



ON THE BALLOT

A Report from the Bureau
of Governmental Research

New Orleans City Attorney Charter Amendment

November 15, 2025

Orleans Parish



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INBRIEF:

New Orleans City Attorney Charter Amendment, November 15, 2025

OVERVIEW

On November 15, New Orleans voters will decide a proposed charter amendment to clarify that the City Attorney represents the entire City of New Orleans (City), and not just the mayor or the City Council. The council proposed the amendment to help ensure even-handedness in the City Attorney's dealings with both branches. This followed legal disputes with the mayor in which the council questioned the City Attorney's neutrality and independence. The mayor vetoed the proposed amendment, but the council unanimously overrode the veto to place it on the ballot.

If approved by voters, the charter amendment would take effect January 13, 2026. This is the first day in office for the next mayor and City Council.

BGR prepared this report to provide voters with an independent, nonpartisan analysis to help them make an informed decision. Because the charter is the City's constitution, the report analyzes whether the proposal would effectively address a clear problem or need, and whether it is necessary or desirable to change the charter to improve public outcomes.

WHAT WOULD THE CHARTER AMENDMENT DO?

Affirm that the City Attorney's principal client is the City as a whole, not just the mayor or the City Council.

Emphasize the City Attorney's duty to consult regularly with the mayor and the council on the City's legal affairs.

Add guidance on how the City Attorney should handle conflicts between the executive and legislative branches.

Give the council the option to block a mayor's firing of the City Attorney under certain circumstances.

This report is part of BGR's *On the Ballot* series, which provides voters with independent, nonpartisan analysis of significant ballot propositions in the New Orleans metropolitan area. In producing these reports, BGR recommends positions consistent with its mission of promoting informed public policy making and the effective use of public resources to improve local government. *On the Ballot* reports highlight the strengths and weaknesses of ballot propositions and assess the potential for government expenditures or actions to efficiently achieve beneficial outcomes for citizens.

REPORT HIGHLIGHTS

- **The City Attorney is the City's top lawyer, with duties to both the executive and legislative branches.** The mayor appoints an experienced, practicing attorney, subject to City Council confirmation. The mayor has broad authority to supervise and remove the City Attorney under the current charter. In New Orleans' "strong mayor" government, the City Attorney and the Law Department mainly support the executive branch, due to its responsibility for the daily operations of City government. However, the attorney's client is the City of New Orleans. The City Attorney advises both the mayor and the City Council.
- **The amendment would affirm that the City Attorney's client is the City.** It would drive home the City Attorney's obligation to act in the best interest of the City and its citizens. It would emphasize that the City Attorney must follow the Louisiana Supreme Court's ethical rules for lawyers. All of these principles currently apply to the City Attorney.
- **The amendment would add other guidance based on current ethical rules.** It would clarify how the City Attorney consults on legal matters with the mayor and council, exercises independent legal judgment on the City's behalf, and acts during interbranch conflicts. The goal is to make essential rules well known to future City officials, especially those who are not attorneys. By setting clearer expectations among the City Attorney, the mayor and the City Council, proponents say the amendment might improve how they handle the City's legal affairs.
- **The current mayor contends these proposed changes are unnecessary because they address matters that are already covered by the charter and existing ethical rules.**
- **In addition, the City Council would gain the option to block the mayor's firing of the City Attorney under certain circumstances.** This would take a supermajority vote (five of the seven council members). The council must find that the mayor removed the City Attorney "without valid cause." Or it must find that the mayor removed the City Attorney "for a reason inconsistent with the policy of independence" in the charter amendment.
- **The current mayor criticized this new council authority as overreach into executive authority over legal operations. However, proponents view the process as an important safeguard.** It would provide some protection against the City Attorney's termination for having exercised independent professional judgment. The City Attorney frequently works in gray areas of the law. At times, the attorney may need to deliver legal advice that the mayor may dislike.
- **BGR found two potential concerns with the objection process.** If the council blocks the firing, the City Attorney would likely return to a hostile work environment. And, if left undefined, the term "valid cause" invites competing interpretations by the mayor and the council. This could create further conflict between the two branches.
- **The charter amendment allows the council to adopt ordinances to address these potential concerns. However, the council has not yet proposed any such ordinances.** In the ordinance-making process, the mayor approves or vetoes what the council adopts. So, the mayor can participate in reaching a mutually acceptable approach. This is important because certain aspects of the process, such as the definition of valid cause, may affect the mayor's firing decision and explanation of the reasons for it. The ordinance could also provide a way for the council to give its advice and consent prior to the mayor's termination decision.

