

Letter: A court victory to celebrate

DEC 11, 2018 AT 12:00 AM

I'm writing to thank The Pilot's Editorial Board for "[**Praise for a little bit of sunshine**](#)" (editorial, Dec. 8), concerning the Virginia Supreme Court's decision in *Bergano v. Virginia Beach*. I argued this appeal on behalf of Allen Bergano.

According to the editorial, "So rare are these victories — so seldom do the courts pry open the doors of government to allow more sunshine in — that each one should be celebrated accordingly." As it turns out, the state Supreme Court's Freedom of Information jurisprudence is cyclical. From 2004 through 2007, the justices decided five FOIA appeals, and the citizens won every time.

Then there was a gap of four years before the court decided its next FOIA appeal. In 2011 through 2017, the court ruled in seven such cases, and the governments won each time. The justices have handed down two FOIA decisions in 2018, and the citizens have prevailed in both.

Unlike many appeals that the high court considers, this one was not about millions of dollars. Nor was anyone's freedom or life at stake.

Instead, this was a case about what kind of society we are. The General Assembly has decided that we will conduct governmental affairs out in the open — the maddening number of FOIA exemptions notwithstanding — and last week, the Supreme Court adhered to that legislative decree. Yes, this was one to celebrate.

Steve Emmert

Virginia Beach