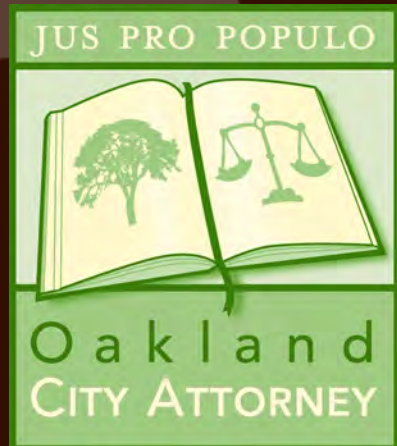


• law in the service of the public  
**jus pro populo**

**Community Report Card  
Fiscal Year 2006-2007**



## NEIGHBORHOOD LAW CORPS

The City's innovative community lawyering program works to improve neighborhoods block by block by tackling drug houses, prostitution, substandard housing other serious problems affecting the quality of life in Oakland.

The Neighborhood Law Corps continued to work aggressively this year to improve or shut down liquor outlets contributing to public nuisances, blight and violent crime. Law Corps attorneys also responded to community complaints and police reports of drug dealing, prostitution and other crime at hotels and motels.

Highlights include:

### Abatement of Problem Liquor Outlets FY06-07

|                                    |  |
|------------------------------------|--|
| Business<br>Neighborhood<br>Result | <b>Saleh's Liquor</b><br>Bella Vista<br>Now a neighborhood convenience store   |
| Business<br>Neighborhood<br>Result | <b>Pennysaver Liquor</b><br>Melrose<br>Stricter operating conditions imposed*  |
| Business<br>Neighborhood<br>Result | <b>Plucky's Liquor</b><br>Havenscourt<br>Closed – now vacant   |
| Business<br>Neighborhood<br>Result | <b>Foodtown Liquor</b><br>Havenscourt<br>Eviction pending – stricter operating conditions to be imposed on new tenant    |
| Business<br>Neighborhood<br>Result | <b>Endzone Bar</b><br>Fruitvale<br>Closed – now vacant   |
| Business<br>Neighborhood<br>Result | <b>400 Club</b><br>Fruitvale<br>Converted bar to restaurant  |
| Business<br>Neighborhood<br>Result | <b>Mingles Bar</b><br>Jack London Square<br>Eviction pending – stricter operating conditions to be imposed on new tenant |

\* Stricter operating conditions often include improved lighting and fencing, shorter hours, installation of security cameras and end to sale of drug paraphernalia and malt liquor.

### Hotel/Motel Cases and Outcomes FY06-07

|   |   |
|---|---|
| Name<br>Neighborhood<br>Problems<br>Outcome | <b>Capri Motel</b><br>West Oakland<br>Reports of drug dealing, prostitution, robbery<br>Stricter operating conditions imposed June 2006*  |
| Name<br>Neighborhood<br>Problems<br>Outcome | <b>MacArthur/Broadway Motor Inn</b><br>Mosswood Park<br>Reports of drug dealing, prostitution, other crime<br>Stricter operating conditions imposed June 2006   |
| Name<br>Neighborhood<br>Problems<br>Outcome | <b>Value Inn</b><br>Mosswood Park<br>Multiple reports of drug dealing, prostitution<br>Worked with owner - police reports dropped substantially   |
| Name<br>Neighborhood<br>Problems<br>Outcome | <b>National Lodge</b><br>San Antonio<br>Prostitution, frequent fights, drug dealing<br>Stricter operating conditions imposed June 2007  |
| Name<br>Neighborhood<br>Problems<br>Outcome | <b>Coliseum Inn</b><br>East Oakland<br>Serious prostitution issues – multiple police reports, some involving minors<br>Stricter operating conditions imposed, owners posted \$50,000 bond – no subsequent police or community complaints to the NLC |

\* Stricter operating conditions often include improved lighting and fencing, installation of security cameras, guest screening, blight abatement and hiring of security agencies.

