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**League of California Cities (Cal Cities)
Legal Advocacy Policy**
(Approved 7/19/03)

Purpose of Program

The goal of Cal Cities legal advocacy program is to advocate in support of such principles as:

- 1) Local control,
- 2) Protection of local public funds, and
- 3) Judicial deference to policy determinations by local governing bodies.

Such advocacy occurs primarily before the appellate courts and in response to requests for input on Attorney General opinions.

Guiding Principles

Cal Cities weighs in on legal issues when Cal Cities' participation is likely to affirmatively advance cities' collective legal interests by establishing legal precedent that will help cities more effectively serve their communities. The committee's charge is to identify those cases and Attorney General opinions that are of such significance on a statewide basis as to merit the collective investment of city resources through Cal Cities to participate.

Generally, for Cal Cities to become involved in the resolution of a legal issue, cities should agree on what the preferred outcome of the dispute should be and no city should be adversely affected by Cal Cities' legal advocacy efforts. In rare cases, Cal Cities will get involved in litigation or Attorney General opinions where cities do not have a common interest in the same outcome; Cal Cities will become involved in such issues only after full Cal Cities Board consideration and approval.

Whenever possible, and to maximize the effective use of limited resources, Cal Cities will collaborate with other local agency associations and organizations to achieve mutually desired legal outcomes.

Scope of Committee Advice

Cal Cities receives advice on matters relating to litigation affecting cities' interests from its Legal Advocacy Committee. This advice includes but is not limited to:

- Whether Cal Cities should initiate litigation or participate in litigation as an *amicus curiae*;
- Whether Cal Cities should coordinate litigation activities among interested cities or encourage cities to participate as *amici curiae* in litigation; and
- Whether Cal Cities or interested cities should weigh in on a request for input on an Attorney General opinion request.

“Participate as *amicus curiae*” includes seeking appellate review of an adverse decision and requesting publication or decertification from publication of judicial opinions. Requests for Cal Cities assistance shall be directed to the Legal Advocacy Committee for its recommendations and reasons.

Analysis of When the Cal Cities Name Should Go on an *Amicus* Brief

Those requesting assistance will be given the opportunity to specify whether they prefer Cal Cities' name on briefs or those of participating cities, although such preference is not binding on Cal Cities or the Legal Advocacy Committee.

In determining whether Cal Cities' name should go on a brief, the Legal Advocacy Committee should evaluate the significance of the legal issue at stake in a case in light of the overall purposes of the legal advocacy program (see above). *Amicus* briefs in cases of major significance to a large number of cities (including cases involving charter city authority) should generally bear Cal Cities' name (unless the requestor specifies a preference for an *amicus* brief filed by joining cities). *Amicus* briefs in cases that involve important legal issues of interest to a small, but significant, number of cities should be filed on behalf of those cities.

Authorization and Reports

The following actions require Cal Cities Board approval:

1. Recommendations that Cal Cities initiate litigation or coordinate litigation among interested cities; Recommendations that Cal Cities participate as *amicus curiae* in litigation on full-blown briefs (non-letter briefs); and

Recommendations that Cal Cities encourage city joinder in *amicus* briefs when one or more cities have an interest adverse to the position recommended.

Recommendations for all other forms of legal advocacy activities shall be made to Cal Cities' Executive Director for approval. The Executive Director in his or her discretion may consult

with Cal Cities' executive committee or full Cal Cities Board if there is a question whether *amicus* involvement with a case is consistent with Cal Cities policies and/or present strategic or other political issues.

The Cal Cities Board will receive regular reports on all legal advocacy activities.

Committee Membership and Organization

The Legal Advocacy Committee shall be comprised of at least one city attorney representative from each of Cal Cities' regional divisions and the four largest cities in the state. Cal Cities' city attorneys department shall adopt further procedures and guidelines for the Legal Advocacy Committee's composition and operations, consistent with this policy.