

# ius pro populo law in service of the public

We fulfill our motto—law in service of the public—by defending Oakland’s progressive policies in court and initiating legal action when the community’s quality of life or economic interests are jeopardized. These initiatives are the cornerstone of our commitment to accountability, access to decision-making and enhanced legal services at the neighborhood level.

## NEIGHBORHOOD LAW CORPS

Our innovative, award-winning community lawyering program continues its commitment to respond to residents and solve neighborhood problems. The Neighborhood Law Corps (NLC) works to empower the community to tackle problem liquor outlets, bars, drug houses, blight as well as inhumane housing conditions. Funded by a nonprofit corporation, we use an array of legal and community-based tools to achieve the goal of improving neighborhoods in Oakland block by block.

Highlights for the year include:

- ▶ Won a lawsuit against a negligent landlord, resulting in the complete rehabilitation of 18 rental properties where families with children were plagued with deteriorating floors and ceilings and infestations of mold, rats and cockroaches. The landlord also paid \$140,000 in fines to the City.
- ▶ Abated 21 drug nuisance locations/properties throughout Oakland.
- ▶ Significantly increased overall prosecution of alcohol-related nuisance cases on behalf of the community— from 1 four years ago to 24 in the past year!
- ▶ Utilized the City’s “Deemed Approved” ordinance to secure, in writing, stricter operating conditions at problem alcohol outlets. The written agreements, posted for the first time on our website, provide the City and the community with the potential to revoke land use permits, thereby ensuring the businesses maintain good neighbor standards.



**“This is a great program.  
I wish we could make it  
happen all over the country.”**

**— Edward James Olmos**  
Oscar-Nominated Actor and Civil Rights Activist



# noteworthy noteworthy

## Caltrans Public Nuisance Action

For more than ten years the abysmal condition of Caltrans’ vacant lots, yards, highway ramps and overpasses in Oakland have been a source of misery: diminishing our quality of life, reducing property values, inviting dumping and creating dangerous conditions.

In October and November 2004, we sent abatement notices to Caltrans and issued a public records request for their maintenance schedule. Copies of these notices were sent to local state elected officials along with numerous phone calls. In January and March 2005, we received indecipherable data in response to our public records request. In April, after a television station aired an investigative report on Caltrans’ blight in Oakland, Caltrans officials contacted us to talk.

In July of this year, Caltrans told us they would not sign any maintenance agreement. In August, we filed an unprecedented public nuisance lawsuit against the state. Three days after the complaint was filed, Caltrans made a good effort to address the problem. We are back in the process of negotiating a maintenance agreement.

## Defending Oakland’s Anti-Discrimination Policy

In July 2003, a conservative, southern California organization funded a lawsuit attacking the City’s policy that provides protection against harassment and discrimination based on race, gender, sexual orientation, national origin, and religion. The lawsuit stemmed from the removal of a posted flyer reacting negatively to the creation of a new gay and lesbian City employees’ association. After receiving a complaint about the

flyer’s homophobic content, a supervisor removed it and distributed a copy of the City’s anti-discrimination policy.

In February 2005, United States District Court Chief Judge Vaughn Walker dismissed the final cause of action against City officials for removing the flyer. Judge Vaughn found that the City acted correctly bringing the lawsuit to an end.

## Predatory Lending

The California Supreme Court issued a 4-3 decision against Oakland’s anti-predatory lending law. Led by recent Bush-appointee, Janice Rogers Brown, four of the justices argued that the state law preempted local authority. The state anti-predatory lending law offers only bare minimum protections for “house rich and cash poor” homeowners.

Chief Justice Ronald George penned the dissenting opinion describing state law as “establish (ing) a floor, not a ceiling” for the regulation of predatory lending practices. The opinion read, “Local regulation thus is not only constitutionally valid, but practically vital to the affected communities. Although predatory lending certainly is a matter of statewide concern, the specific interests of the communities most affected by the banned practices make the regulation of this field particularly amenable to local variations.”