**This year the Neighborhood Law Corps won the prestigious Gold Award for Municipal Excellence from the National League of Cities.**

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

## philosophy 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, 2006 to June 30, 2007.**

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

### **COST OF LEGAL SERVICES**

This year the cost to provide legal services to the City of Oakland was \$21.85 million - \$2 million less than the prior year. The cost of outside counsel fell significantly to the lowest point in 10 years.

|   |                        |
|---|------------------------|
| <b>Operating Costs</b> (salaries, equipment, overhead).....               | <b>\$14.14 million</b> |
| <b>Payouts of Claims and Lawsuits</b> .....                               | <b>\$5.5 million</b>   |
| <b>Outside Counsel Costs</b> .....  | <b>\$1.45 million</b>  |
| <b>Litigation Expenses</b> (expert witnesses, depositions, exhibits)..... | <b>\$0.76 million</b>  |

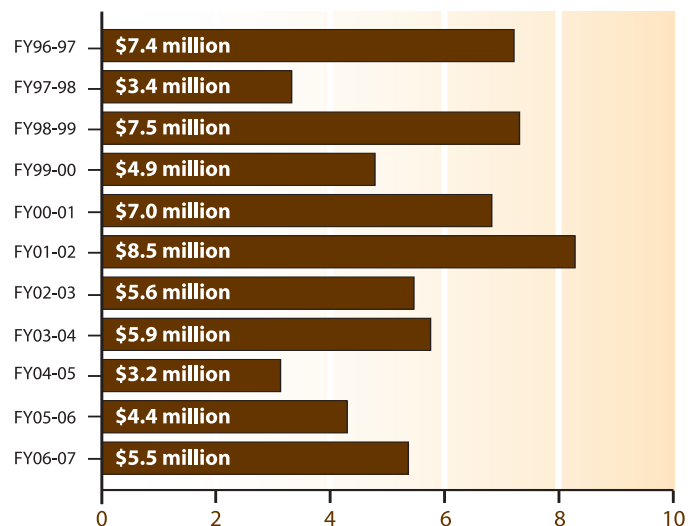
### **PAYOUTS FOR CLAIMS AND LAWSUITS**

The City Attorney’s Office uses strategic litigation techniques to protect taxpayer dollars. This year almost 3 out of 4 claims and lawsuits were resolved with no payment of money.

Of the 616 claims resolved this year, **76%** resulted in no payment of money. Only 3% resulted in payments of more than \$5,000.

Of the 139 lawsuits resolved this year, **58%** resulted in no payment of money. Only 5% resulted in payments of more than \$100,000.

### **Total Payouts for Claims and Lawsuits by Year**

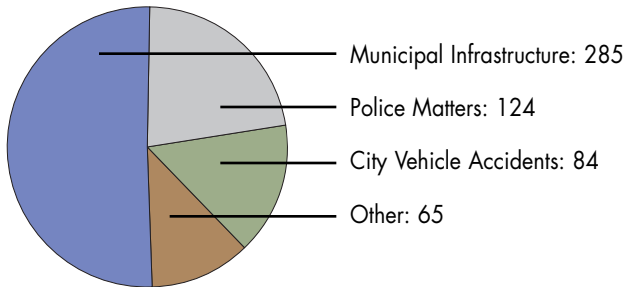


# claims and litigation

## CLAIMS

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

### Claims Received Fiscal Year 2006-07

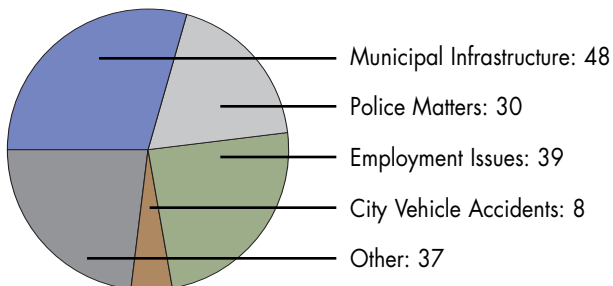


We aggressively manage liability at the claims stage to limit expensive lawsuits. The large majority of claims - more than 90% - never become lawsuits, underscoring the effectiveness of this strategy. When liability is clear, we seek to settle claims early to avoid the higher cost of litigation.

