



# Ascending the Organizational Chart – How to Get and Keep the Public Agency Job You Want

Wednesday, May 8, 2024

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# **Ascending the Organizational Chart – How to Get and Keep the Public Agency Job You Want**

**Wednesday, May 8, 2024**

**Attorney Development and Succession Committee  
League of California Cities  
Spring 2024 City Attorneys Department Conference**

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## INTRODUCTION

Do you have a great job in a city attorney office, but want to advance up the organizational chart? Are you a litigator who wishes to transfer to the advisory side, or vice versa? Or have you made it to your dream job, and want to do what you can to keep it?

This panel presentation of the Essential Skills Subcommittee of the Attorney Development and Succession Committee is geared to assist those Department members who wish to advance or laterally transition within the field of municipal law or to retain that dream job. Many city attorneys have a romantic anecdote about how they were suddenly thrown into the “deep end of the swimming pool” in some municipal emergency or vacancy, but really, every city council’s strong preference is to have seasoned, trusted, and familiar lawyers step up to handle city affairs as time goes by.

The program is divided into three components, and these written materials follow the same trajectory:

- Moving-up/moving-over. This segment addresses the needs of attorneys seeking to advance or transition in municipal law. The panelists will discuss the experiences, knowledge, and skills one can acquire in various roles that may be leveraged to advance or transition within or between municipal law practice groups.
- Do you want to be a city attorney? This component will address the needs of attorneys seeking to become city attorney, including the experience and knowledge, as well as the interpersonal and emotional skills, that clients are (or should be) looking for in their city attorneys, and what a city attorney candidate can do to show that they are qualified.
- Keeping the job. Once you secure the job you want, how do you retain it, thrive in it, and succeed at it? The segment will also discuss how the city attorney may translate success in landing the job into keeping it.

Essential Skills Subcommittee  
Attorney Development and Succession Committee  
City Attorneys Department  
League of California Cities

## TOP TIPS FOR MOVING UP OR MOVING OVER

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What does a municipal law attorney need to know or be able to do to move up and/or over?

What are the core competencies that candidates for a promotion or lateral move need to have under their belts?

1. Core Competencies – Basic Skills. For those seeking to move up in an advisory position, or move from the litigation side to advisory, there are core competencies that the attorney can acquire to ensure they are a strong candidate, irrespective of the size of the office. On research and analytical skills; are you able to locate relevant authority and evaluate its applicability to the facts at hand? Are you able to communicate your conclusions timely, clearly, and effectively to your superiors and/or to client representatives, in written or oral form? The Resources attachments to this paper include materials from Best Best & Krieger that outline core competencies to be achieved for the Municipal Practice Group and General Associates, and expected timelines for achieving them.
2. Core Competencies – Skills to Hone. Have your performance evaluations noted areas for improvement? If so, have you followed up to gain the knowledge or experience suggested? Have you demonstrated an efficient and focused approach to address any areas identified in the performance evaluation? Our Resources attachments include materials from Best Best & Krieger for the evaluation of associates with respect to substantive legal knowledge, communication skills, project management, and professional development, which outline core competencies for evaluation.
3. Core Competencies – Substantive Knowledge Basics. For advisory attorneys, litigators, and special counsel, the Municipal Law Handbook is the premier initial resource for substantive law topics. Although each attorney has a unique set of aptitudes and interests, and establishing depth in some core area is helpful to your client, a general education is essential. Brown Act, check. Elections, check. Public Records Act, check. Public Contracts, check. Public Property, check. In addition to fundamental and basic topics, it covers most of the statutory and legal issues that affect local agencies.

The Substantive Law Subcommittee of the Attorney Development and Succession Committee prepared a color-coded version of the Table of Contents of the Municipal Law Handbook, which identifies “building block” subjects (everyone should know) and more specialized topics (organizational leadership / specialists should know), as a building block for its own work; that document is included with the Resources attachments to this Paper.

The Department has also prepared and continuously updates publications on core subject matters, such as the Public Records Act, the Brown Act, the Political Reform Act, disaster response, and others: The Cal Cities website and City Attorneys Department Resources page also provide search functions that are great starting points for searches into any municipal law topic. The Department-generated resources, such as *Open and Public VI*, and conference papers, are invaluable.

4. Core Competencies – Active Learning. If your performance evaluations have not identified particular skills and/or subject matter knowledge that would help you grow as a municipal law practitioner, or if you would like even more input and advice, proactively approaching your supervisor or other more experienced and trusted attorneys to ask for their input and assistance may open new avenues of growth.
  