On February 15th, 2005 the City Council unanimously called for the Legislature either to adopt stronger statewide borrower protections or authorize communities with severe predatory lending problems to adopt local regulations to protect local interests.

## REQUEST PUBLIC RECORDS

To request public records, download a request form from our web site at [www.oaklandcityattorney.org](http://www.oaklandcityattorney.org), then submit the completed form to the appropriate City Agency or Department.

If you need additional assistance, please contact:  
**Michelle Abney**

**Open Government Coordinator**  
by phone: **510-238-2965**  
or by email:  
[mmabney@oaklandcityattorney.org](mailto:mmabney@oaklandcityattorney.org)

## TO REPORT A HATE CRIME

In Oakland, we take pride in our diversity and will not tolerate hate or violence. If you have witnessed or been the victim of a hate crime, call: **1-866-4-NO-HATE (1-866-466-4283)**

## TO FILE A CLAIM

If you are seeking money or damages from the City of Oakland, you must file a claim with the Office of the City Attorney. A standard claim form can be picked up in person or by calling: **510-238-6337**

## FOR MORE INFORMATION

Visit our web site:  
[www.oaklandcityattorney.org](http://www.oaklandcityattorney.org)

Call us:  
**(510) 238-3601**

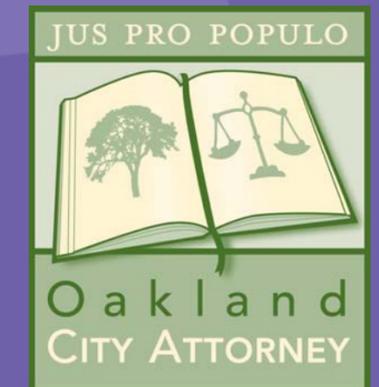
Fax us:  
**(510) 238-6500**

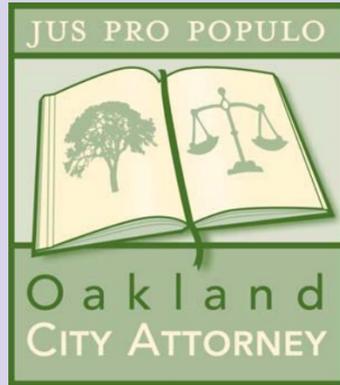
Visit us:  
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Oakland, CA 94612**



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## Community Report Card Fiscal Year 2004-2005





## awards & achievements

In the past year, the Office of the City Attorney earned recognition for our work both collectively and as individuals. They include:

- ▶ **2005 Helen Putnam Award for Excellence Grand Prize Winner** for the Neighborhood Law Corps successful work to improve the quality of life in challenged neighborhoods. The League of California Cities established this award to recognize the outstanding and innovative efforts by city governments to provide the highest quality of service in the most effective manner.
- ▶ **The John Essex and Guy Rounsaville In-House Diversity Award** for a corporation or public agency that has demonstrated the strongest commitment to diversity from The California Minority Council Program (CMCP). The CMCP is a membership organization with a central mission of maximizing opportunities for attorneys of color. The Office of the City Attorney was the first public entity to ever receive the award.
- ▶ **An Award of Excellence** from the Legal Marketing Association for the Community Report Card for Fiscal Year 2002-03. The Bay Area chapter of legal marketing professionals singled out the Oakland publication over entries by dozens of law firms as “an outstanding way to convey information to the public.”
- ▶ Chief Assistant City Attorney, Barbara Parker, was chosen to be one of four attorneys in the state participating on the **Judicial Council**, a state constitutional agency that provides policy direction to the courts, the Governor and the Legislature concerning court practice, procedure and administration.
- ▶ City Attorney John Russo, Chief Assistant City Attorney Randolph Hall and Deputy City Attorney Demetrius Shelton were all voted Northern California **Super Lawyers** by their peers through the independent research of *Law & Politics* publication. Lawyers who have obtained a high degree of peer recognition and professional achievement are recognized through this process annually.

## philosophy

Our philosophy — law in service of the public — guides how we provide legal services for the City of Oakland.

We consider Oakland residents and business owners as “shareholders” of this municipal corporation. Like any shareholder, you are entitled to know how your taxpayer dollars are spent for legal services.