BGR POSITION

AGAINST. The proposed charter amendment is not necessary to achieve the desired goal of improving the working relationship between the City Attorney, the mayor and the City Council. It is clear from the current charter that the City Attorney and the Law Department represent the City as a whole, and not just the mayor or the council. The City Attorney also must advise both the mayor and the City Council and follow all other charter duties and ethical rules that the amendment seeks to affirm. From a practical standpoint, the amendment would provide greater cover for the City Attorney to give legal advice to both the executive and legislative branches of City government in a professional, neutral manner. But the same guiding principles for dealing with interbranch conflicts will apply even if they are not explicitly stated in the charter.

In addition, the council will be able to confirm the next mayor's choice for City Attorney after a public hearing at which the council can vet potential appointees. It can evaluate their understanding of the City Attorney's duties to the City, the mayor and the council under the current charter, as well as the ethical rules and how they would apply to the position. A successful candidate could be held accountable for a failure to act consistently with the answers given during the public confirmation process. This public vetting may be a more effective way of fostering the City Attorney's positive working relationship with both branches than the proposed charter amendment's process for allowing the council to block the mayor's firing of a City Attorney. That process is not clearly defined in the amendment and could lead to more interbranch conflicts.



INTRODUCTION

On November 15, New Orleans voters will decide a proposed charter amendment to clarify that the City Attorney represents the entire City of New Orleans (City), and not just the mayor or the City Council. The amendment would, among other things:

- Affirm that the City Attorney's principal client is the City as a whole.
- Emphasize the City Attorney's duty to consult regularly with the mayor and the City Council concerning the City's legal affairs. The attorney must attempt to represent the policies and interests of both branches of City government even-handedly and impartially.
- Add guidance on how the City Attorney should handle conflicts between the executive and legislative branches.
- Give the council the option to block a mayor's firing of the City Attorney under certain circumstances.

The New Orleans City Council proposed the charter amendment after several legal disputes with the mayor. Council members questioned the City Attorney's neutrality and independence from the mayor in some of those disputes.¹ The mayor vetoed the proposed amendment, calling it unnecessary and legislative overreach.² The council overrode the veto by a unanimous vote and called the election.³

If approved by voters, the charter amendment would take effect January 13, 2026. This is the first day in office for the next mayor and City Council.

The purpose of this report is to provide voters with an independent, nonpartisan analysis to help them make an informed decision. The report begins with an overview of the amendment. It then analyzes the necessity of the proposal and its potential effectiveness. The report concludes with BGR's position on the proposed amendment.

BACKGROUND

BASIC STRUCTURE OF CITY GOVERNMENT

New Orleans has a mayor-council form of government. It features an elected executive officer, the mayor, and an elected legislative body, the City Council. The two branches serve as checks on one another, but they also must collaborate to ensure the effective and efficient operation of City government.

Among mayor-council governments, New Orleans has a “strong mayor” format in which the mayor has substantial powers and responsibilities. The executive branch is vested with all executive and administrative powers of the City. The mayor carries out those powers with the assistance of a chief administrative officer (CAO). Among other things, the mayor:⁴

- Oversees the day-to-day operations of City government
- Enforces City ordinances
- Proposes operating and capital budgets to the City Council
- Appoints administrators
- Signs contracts
- Signs or vetoes ordinances adopted by the City Council

The council is vested with all legislative powers of the City.⁵ The council’s duties, in broad terms, include:

- Levying taxes and fees
- Enacting laws (ordinances)
- Adopting the City’s annual operating and capital budgets
- Regulating utilities
- Conducting investigations⁶

Thus, both branches regularly deal with legal matters affecting the City. However, the executive branch requires legal advice and assistance more frequently than the legislative branch. This flows from its responsibility for the daily operations of City government.

THE CITY ATTORNEY

The City charter – which is akin to a federal or state constitution – establishes the City Attorney as the head of the Law Department in the executive branch of City government.⁷ Under the current charter, as amended in 2022, the mayor appoints the City Attorney, subject to

confirmation by the City Council.⁸ The confirmation process includes a public hearing before the council at which potential appointees are questioned about their qualifications for the job.⁹ Before the 2022 amendment, the council did not have a formal role in the appointment process. The current City Attorney was appointed by the mayor before the new process took effect.

