100 email documents.

"Hopefully," Kessler says, "this ruling is just the start."