

**OAKLAND CITY ATTORNEY'S**

# **Community Report Card**

**FISCAL YEAR 2008-2009**



● law in the service of the public

**jus pro populo**

## NEIGHBORHOOD LAW CORPS

Oakland's Neighborhood Law Corps, started in 2002, puts attorneys in the streets to tackle prostitution, drug houses, slumlords, blight and other serious problems impacting the quality of life in our community. The program inspired by the Peace Corps has been recognized with the **Award for Municipal Excellence** from the National League of Cities.

This year, the Neighborhood Law Corps continued its work to protect tenants in foreclosed buildings. Neighborhood Law Corps attorneys intervened in numerous cases to stop illegal evictions and facilitate the restoration of heat, water and power in foreclosed homes.

The Neighborhood Law Corps' work this year included filing lawsuits against major banks, their subsidiary companies and local real estate agents for violating an Oakland law that protects tenants from unjust evictions. Many of the defendants, including JPMorgan Chase bank, agreed to cease illegal evictions and pay fines to the city.

## Cleaning Up Problem Liquor Stores and Bars

The City Attorney's Office continued to work aggressively with the Oakland Police Department's Alcoholic Beverage Action Team (ABAT), the state Department of Alcoholic Beverage Control (ABC) and residents to improve or shut down liquor outlets that contribute to blight, crime and other serious problems in Oakland neighborhoods.

The City Attorney's Office first works with property and business owners to clean up problem outlets. When businesses prove unable or unwilling to make necessary improvements, we use legal means - including lawsuits and removal of land use status allowing liquor sales - to shut them down.

\* Land Use Lapsed means the City has changed the status of the property, making it impossible for anyone to sell alcohol at that address in the future without a Conditional Use Permit from the City.

### Abatement of Problem Liquor Outlets: FY08/09

Business Address Ended Liquor Sales Result	<b>Arrwa One Stop</b> 8607 Bancroft Avenue Yes Store closed last year - city won appeal in FY08/09
Business Address Ended Liquor Sales Result	<b>High Street Billiards</b> 1452 High Street No Eviction proceedings underway
Business Address Ended Liquor Sales Result	<b>Los Dos Hermanos</b> 2331 International Boulevard Yes Closed/suspension of liquor sales (land use lapsed*)
Business Address Ended Liquor Sales Result	<b>La Oficina Bar</b> 4768 International Boulevard Yes Closed/suspension of liquor sales (land use lapsed*)
Business Address Ended Liquor Sales Result	<b>La Raza Market</b> 5001 Bancroft Avenue Yes Appeal pending
Business Address Ended Liquor Sales Result	<b>Seagull Market</b> 4005 MacArthur Boulevard Yes Closed
Business Address Ended Liquor Sales Result	<b>Seven Seas Bar</b> 4001 MacArthur Boulevard Yes Closed/suspension of liquor sales (land use lapsed*)
Business Address Ended Liquor Sales Result	<b>The Serenader</b> 504 Lakepark Avenue No Cabaret permit revoked

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

## 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, 2008 to June 30, 2009.**

**We aggressively manage claims and lawsuits in order to save Oakland money.**

### FINANCIAL ANALYSIS

The overall cost of legal services was \$23.7 million, including staff, litigation and operating expenses, outside counsel costs and payouts for claims, lawsuits and judgments. This represents a savings of \$700,000 from the prior fiscal year.

<b>Operating Costs</b> .....	\$14.7 million
<b>Payouts</b> .....	\$5.4 million
<b>Outside Counsel</b> .....	\$2.3 million
<b>Litigation Expenses</b> .....	\$1.3 million

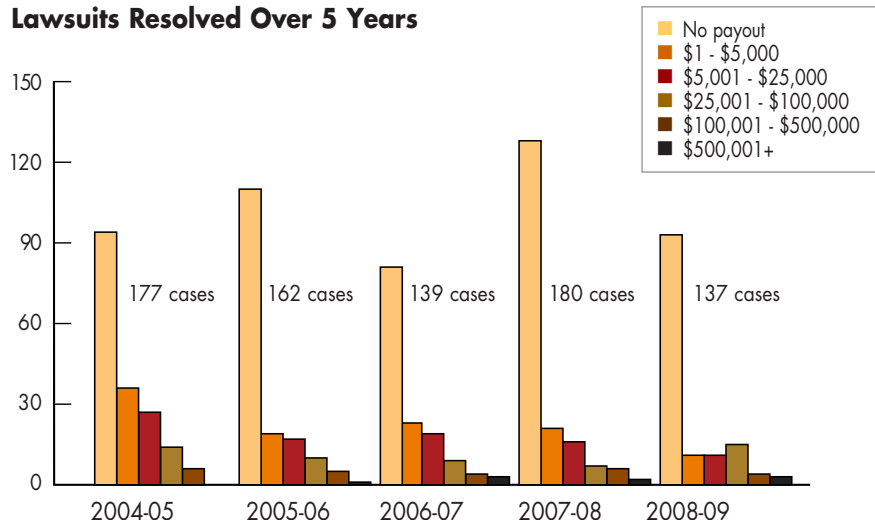
Although overall costs decreased this fiscal year, the amount spent on outside counsel went up significantly. Budget cuts mandated by the City Council resulted in a loss of staff attorneys. The City Attorney’s Office handles a heavy case load, so cutting in-house attorneys invariably increases the need for outside counsel to litigate cases and meet the city’s legal responsibilities.