The City Attorney must:¹⁰

- Have been licensed to practice law in Louisiana for at least five years.
- Have actively practiced law in Louisiana for at least the past five years.
- Be domiciled in New Orleans and registered to vote there.

The mayor directly supervises the City Attorney and the Law Department. The mayor may remove the City Attorney at will.¹¹

Although the City Attorney and the Law Department are part of the executive branch, some of their duties under the current charter extend to the legislative branch, which is headed by the City Council.

The primary duties of the City Attorney and the Law Department, as stated in the charter, are:¹²

- Directing and supervising “the legal affairs of the City.”
- Providing legal advice “to the Mayor and Council when requested,” and when directed by the mayor to all officers, departments and boards concerning any matter “affecting the interests of the City.”
- Having charge of “all legal matters in which the City has an interest or to which the City is a party[.]” The Law Department may, “when directed by the Mayor or the Council,” institute and prosecute or intervene in lawsuits or other civil or criminal proceedings as may be deemed necessary “for the assertion or protection of the rights and interests of the City.”
- Preparing proposed ordinances “when requested by the Mayor or any member of the Council.”
- Preparing or approving the form and legality of City contracts, documents and other instruments creating obligations “affecting the City.”
- Performing “all other duties required by the Charter, the Mayor or the Council” that are not inconsistent with the Law Department’s functions.

THE PROPOSED CHARTER AMENDMENT

The November 15 proposition would not change any of the duties of the City Attorney and the Law Department that appear in the charter. Rather, it would more explicitly recognize the role of the City Attorney and the Law Department as independent legal counsel for the City. It would also clarify their relationship with the mayor and the council.

The amendment would add a new section to the Law Department's chapter in the City Charter. The provisions applying to the City Attorney would also apply to the professional staff of the Law Department. In summary, the charter amendment would affirm that:

- The City – not the mayor, the council or another entity – is the principal client of the City Attorney and the Law Department.
- The City Attorney must strictly adhere to ethical rules for lawyers representing institutional clients.
- The City Attorney must “consult regularly with the Mayor and the Council and attempt to represent the policies and interests of both branches even-handedly and impartially.”
- The City Attorney must exercise independent legal judgment and act in the City's best interest and in compliance with applicable law when faced



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with conflicting directives from the executive and legislative branches or an unlawful directive.

- The City Attorney cannot represent one branch in a court proceeding directly adverse to another branch without that branch's consent.

In addition, the charter amendment would authorize the City Council to:

- Pass ordinances to implement the new charter provisions, including rules regulating conflicts related to the City Attorney's representation.
- Prevent or overturn the mayor's removal of the City Attorney under certain circumstances, by a supermajority vote (five of its seven members). The council must find that the mayor removed the City Attorney “without valid cause.” Or it must find that the mayor removed the City Attorney “for a reason inconsistent with the policy of independence” in the charter amendment.

RULES OF PROFESSIONAL CONDUCT

Most of the proposed charter changes addressing the City Attorney's relationship with the City, the mayor and the council are based on the ethical rules for lawyers contained in Louisiana's Rules of Professional Conduct (Rules). The Rules are adopted by the Louisiana Supreme Court, which oversees the judicial branch of state government.¹³ Under the state constitution, the court has the inherent power to regulate the practice of law and the professional conduct of attorneys and their relationship with their clients and the courts.¹⁴

The ethical rules governing the professional conduct of attorneys, including the City Attorney and all lawyers in the Law Department, have the force and effect of law.¹⁵ State statutes or other legislative acts that affect the practice of law cannot supersede or supplant the Rules and will be upheld only if they do not conflict with them.¹⁶ Provisions in the City charter also would not supersede the Rules.¹⁷ Attorneys who violate the Rules can face disciplinary action and potential sanctions. These range from a private admonition for minor infractions to suspension of their law license or disbarment for more serious misconduct.¹⁸

The Rules embody certain fundamental ethical principles that apply to all attorneys, whether in the public or the private sector. Foremost among these are that the attorney-client relationship is one of mutual confidence and trust, and that the attorney must have an undivided loyalty to his or her client.¹⁹ These two principles are common themes in the proposed charter amendment.