5. Core Competencies – Advanced Substantive Knowledge. The Department presents topics of current interest to municipal attorneys, as well as substantive law updates. Check out the Department Resources page to see not only what is available, but what is necessary for a successful municipal law practice. Do you know the voting requirements for any given action for a meeting you might be involved in? There is a Department resource for that!
  
6. Core Competencies – Experiential. Whether you are in-house in a city attorney office or employed by a law firm that serves public agencies, you likely have access to specialized training as well as opportunities for advancing your knowledge and skills. Watch meetings that are available online, such as Council or Planning Commission, to see not only issues of interest to the community that you may serve at some point, but also to experience the joys of parliamentary procedure. Every municipal lawyer

should review council proceedings on individual items for which they prepared documentation or otherwise supported to see how that item played out at the council meeting. You can determine on your own which of your items need follow-up. Junior attorney “ride-alongs” are important, including second-chairing meetings with the city manager or presenting matters in closed or open council session. When new council members are elected (ideally before they are seated), the first and second chair lawyers can meet with them together to make sure their faces are familiar, to cover basic rules, and to assure council members that the interplay between the members of the senior legal team is seamless.

Volunteer to take a public meeting – there may be bodies other than the city council or planning commission that could provide experience, or ask if you can accompany the designated attorney to a meeting – on your own time, if necessary. Volunteer to participate or assist in areas of interest to you, whether it be research, drafting documents, or making appearances. If you are a litigator who wants to work on more/different matters, volunteer to research, draft motions/responses, take depositions, volunteer to participate in court appearances and/or high-profile mediations in a support role of your creation. Volunteer to work on ordinances, especially if they relate to a case you recently worked on. Volunteer to work with the advisors as they train city staff on new procedures. You will learn a great deal, not only about the city attorney role, but about issues that your agency is facing and that may find its way to the city attorney’s office.

These staffing redundancies may seem expensive, whether they occur in-house or at a firm, unless they are viewed as long-term investments. A private firm may not be able to bill the city client for this double-teaming, and in-house departments may feel too stretched to have two lawyers doing the work of one. However, this extra time and short-term expense should really be considered a long-term “capitalization” of the city attorney department, designed to provide continuity and institutional memory as first chairs transition to other jobs or retire.

7. Focused Research on Opportunities. If you are interested in a particular role or area of the law, follow postings for relevant positions and note the skill sets that are specified as necessary or desirable for the position. If you are not familiar with any of the listed areas, research them and seek to gain any substantive skills or experience that are referenced as necessary or desirable for the position.

## TOP TIPS FOR BECOMING A CITY ATTORNEY

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Do you want to be a city attorney? What experience and knowledge will boost your chances of securing the position?

1. Core Competencies – Communication. Communicating effectively, whether orally or in writing, is one of the most important skills for any legal professional, but particularly for a city attorney. These skills can be honed and improved with practice. An attorney who practices writing and making oral presentations and engaging in the give and take of conversation, whether in court, at city hall, or over Zoom will develop better communication skills. An attorney with those experiences will also be better prepared for a job interview. An attorney with oral presentation experience will be comfortable being the focus of attention, and more likely to be able to respond to interview questions in a straightforward manner.
2. Core Competencies – Staffing Meetings. Have you staffed city council meetings, even as an Assistant or Deputy City Attorney? If you have not yet staffed one, you might consider volunteering to cover meetings for which legal representation is necessary or desirable. Even if it is not a Council meeting, experience staffing a public meeting is invaluable and a critical component for a city attorney candidate.
3. Core Competencies – Experience. Has your city been involved in a major effort in which you played a key, if supportive, part? For example, was there a significant and controversial land development project, with meetings that garnered intense public opposition, with respect to which you provided legal support after the planning commission meeting? Did you participate in a key litigation matter that gave you the opportunity to attend closed session and participate in a discussion with the city council? How about a law enforcement incident that gave rise to public condemnation and demonstration at public meetings that required you to advise the city on the legal requirements for running meetings? Have you worked with city staff to develop policies after-the-fact as a future preventative measure? Have you

helped the city surmount the legal hurdles arising from these challenges like these, so the client was able accomplish its goals?

