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

Purpose of Program

The goal of the League's 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

The League weighs in on legal issues when the League's 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 the League to participate.

Generally, for the League 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 the League's legal advocacy efforts. In rare cases, the League will get involved in litigation or Attorney General opinions where cities do not have a common interest in the same outcome; the League will become involved in such issues only after full League Board consideration and approval.

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

Scope of Committee Advice

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

- Whether the League should initiate litigation or participate in litigation as an *amicus curiae*;
- Whether the League should coordinate litigation activities among interested cities or encourage cities to participate as *amici curiae* in litigation; and
- Whether the League 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 League assistance shall be directed to the Legal Advocacy Committee for its recommendations and reasons.

Analysis of When the League’s Name Should Go on an *Amicus* Brief

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

In determining whether the League’s 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 the League 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 League Board approval:

1. Recommendations that the League initiate litigation or coordinate litigation among interested cities;
2. Recommendations that the League 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 the League’s Executive Director for approval. The Executive Director in his or her discretion may consult with the League’s executive committee or full League Board if there is a question whether

amicus involvement with a case is consistent with League policies and/or present strategic or other political issues.

The League 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 the League's regional divisions and the four largest cities in the state. The League's city attorneys department shall adopt further procedures and guidelines for the Legal Advocacy Committee's composition and operations, consistent with this policy.