ANALYSIS

The basic purpose of a city charter is to lay the foundation for municipal government.²⁰ Similar to a federal or state constitution, a city charter defines how government works at the local level. A well-structured charter is essential to establishing clear roles and responsibilities in City government. This affects public services and infrastructure, and public accountability

and transparency. Significant changes deserve careful consideration. For a proposed charter amendment, BGR conducts an independent analysis of whether the proposal would effectively address a clear problem or need, and whether it is necessary or desirable to change the charter to improve public outcomes.

Key Findings

- **The amendment would affirm that the City Attorney's client is the City.** It would drive home the City Attorney's obligation to act in the best interest of the City and its citizens. It would emphasize that the City Attorney must follow the Louisiana Supreme Court's ethical rules for lawyers. All of these principles currently apply to the City Attorney.
- **The amendment would add other guidance based on current ethical rules.** It would clarify how the City Attorney consults on legal matters with the mayor and council, exercises independent legal judgment on the City's behalf, and acts during interbranch conflicts. The goal is to make essential rules well known to future City officials, especially those who are not attorneys. By setting clearer expectations among the City Attorney, the mayor and the City Council, proponents say the amendment might improve how they handle the City's legal affairs.
- **The current mayor contends these proposed changes are unnecessary because they address matters that are already covered by the charter and existing ethical rules.**
- **In addition, the City Council would gain the option to block the mayor's firing of the City Attorney under certain circumstances.** This would take a supermajority vote (five of the seven council members). The council must find that the mayor removed the City Attorney "without valid cause." Or it must find that the mayor removed the City Attorney "for a reason inconsistent with the policy of independence" in the charter amendment.
- **The current mayor criticized this new council authority as overreach into executive authority over legal operations. However, proponents view the process as an important safeguard.** It would provide some protection against the City Attorney's termination for having exercised independent professional judgment. The City Attorney frequently works in gray areas of the law. At times, the attorney may need to deliver legal advice that the mayor may dislike.
- **BGR found two potential concerns with the objection process.** If the council blocks the firing, the City Attorney would likely return to a hostile work environment. And, if left undefined, the term "valid cause" invites competing interpretations by the mayor and the council. This could create further conflict between the two branches.
- **The charter amendment allows the council to adopt ordinances to address these potential concerns. However, the council has not yet proposed any such ordinances.** In the ordinance-making process, the mayor approves or vetoes what the council adopts. So, the mayor can participate in reaching a mutually acceptable approach. This is important because certain aspects of the process, such as the definition of valid cause, may affect the mayor's firing decision and explanation of the reasons for it. The ordinance could also provide a way for the council to give its advice and consent prior to the mayor's termination decision.

AFFIRMING THE CITY OF NEW ORLEANS AS THE PRINCIPAL CLIENT

As a first step toward clarifying the role of the City Attorney and the Law Department, the proposed charter amendment declares that the City is their principal client. This would make more explicit what the current charter states about their primary duties, such as directing and supervising the legal affairs "of the City" and providing

legal advice concerning any matter affecting the interests "of the City."²¹ The charter also establishes functions that are performed at the direction or request of either branch.²² The council views the affirmation of the client's identity as key to ensuring that the City Attorney responds to both branches of City government.

The proposed charter amendment reinforces the concept of the City as the client by requiring the City

Attorney and the Law Department to perform their duties “in strict accordance with the ethical rules governing institutional clients.” According to proponents of the amendment, this refers to the Rules of Professional Conduct. Because the City of New Orleans is a corporate body, as provided in Section 1-101 of the charter, it is considered an “institutional client” or an “organizational client” under the Rules. A lawyer employed or retained by an organization represents the organization acting through its “duly authorized constituents.”²³ In the context of City government, this would include the mayor and the City Council. In cases where the interests of the client (the organization) and the interests of the client’s representatives may conflict, the Rules direct the lawyer to act in the best interest of the organization.²⁴

Proponents want to make clear to the City Attorney, elected officials and residents that these fundamental principles of legal representation apply to the City, a public corporation. In general terms, they compare the City to a private corporation, with the City Council serving as the board of directors, the mayor as the chief executive officer, and the citizens as the shareholders.²⁵ The proposed amendment would underscore the Rules that apply today to the City’s lawyers. It would clearly state that they must act in the best interest of the City and its citizens.