### PAYOUTS FOR CLAIMS & LAWSUITS

The City Attorney’s Office uses strategic litigation techniques to protect taxpayer dollars. More than two out of three lawsuits (68%) and almost 3 out of 4 claims (71%) are resolved with **no payment of money**.

Of 137 lawsuits resolved this year, only 7 resulted in payments of more than \$100,000. Of the 566 claims resolved this year, only 7 individual claims resulted in payments of more than \$25,000.

### Lawsuits Resolved Over 5 Years

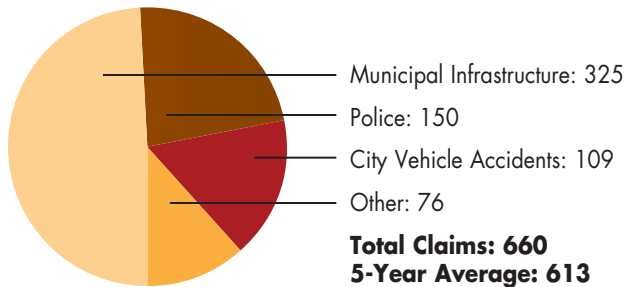


# claims and litigation

## CLAIMS

Claims fall into three main categories: municipal infrastructure (streets, sewers, sidewalks, etc.), police matters (conduct, towing, jail and property damage) and accidents involving city vehicles.

### Claims Received: Fiscal Year 2008-09

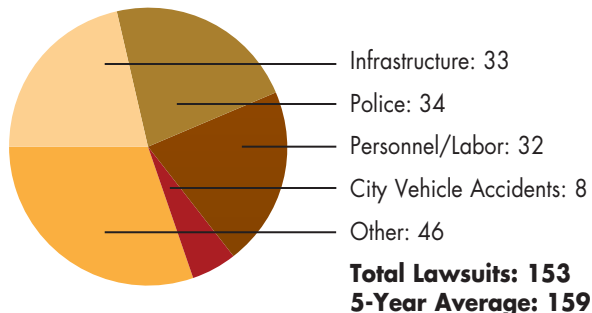


We aggressively manage liability at the claims stage to limit expensive lawsuits. The large majority of claims – about 90% – never become lawsuits, underscoring the effectiveness of this strategy. When liability is clear, we seek to settle claims early to avoid the higher cost of litigation.

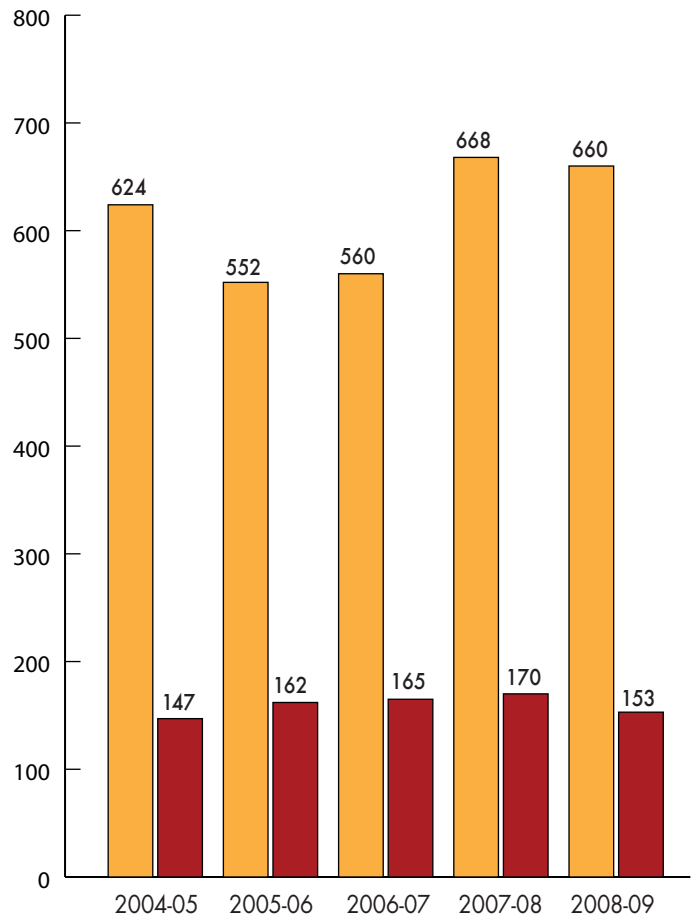
## LAWSUITS

Lawsuits against the City of Oakland fall into four main categories: municipal infrastructure/dangerous conditions, police matters, employment issues and city vehicle accidents.