4. Interview – Preparation. When you secure an interview slot for the next opportunity, consider developing talking points for each anticipated topic, including the usual (tell us about yourself, biggest challenges faced and how you overcame it, why are you a good fit for the job). This should help you respond to interview questions without hesitation, and with specific examples or experiences rather than providing generic responses.
5. Interview – What Do You Know About the City? For interviews relating to top positions, review city and department budgets. Agencies seeking to fill those positions will expect you to have the knowledge that the budget may provide. Review at least a few of the more recent public meetings available online or on YouTube, so you can get a sense of the agency’s goals and challenges and become familiar with its elected officials and senior staff. Spend time on the city’s website, and study its content, including the issues and services prominently displayed, the schedule for public meetings, etc. If you are interviewing outside your current job, check the news and social media sources for mentions relating to the jurisdiction, and familiarize yourself with important recent events and/or hot button legal or political issues. If you are interviewing with the city council itself, know who they are, including the mayor and vice mayor.
6. Interview Skills - Review. Developing talking points for the interview as noted above may help your responses to flow more smoothly and make the interview feel more like a natural conversation, which is beneficial. Practicing the responses aloud will help you be more comfortable responding during the interview, and may help you become more succinct and to the point. Additionally, you may wish to reflect your audience in your responses – for example, if you have attorneys from the agency or others on the panel, you might consider delving a bit more into technical legal details than you would if the panel does not include attorneys. If your interview is with non-attorneys, you might speak more about the relationship with staff or the vision of the city attorney role.
7. Core Competencies – Substantive Law. We may be generalists for the most part, but by necessity we often become familiar with subjects as they arise in our cities and we work through them. If you gain valuable insights and knowledge in a subject of topical interest (natural disasters! election disasters! housing disasters!), consider sharing it with your colleagues, and



gain experience in presenting to the Department. If you are more of a joiner, participating in one or more of the City Attorneys Department Committees will allow you to delve deeply into the law in specified subject areas, such as the Public Records Act, Open Meeting Law, or the Political Reform Act. There are also Committees that provide a review of different areas of the law, such as the Municipal Law Handbook, the Legal Advocacy Committee, and the Substantive Law Subcommittee of the Attorney Development and Succession Committee. Taking advantage of these presentation and Committee opportunities will enhance your professional growth, assist you in developing key relationships with colleagues and mentors in other cities, and will also help you win the client's confidence in your knowledge and abilities.

## **TOP TIPS FOR RETAINING THE JOB**

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After you secure the city attorney job of your choice, how do you best position yourself to retain it? What are the skills you need to continue to serve in the role?

1. Effective Onboarding. As noted in the League's Counsel and Council publication, effective onboarding and continuing attention to the city's priorities are key for a new city attorney. This relates to the Council's priorities, of course, but also to those of the city manager and of key department staff. Appendix D of Counsel and Council, prepared in August 2015 by Lynn Tracy Nerland, then San Pablo City Attorney, contains a thorough transition checklist that addresses not only the city council, but also the various city Departments and administrative processes that have risk/exposure implications.
2. Know your City's Goals, Priorities, and Objectives. After ascertaining your Council's priorities as part of the interview and recruitment process, continue to check in with them to ensure that you are not only fully aware of all relevant aspects, but also of any changes or reprioritizations over time. New city attorneys may wish to establish regular monthly or quarterly meetings with each council member if possible. A regular scheduled meeting with the Mayor is recommended.
3. Know/Follow City Attorney Ethical Principles. The Ethical Principles adopted by the City Attorneys Department in 2005 contain several principles and examples that are applicable to the effective performance of city attorney duties. For example, Principle 2 (Client Trust) maintains that "[t]he

city attorney should earn client trust through quality legal advice and the manner in which the attorney represents the city's interests," and Principle 3 (No Politicization) provides that "[t]he city attorney should provide legal advice in a manner that avoids the appearance that the advice is based on political alignment or partisanship, which can undermine client trust."

Principle 5 (Professionalism and Courtesy) states that the attorney's conduct should remain professional and dignified in interactions with electeds, city staff, the public, and the media. Principle 5's Examples suggest that the attorney can raise the client's confidence in the attorney's competence and professionalism by explaining to the client the competing legal considerations raised by the issue at hand, and by keeping communications with the client confidential. Additionally, the Examples show that providing equal access to legal advice to all council members, ensuring that matters that consume significant resources have direction from a council majority, treating everyone with courtesy and respect, and other similar practices help promote and maintain the client's confidence in the attorney.