This annual shareholder's report provides an overview of how the Office of the City Attorney performed in the fiscal year July 1, 2004 to June 30, 2005.

awards & achievements

## The best lawsuit is the one that's never filed

### COST OF LEGAL SERVICES

In 2004-05, the cost to provide legal services to the City of Oakland was \$17.56 million, a \$1.34 million decrease from the prior fiscal year (see Chart 1).

Fiscal Year 2004-05	
<b>Operating Costs</b> (salaries, equipment, overhead)	<b>\$11.09 million</b>
<b>Litigation Expenses</b> (expert witnesses, depositions, exhibits)	<b>\$1.31 million</b>
<b>Outside Counsel costs</b>	<b>\$1.98 million</b>
<b>Payouts of Claims and Lawsuits</b>	<b>\$3.18 million</b>
<b>Total:</b>	<b>\$17.56 million</b>

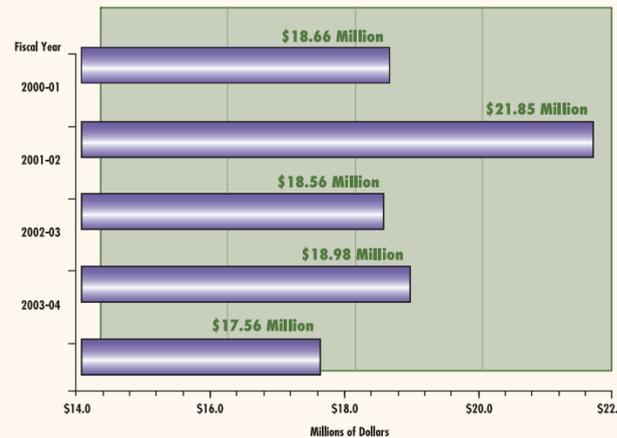


Chart 1: Cost to Provide Legal Services

The Office of the City Attorney was able to keep payouts for all claims and lawsuits to a five-year low at \$3.18 million (see Chart 2)—almost half the cost in payouts from the previous fiscal year.



Chart 2: Payout Trend Over 5 Years - Claims and Lawsuits

Many factors contributed to the reduction in payouts: our aggressive investigation of claims, our strategic use of legal remedies in settlement and litigation, and our in-house expertise advising in risk management.

Every dollar spent on claims and lawsuits is a dollar not available for other community services. We aggressively manage claims and lawsuits in order to save Oakland money.

## claims and litigation

### CLAIMS

In the last fiscal year, 615 claims were filed against the City of Oakland. Claims fall primarily into three categories: municipal infrastructure (streets, sewers and sidewalks), police matters (conduct, towing, jail and property damage) and accidents involving City vehicles.



Chart 3: Total Claims Received by Fiscal Year

Over the last five years, claims filed against the City have systematically decreased (see Chart 3). Of the claims resolved in the last year:

- ▶ 70% of the claims were denied with no payment of money.
- ▶ Only 4% resulted in payouts of more than \$5,000

We aggressively manage potential liability at the claims stage to reduce the numbers that evolve into lawsuits, thereby avoiding the significant costs involved in litigating a case. The majority (88%) of denied claims never become lawsuits, underscoring the effectiveness of our strategy to adjust claims in a fair, timely and aggressive manner.

### LAWSUITS

Lawsuits brought against the City arise primarily in four categories:

- ▶ Municipal Infrastructure
- ▶ Police Matters
- ▶ Employment Issues
- ▶ City Vehicle Accidents

For the past four years, lawsuits against the City have declined significantly. Increased risk-management efforts citywide and our aggressive, winning litigation team have proven an effective formula in protecting taxpayer dollars (see Chart 4).

Of the lawsuits resolved in 2004-05:

- ▶ More than half of the lawsuits resulted in no payment of money.
- ▶ 80% of the lawsuits were resolved for less than \$5,000.
- ▶ Only 6 lawsuits resulted in a payout of more than \$100,000.



Chart 4: Lawsuits Received