GUIDING THE CITY ATTORNEY’S CONSULTATIONS WITH THE MAYOR AND CITY COUNCIL

When the City seeks to assert or defend legal claims, the claims may sometimes be brought by, or against, the City and one or more of its leaders, such as the mayor, the City Council, or individual council members. In those situations, the City is still the primary client of the City Attorney and the Law Department. But they may be called upon to also represent the mayor, the council, or individual council members. The Rules permit such dual representation if it does not violate the ethical restrictions on representing clients with conflicting interests.²⁶

The proposed charter amendment offers general guidance for the City Attorney’s dealings with the mayor and the council, the City’s elected representatives. It requires regular consultation with both concerning legal matters affecting the City. It also directs the City Attorney to “attempt to represent the policies and interests of both branches even-handedly and impartially.” The proposed charter amendment requires the City Attorney to act in the best interest of the City, within the bounds of the law.

The proposed amendment does not change current legal requirements governing the conduct of all lawyers

in the Law Department, as set forth in the Rules. However, the Rules may be obscure to citizens or elected officials who are not attorneys, and the City Attorney frequently operates in gray areas of the law where the correct legal answer is not always obvious. Additionally, heated interbranch disputes sometimes challenge the City Attorney’s ability to deliver legal advice in a professional, neutral manner.

To support that ability, the proposed addition to the charter would emphasize two significant ethical duties the City Attorney owes the representatives of the City, such as the mayor and council. One is the attorney’s duty to communicate regularly and promptly with the client through its authorized representatives.²⁷ Another is the duty to always act in the client’s best interest, independent of any outside influences that might impair the attorney’s loyalty to the client or the exercise of professional judgment on the client’s behalf.²⁸

These duties are core to a relationship of mutual confidence and trust between attorney and client. Proponents want to include them in the charter to promote a clearer understanding of how the ethical rules apply in the context of City government.

HANDLING CONFLICTS BETWEEN THE EXECUTIVE AND LEGISLATIVE BRANCHES

When the mayor and the City Council agree on a particular legal issue, the City Attorney can act on behalf of the City without having to choose whose directives to follow. But when the mayor and the council do not agree, the Rules of Professional Conduct govern how the attorney should proceed.

The proposed charter amendment highlights two key aspects of managing interbranch conflicts in accordance with the Rules. First, it would specify the City Attorney’s existing duty to exercise independent legal judgment and act in the City’s best interest when faced with conflicting directives from the executive and legislative branches or with an unlawful directive.

Second, the amendment would prohibit the City Attorney from representing one branch in a court proceeding directly adverse to another branch without that branch’s consent. This provision is generally consistent with the Rules, which apply to all types of legal matters, not just court proceedings, and tightly limit the circumstances in which an attorney may represent clients with conflicting interests.²⁹ The Rules must be followed regardless of what the charter states. Thus, like the other charter additions based on the Rules, these provisions do not change the underlying legal requirements, but they offer general direction to the City Attorney in managing

conflicts between the mayor and council, including when to step aside from a dispute.

BGR notes that, when the City Attorney steps aside, the mayor and council each have access to other legal representation. Each employs an executive counsel within their office, who may be able to handle certain legal matters. For more complex or specialized matters, they may contract with private attorneys, called “special counsel” – often at a much higher cost than the cost of using the City Attorney and other in-house legal staff.

BGR also notes that the City Council will confirm the next mayor’s appointment of a City Attorney. It will be the first time the council will vet this unique appointee who advises both branches. The council will be able to inquire about the candidate’s understanding of the City Attorney’s duties to the City, the mayor and the council under the current charter, as well as the ethical rules and how they would apply to the position. The confirmation process will test the ability of the new mayor and council to reach a consensus on the candidate. If a consensus is achieved, their complex working relationship with the City Attorney may get off to a promising start. Proponents say the charter amendment works hand in hand with that effort – and may reduce the chance of misunderstandings long after confirmation day – by setting clear expectations for how the three parties must work together.

ALLOWING THE COUNCIL TO BLOCK THE REMOVAL OF THE CITY ATTORNEY

The mayor has broad authority to supervise and remove the City Attorney under the current charter. These powers were not modified by the 2022 charter amendment that subjects the mayor’s appointment of the City Attorney and other department heads to council confirmation.³⁰

The City Council can remove unclassified employees, including the City Attorney, but only after an investigation into charges of a lack of qualifications, incompetence, neglect of duty, failure to comply with a lawful directive of the Civil Service Commission or gross misconduct in reference to the employee’s duties. There must be written charges filed, and a public hearing if the appointing authority does not remove the employee. It is a serious power that has been rarely used.³¹

The current charter requires the City Attorney and the Law Department to handle legal matters on behalf of “the City” and to perform duties for both the mayor and the council. If the council believes that the City Attorney is not fulfilling the duties owed to the council or to the City as a whole, and that these shortcomings rise to the level

of incompetence, neglect of duty, or gross misconduct relating to official duties, the council could take steps to remove the City Attorney without the mayor’s consent.