As noted in the portion of the 2016 League Paper, *City Attorney Relationships: City Manager, City Clerk, Councilmembers* prepared by Michael Jenkins, entitled *The City Attorney/City Manager Survival Guide*, "it is not ethical for the city attorney to push for a desired policy outcome by claiming legal imperatives. The city attorney is a legal advisor, plain and simple; as tempting as it may be on occasion to influence policy, that's not the attorney's job."

4. No Surprises (If You Can Avoid It). As noted in a 2012 presentation on *Stepping Into the Evolving Role of the City Attorney: Executive Management Team Member, Crisis Manager, Legal Adviser and Team Builder – What Roles Can or Should You Play?*, a city attorney should avoid surprising the client at public meetings. Surprises may be avoided by supplementing applicable staff reports, or by providing confidential communications with advice and warnings in advance of meetings. This may have particular application in areas of rapid legislative change, such as housing, where newly enacted legislation may restrict the findings a city may make and actions a city may take. Additionally, meeting with the city manager prior to council meetings may alert you to issues that should be addressed. The city attorney may also avoid surprises by encouraging council members to raise concerns and ask questions on legal issues prior to meetings.

Also noted in the 2016 League Paper, *City Attorney Relationships: City Manager, City Clerk, Councilmembers* prepared by Michael Jenkins, entitled *The City Attorney/City Manager Survival Guide*, city staff should be comfortable seeking legal advice from the city attorney's staff, and should feel that their questions and issues will be given due consideration in a timely fashion. And in the related segment of the paper entitled *Mike and Steve's Ten Tips for Managing the City Attorney/City Councilmember Relationship*, they advise city attorneys to, inter alia, treat every councilmember equally, be consistent in giving each councilmember the same answer, develop a thick skin, and give legal advice in a direct and approachable fashion – make it understandable to a non-lawyer.

5. Effective Evaluations. Do you dread performance evaluations? It is sometimes difficult to structure city attorney evaluations because work tasks are not necessarily susceptible to quantification (some, such as the number of criminal prosecutions, may be easier to quantify) as work tasks undertaken by the city manager. It may help to prepare a summary of the goals adduced during the last evaluation (or the hiring process), any challenges or obstacles, and steps taken toward accomplishment of those goals. The discussion should include the council goals, but it may also identify goals that you may have set, such as updating particular sections of the municipal code or department procedures, or development of your team. This evaluation process may be more fruitful if you engage the council in a conversation about these things.

## FURTHER RESOURCES

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- *Counsel and Council*, a publication of the League of California Cities revised and republished in 2022, contains a description of the various city activities that may require legal assistance, the several ways in which the city attorney may be involved in municipal matters, and information about the city attorney job and minimum qualifications. See, Chapter I, Nature of the Relationship, section B, “What does a City Attorney Do?;” section C, “Who is the City Attorney’s Client?;” Chapter II, Defining the Job, Recruitment and Selection Process; and Chapter III, Maintaining an Effective City Council/City Attorney Relationship.

[https://www.calcities.org/docs/default-source/city-attorneys/cc-counsel-council-2022-ver4.pdf?sfvrsn=ffd5aa65\\_3](https://www.calcities.org/docs/default-source/city-attorneys/cc-counsel-council-2022-ver4.pdf?sfvrsn=ffd5aa65_3)

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- *The California Municipal Law Handbook*, League of California Cities and Continuing Education of the Bar.
- Table of contents of *The California Municipal Law Handbook*, color-coded by the Substantive Law Subcommittee of the Attorney Development and Succession Committee.
- *City Attorney Ethical Principles*, Adopted October 6, 2005, by the City Attorneys Department  
<https://www.cacities.org/Resources-Documents/Member-Engagement/Professional-Departments/City-Attorneys/Library/2011/5-2011-Spring-Michele-Beal-Bagneris-Ethical-Princi>
- *Rules of Professional Conduct*, the State Bar of California; Rule 1.6 (Confidential Information of a Client), Rule 1.13 (Organization as Client).  
<https://www.calbar.ca.gov/Portals/0/documents/rules/Rules-of-Professional-Conduct.pdf>
- *Practicing Ethics – A Handbook for Municipal Lawyers* (Chapter 1: Defining the Client & Chapter 7: Duty of Confidentiality)  
[https://www.calcities.org/docs/default-source/city-attorneys/practicing-ethics---a-handbook-for-municipal-lawyers-\(revised-2nd-edition-2020\).pdf?sfvrsn=3c4d92d4\\_1](https://www.calcities.org/docs/default-source/city-attorneys/practicing-ethics---a-handbook-for-municipal-lawyers-(revised-2nd-edition-2020).pdf?sfvrsn=3c4d92d4_1)
- *Essential Skills: Developing the City Attorney and City Council Relationship* (2016)  
<https://www.cacities.org/Resources-Documents/Member-Engagement/Professional-Departments/City-Attorneys/Library/2019/2019-Spring-Conference/5-2019-Spring;-Steiner-Nerland-Essential-Skills-De>