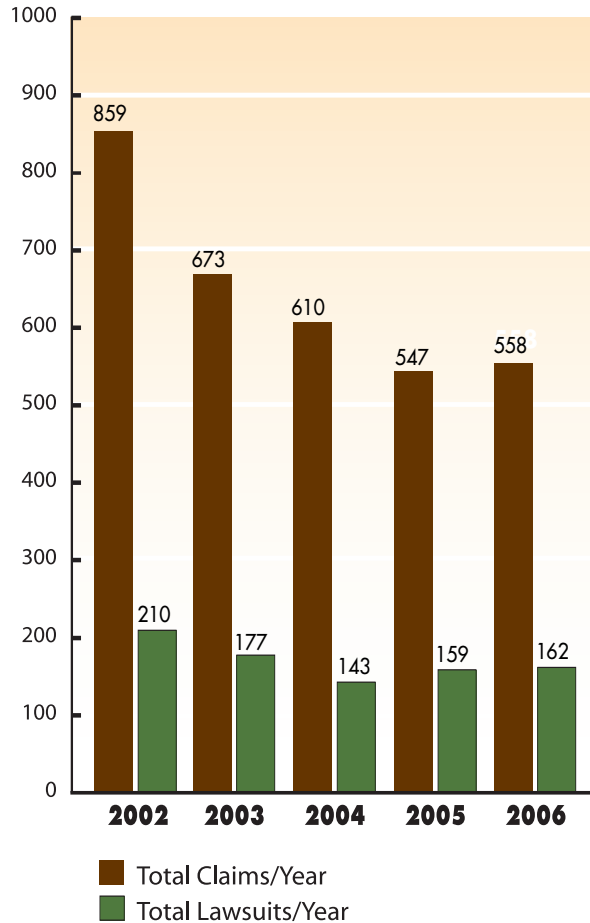
## LAWSUITS

Lawsuits against the City arise mainly in four categories: Municipal Infrastructure, Police Matters, Employment Issues and City Vehicle Accidents.

### Lawsuits Received Fiscal Year 2006-07



**Both claims and lawsuits against the City have decreased significantly over the last five years.**



NOTE: The number of claims and lawsuits against the Oakland Police Department has declined by nearly **50%** since 2002 due to improved training and the implementation of new oversight and accountability reforms.

**noteworthy**

noteworthy

### **OAKLAND HOUSING AUTHORITY LAWSUIT**

In February 2007, the City Attorney's Office filed a lawsuit against the Oakland Housing Authority, one of the city's largest landlords. Families and tenants living in OHA housing have complained for years about criminal activity, unsafe living conditions, code violations, accumulation of garbage and an absence of basic maintenance or repairs. The lawsuit was filed after City leaders exhausted all other options in their efforts to compel the Housing Authority to address these issues.

### **EAST BAY MUNICIPAL UTILITY DISTRICT LAWSUIT**

In January 2007, the City Attorney's Office filed a public nuisance action against the East Bay Municipal Utility District. The suit was filed after leaks in the 100-year-old, 164 million gallon Central Reservoir, owned by EBMUD, led to a landslide that destroyed one home and damaged others in Oakland's Dimond District.

Through a public records request, city attorneys reviewed recordings of underwater dives inspecting the integrity of the reservoir walls. Evidence of leaks and patchwork repairs were clearly displayed in the video. The City is asking the court to compel EBMUD to repair the reservoir and to pay for other repairs in the area damaged by the slide.

### **LAWSUITS AGAINST PROBLEM LANDLORDS**

The Neighborhood Law Corps continued to sue slumlords and other problem landlords this year. In October 2006, a suit was filed to prevent the wrongful eviction of 72 senior citizens living in apartments on Park Boulevard Way. Another suit was filed in the same month to force the owner of 51 apartments in North and West Oakland to provide humane living conditions for tenants. In January 2007, the Neighborhood Law Corps sued a pair of landlords who had failed to address longstanding complaints about broken windows, broken heaters and cockroach infestations in a 50-unit complex on Foothill Boulevard.

### **DEFENDING OAKLAND'S ANTI-DISCRIMINATION POLICY**

In March 2007, the Ninth Circuit Court of Appeals upheld a decision backing Oakland's anti-discrimination policy. The challenge to the City's policy started when two City employees posted an anti-gay flier near the desk of a lesbian colleague. City policy clearly bars discrimination or harassment in the workplace. The two employees were invited to submit a new flier without discriminatory language, but they declined and instead filed a lawsuit. In a deposition, plaintiffs admitted that they intended the flier to convey their belief that homosexuality was "wrong." The U.S. Supreme Court recently declined to review the case, meaning the lower court's decision in favor of the City stands.

ius pro populo  
law in service of the public

# awards & achievements

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

- **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, John Russo**, 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.

# 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**

E-mail us:

**[info@oaklandcityattorney.org](mailto:info@oaklandcityattorney.org)**

Visit us:

**One Frank H. Ogawa Plaza, 6th Floor  
Oakland, CA 94612**