Conversely, if the mayor fires the City Attorney and the council opposes that decision, the proposed charter change would give the council the option to block the mayor’s removal of the City Attorney in certain situations. It would require a vote of five of the council’s seven members, based on its finding that the mayor removed the City Attorney without valid cause or for a reason inconsistent with the policy of independence established by the charter amendment.

The current mayor’s veto letter characterized this new authority as a significant overreach of the legislative branch into executive authority over legal operations. There is a strong argument for mayoral supervision of the City Attorney because the Law Department’s work comes mainly from the executive branch. The current charter allows the mayor to fire the City Attorney at will and does not require the mayor to give a reason for doing so. The mayor’s letter also noted that the mayor cannot reverse an employee’s termination by the council.

However, proponents view the proposed objection process as consistent with the City Attorney’s representation of the City as a whole, including both the mayor and council. They regard it as an important safeguard against the City Attorney’s termination for having exercised independent professional judgment, particularly when dealing with a gray area of the law where the mayor and the council are at odds. And they say it may indirectly support the City Attorney in delivering legal advice that the mayor may dislike. For these reasons, proponents favor giving the council some oversight of the mayor’s firing of a City Attorney who was hired with council confirmation.

Nevertheless, the proposed objection process raises a couple of concerns:

- If the City Council were to block the mayor’s firing of a City Attorney, the City Attorney would likely face returning to a hostile work environment with a mayor who no longer wants the attorney’s services or has publicly expressed a lack of confidence in the attorney. This could make it difficult for the attorney to perform effectively and lead to further conflicts between the mayor and the council over the City Attorney’s future job performance.
- In addition, the proposed amendment does not define the term “valid cause.” This could lead to competing views on the meaning of the term and whether the mayor must demonstrate valid cause when making the decision to remove. If so, that

would have the effect of limiting the mayor's current charter authority to remove the City Attorney at will. The lack of clear guidance in these respects may also lead to further interbranch conflicts. Proponents counter that the risk of a supermajority council "veto" should prompt a mayor to think twice about the reason for the firing and explain that to the council. But any explanation would be at the mayor's discretion.

BGR notes that defining valid cause may be difficult. As the City Attorney's direct supervisor, the mayor needs flexibility to replace the City Attorney for any number of reasons, ranging from underperformance to egregious conduct. Having a specific list of potential causes for termination could undercut the mayor's supervision. On the other hand, without some objective guidance about the meaning of the term, the mayor may want to interpret valid cause broadly, while the council may want it to be narrowly defined. This could spark conflict between the two branches.

The amendment provides an avenue to address the potential concerns with the objection process. If voters approve the November 15 proposition, it allows the council to adopt ordinances to implement provisions of the amendment. The City Council told BGR that it has not yet adopted or proposed such ordinances, and that it would legislate "as needed." It can also choose to set policies for the objection process by council rule, rather than by ordinance. A council rule is not subject to mayoral veto, unlike an ordinance.³² A two-thirds majority vote of the council is required to override the mayor's veto of an ordinance.³³

If the amendment passes, BGR suggests the council act by ordinance as contemplated in the charter amendment.

In the ordinance making process, the mayor approves or vetoes what the council adopts. So, the mayor can participate in reaching a mutually acceptable approach. This is important because certain aspects of the process, such as the definition of valid cause, may affect the mayor's firing decision and explanation of the reasons for it. The ordinance could also provide a way for the council to give its advice and consent prior to the mayor's termination decision.

State law allows a public body to discuss the "character, professional competence, or physical or mental health of a person" in executive session, after giving the person at least 24 hours' notice in writing and the option of having the discussion in an open meeting.³⁴ Public boards and commissions, for example, typically use this type of executive session to discuss an employee's job performance. A closed-door discussion would be appropriate considering the sensitivity of an employment termination. This approach could facilitate understanding between the mayor and council, avoid acrimony that could weaken public confidence in their governance, and protect the City Attorney from reputational damage.