- *City Attorney Relationships: City Manager, City Clerk, Councilmembers, 2016*

[https://www.cacities.org/Resources-Documents/Member-Engagement/Professional-Departments/City-Attorneys/Library/2016/Annual-2016/10-2016-Annual\\_Arevalo\\_Jenkins\\_City-Attorney-Relat.aspx](https://www.cacities.org/Resources-Documents/Member-Engagement/Professional-Departments/City-Attorneys/Library/2016/Annual-2016/10-2016-Annual_Arevalo_Jenkins_City-Attorney-Relat.aspx)

- *Stepping Into the Evolving Role of the City Attorney: Executive Management Team Member, Crisis Manager, Legal Advisor and Team Builder – What Roles Can or Should You Play? (see in particular p. 9: “Opportunities and Challenges with the Community”)*

<https://www.cacities.org/Resources-Documents/Member-Engagement/Professional-Departments/City-Attorneys/Library/2012/Spring-2012/5-2012-Spring-Carvalho-Guinn-Moutrie-Stepping-Into>

- *Best Best & Krieger Municipal Practice Group Summary, Associate Core Competencies [Combines Municipal Practice Group and Firm-Wide Competencies];*
- *Best Best & Krieger General Associates Core Competencies Summary;*
- *Best Best & Krieger L-3 – 7<sup>th</sup> Year + Partnership Track – Associate Performance Evaluation*

A separate Resources Index, presented with these materials, is provided for Department members who may wish to have a summary version.

## ESSENTIAL SKILLS:

### Ascending the Organizational Chart – How to Get and Keep the Public Agency Job You Want

## RESOURCES INDEX

	SOURCE	TITLE
1.	League of California Cities	<u><i>Counsel and Council: A Guide to Building a Productive City Attorney-City Council Relationship (2022)</i></u>
2.	League of California Cities	<u><i>The California Municipal Law Handbook, League of California Cities and Continuing Education of the Bar</i></u>
3.	Attorney Development and Succession Committee, Substantive Law Subcommittee	<i>Outline of Canonical Substantive Law Subjects, Color-Coded Table of Contents to the California Municipal Law Handbook</i>  (Note: not hyperlinked; attached to presentation materials)
4.	City Attorneys Department	<u><i>City Attorney Ethical Principles, Adopted October 6, 2005, by the City Attorneys Department</i></u>
5.	State Bar of California	<u><i>Rules of Professional Conduct, Rule 1.6 (Confidential Information of a Client), Rule 1.13 (Organization as Client).</i></u>
6.	League of California Cities	<u><i>Practicing Ethics – A Handbook for Municipal Lawyers (Chapter 1: Defining the Client, Chapter 7: Duty of Confidentiality), 2023</i></u>
7.	City Attorneys Department, Attorney Development and Succession Committee, Essential Skills Subcommittee	<u><i>Essential Skills: Developing the City Attorney and City Council Relationship (2019)</i></u>
8.	League of California Cities	<u><i>City Attorney Relationships: City Manager, City Clerk, Councilmembers (2016)</i></u>

## ESSENTIAL SKILLS:

### Ascending the Organizational Chart – How to Get and Keep the Public Agency Job You Want

## RESOURCES INDEX

	SOURCE	TITLE
9.	League of California Cities	<u><i>Stepping Into the Evolving Role of the City Attorney: Executive Management Team Member, Crisis Manager, Legal Advisor and Team Builder – What Roles Can or Should You Play?</i></u> (2012)
10.	Best Best & Krieger	<i>Best Best &amp; Krieger Municipal Practice Group Summary, Associate Core Competencies [Combines Municipal Practice Group and Firm-Wide Competencies]</i>  Note: not hyperlinked; attached to presentation materials
11.	Best Best & Krieger	<i>Best Best &amp; Krieger General Associates Core Competencies Summary</i>  Note: not hyperlinked; attached to presentation materials
12.	Best Best & Krieger	<i>Best Best &amp; Krieger L-3 – 7<sup>th</sup> Year + Partnership Track – Associate Performance Evaluation.</i>  Note: not hyperlinked; attached to presentation materials