### Lawsuits Received: Fiscal Year 2008-09



### Claims & Lawsuits Against the City: 5-Year Timeline



**Note:** The number of claims and lawsuits filed against the city is much lower than it was 10 years ago, when the city received about 1,000 claims and about 230 lawsuits every year.

# noteworthy

# noteworthy

## SPECIAL PROSECUTION TEAM

In Oakland, felonies and major crimes are prosecuted by the Alameda County District Attorney.

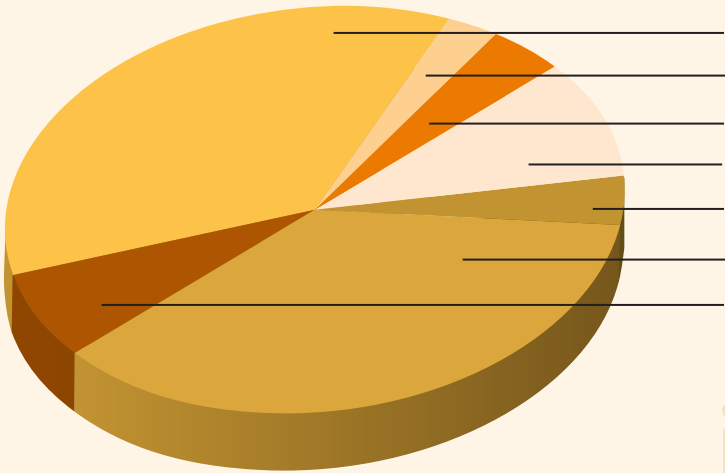
This year, in partnership with the Alameda County District Attorney's Office and the Oakland Police Department, the City Attorney's Office created a new unit to step up criminal prosecution of misdemeanors, infractions and "quality-of-life" crimes.

With approval from the City Council, we created the Special Prosecution Team to target the kind of pervasive misdemeanor crimes that, left unchecked, degrade the social and economic life of our neighborhoods and invariably contribute to more serious crime, fear and disorder in Oakland. Working closely with the community, the unit focuses on prosecuting crimes such as prostitution, disturbing the peace, vandalism, cruelty to animals, illegal dumping, disorderly conduct and drug-related offenses.

City prosecutors presented several hundred criminal cases for charging in FY08/09. Many of the defendants in those cases agreed to settlements or other resolutions, thereby avoiding a trial. The unit's first trial win was a guilty verdict in a vandalism case in April of this year. In that case, a resident in the Maxwell Park area was charged with vandalism after decapitating a number of her neighbor's trees. The defendant was considered by neighbors to be a source of considerable nuisances. Over a period of several years, she had allegedly vandalized a number of trees on her block, and in one instance, painted a neighbor's garage door red for no apparent reason. The defendant's sentence included 30 days in jail and an order to pay restitution for the decapitated trees. This prosecution hopefully will remedy a long-running problem and improve the quality of life for neighbors on the block.

One prosecutor is assigned to each of the Oakland Police Department's three command areas. In addition to charging cases, the Special Prosecutors employ intervention services and restorative justice programs in appropriate circumstances.

## Penal Code Cases Charged: Fiscal Year 2008-09



**Cruelty to Animals/Cockfighting:** 138 charged

**Vandalism:** 11 charged

**Trespassing:** 16 charged

**Miscellaneous:** 38 charged

**Parole/Probation Violation:** 15 charged

**Prostitution:** 141 charged

**Petty Theft:** 28 charged

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law in service of the public

# awards & achievements

During the past four years, the Office of the City Attorney earned recognition locally and nationally:

- **2008 Legal Service Award**, Bay Area Lawyers for Individual Freedom
- **2007 Winner of the Municipal Excellence Award for the Neighborhood Law Corps**, National League of Cities
- **2005 Grand Prize – Helen Putnam Award for Excellence for the Neighborhood Law Corps**, League of California Cities
- **2004 Law Firm Distinguished Service Award**  
Alameda County Bar Association
- **2004 California Lawyer of the Year – Government/Public Policy**  
California Lawyer Magazine
- **2004 Guy Rounsaville, Jr. In-House Diversity Award**  
California Minority Counsel Program
- **2004 Honorable Mention – Best Law Firm Publication**  
The National Burton Award
- **2004 Award of Excellence for Publication**, Legal Marketing Association
- **2003 Beacon Award**, California First Amendment Coalition

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.

For more information about the work of the City Attorney’s Office, please go to [www.oaklandcityattorney.org](http://www.oaklandcityattorney.org)

# awards & achievements

## 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  
510-238-2965**

[mmabney@oaklandcityattorney.org](mailto:mmabney@oaklandcityattorney.org)

## GET FORECLOSURE HELP AVOID LOAN SCAMS

Call the City Attorney’s hotline  
We’ll make sure you get help  
from the right people

**510-BE-ALERT  
(232-5378)**

## 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**

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