If the amendment does not pass, the City Attorney will still be required to act in the City's best interest, consult with the mayor and the council about pending legal matters, and manage interbranch conflicts appropriately based on the current charter provisions and ethical rules. The council can ask candidates about their understanding of those provisions and rules during the new council confirmation process. A successful candidate could be held accountable for a failure to act consistently with the answers given during that process. This public vetting may alleviate some of the concerns that prompted the proposed charter amendment and may reduce interbranch conflicts.



If the amendment does not pass, the City Attorney will still be required to act in the City's best interest, consult with the mayor and the council about pending legal matters, and manage interbranch conflicts appropriately based on the current charter provisions and ethical rules.

BGR POSITION

AGAINST. The proposed charter amendment is not necessary to achieve the desired goal of improving the working relationship between the City Attorney, the mayor and the City Council. It is clear from the current charter that the City Attorney and the Law Department represent the City as a whole, and not just the mayor or the council. The City Attorney also must advise both the mayor and the City Council and follow all other charter duties and ethical rules that the amendment seeks to affirm. From a practical standpoint, the amendment would provide greater cover for the City Attorney to give legal advice to both the executive and legislative branches of City government in a professional, neutral manner. But the same guiding principles for dealing with interbranch conflicts will apply even if they are not explicitly stated in the charter.

In addition, the council will be able to confirm the next mayor's choice for City Attorney after a public hearing at which the council can vet potential appointees. It can evaluate their understanding of the City Attorney's duties to the City, the mayor and the council under the current charter, as well as the ethical rules and how they would apply to the position. A successful candidate could be held accountable for a failure to act consistently with the answers given during the public confirmation process. This public vetting may be a more effective way of fostering the City Attorney's positive working relationship with both branches than the proposed charter amendment's process for allowing the council to block the mayor's firing of a City Attorney. That process is not clearly defined in the amendment and could lead to more interbranch conflicts.

ENDNOTES

- 1 BGR's research and interviews for this report indicate that some of those disputes included: (1) the process for appraising property owned by former residents of Gordon Plaza and settling their claims; (2) the handling of the City's interests in litigation related to the Edward Wisner donation; (3) a cancelled settlement with the Orleans Parish School Board in its lawsuit related to the City's tax collection fees; and (4) a legal services contract related to the City's litigation with the statewide municipal police pension system. See: Rosenberg, Joshua, "[City Council approves \\$35 million for Gordon Plaza residents' relocation](#)," *The Lens*, June 23, 2022; Poche, Kaylee, "[City Council President JP Morrell demands law firm in Gordon Plaza deal show up to meetings](#)," *Gambit*, April 10, 2023; Myers, Ben, "[City Council members baffled after Cantrell appeals Wisner ruling that gives city more cash](#)," *The Times-Picayune / Nola.com*, July 1, 2025; Stanton, John, "[Court suspends New Orleans' school tax collection fee](#)," *Gambit*, August 26, 2025; and Myers, Ben, "[Does the New Orleans council have final say over city contracts? No, a second judge has ruled](#)," *The Times-Picayune / Nola.com*, February 7, 2025.
- 2 Letter from LaToya Cantrell, Mayor, City of New Orleans to the Clerk of the New Orleans City Council, August 1, 2025.
- 3 The election call is New Orleans City Council Ord. No. 30,410 MCS. The council adopted the ordinance on July 24, 2025. The mayor vetoed it on August 1, and the council overrode the veto by a unanimous 7-0 vote on August 7.
- 4 Home Rule Charter of the City of New Orleans (City Charter), Secs. 4-206 and 3-113(2).
- 5 City Charter Secs. 3-101, 3-111 through 3-113, 3-115 through 3-117, and 3-128 through 3-130.
- 6 City Charter Sec. 3-124.
- 7 City Charter Secs. 4-102 and 4-401.
- 8 City Charter Secs. 4-106(1) and (4), 4-206(1)(d). The City Charter amendment authorizing council confirmation of department heads took effect on January 1, 2023, after the current City Attorney was appointed. For more information about that amendment, see Bureau of Governmental Research (BGR), [On the Ballot: New Orleans Charter Amendment, November 8, 2022](#).
- 9 Rules and Regulations of the Council of the City of New Orleans, as amended and restated August 7, 2025, No. 56.
- 10 City Charter Sec. 4-402.
- 11 City Charter Secs. 4-106(1), 4-206(1)(b). In addition, Sec. 4-302(1) expressly excludes the City Attorney from the CAO's supervisory duties.
- 12 City Charter Sec. 4-401. The charter contains other specific directives to the City Attorney. For example, the City Attorney must assist the City Council with maintaining and updating the Code of Ordinances and with beginning the redistricting process. City Charter, Secs. 3-114 and 3-103(2).
- 13 La. Const. Arts. 2 and 5.
- 14 *Succession of Wallace*, 574 So.2d 348, 349-50 (La. 1991).
- 15 *Ibid.* at 350.
- 16 *Ibid.* at 349, 355.
- 17 The City's home rule powers in the state constitution can be superseded by other constitutional provisions, such as the Supreme Court's authority to regulate the practice of law. La. Const. Art. 6, Sec. 4.
- 18 The attorney disciplinary process is set forth in Rule 19 of the Rules of the Supreme Court of Louisiana. Anyone who believes that an attorney may have violated ethical rules can file a complaint with the Office of Disciplinary Counsel, which investigates allegations of misconduct and prosecutes potential violations of the Rules of Professional Conduct before the statewide Attorney Disciplinary Board. Complaints can be resolved privately or lead to formal charges and a public hearing. Complaints, investigations and dispositions are generally confidential unless formal charges are filed. The most serious cases go before the Louisiana Supreme Court, which can impose public discipline for Rule violations.
- 19 *Plaquemines Parish Com. Council v. Delta Dev. Co.*, 502 So.2d 1034, 1040 (La. 1987); *Scheffler v. Adams & Reese, LLP*, 06-1774 (La. 2/22/07), 950 So.2d 641, 652.
- 20 For more information about city charters, visit the National Civic League's [website](#).
- 21 City Charter Sec. 4-401(1), (2), (3) and (5).
- 22 City Charter Sec. 4-401(2), (3), (4) and (6).
- 23 Supreme Court of Louisiana, Rules of Professional Conduct (Rules), Rule 1.13(a).
- 24 Rules 1.13(a) and (f). See also: *Desire Narcotics Rehab. Center, Inc. v. White*, 97-2758, 98-0925 (La. App. 4 Cir. 4/14/99), 732 So.2d 144, 146-47; *Barkerding v. Whittaker*, 18-415 (La. App. 4 Cir. 12/28/18), 263 So.3d 1170, 1186, writ denied, 19-166 (La. 4/8/19), 267 So.3d 307.

- 25 There are some differences, of course, because the council members (directors) and the mayor (CEO) are elected by the citizens to head two separate branches of City government, unlike a private corporation's board that hires and fires the CEO.
- 26 Rule 1.13(g).
- 27 Rule 1.4(a) and (b). The rule states, among other things, that the attorney must reasonably consult with the client about the means by which the client's objectives are to be accomplished, keep the client reasonably informed about the status of pending legal matters, promptly comply with reasonable requests for information, and give the client sufficient information to participate intelligently in decisions concerning the objectives of the representation and the means by which they are to be pursued. What is considered reasonable will vary based on the type and complexity of the legal matter.
- 28 Rule 1.1 of the Rules of Professional Conduct requires an attorney to provide competent representation to a client and states that competent representation "requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation." Rule 2.1 states in part: "In representing a client, a lawyer shall exercise independent professional judgment and render candid advice." The term "professional judgment" means the attorney's ability to relate general principles of law to a client's specific legal problem. *Louisiana State Bar Assn v. Edwins*, 540 So.2d 294, 299 (La. 1989).
- 29 Rule 1.7 prohibits a lawyer from representing a client whose interests conflict with the interests of another client unless several conditions set forth in the Rule are met.
- 30 BGR, *On the Ballot: New Orleans Charter Amendment*, November 8, 2022, p. 7.
- 31 City Charter Secs. 3-124, 3-125; Myers, Ben, "[Mayor LaToya Cantrell's top spokesperson sidelined by New Orleans City Council over mailer](#)," *The Times-Picayune / Nola.com*, October 17, 2023.
- 32 The City Charter provides for council adoption of rules in Sec. 3-107 and ordinances in Secs. 3-112 and 3-113.
- 33 City Charter Sec. 3-113(3).
- 34 La. R.S. 42:17(A)(1).

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