



City Attorney Jan Goldsmith

**Newsletter of the San Diego City Attorney's Office**  
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## Standing behind our Domestic Violence

### Unit

By: San Diego City Attorney Jan Goldsmith

October is Domestic Violence Awareness Month and our office is helping to close the gap on domestic violence. In March of last year, in the face of concern over a downward trend since 2005 in the number of cases that the domestic violence unit was issuing for prosecution, our office made a commitment to the people of the City of San Diego to expand the domestic violence unit and reassess our policies with respect to case issuance. Since that time, we have made several changes in the domestic violence unit and are proud to report the fruits of our efforts.

With our eyes sharply focused on victim safety, reducing domestic violence recidivism rates and reducing the escalation of family violence in our city, we have made fundamental changes to our issuing guidelines resulting in a significantly more aggressive prosecution of domestic violence cases. We continue to strictly adhere to the sentencing mandates set forth in Penal Code section 1203.097, including the requirement of batterer's treatment for every offender placed on probation in a domestic violence case. In the face of changes in the law that have made domestic violence more difficult to prosecute without victim cooperation, we have developed innovative and aggressive strategies to combat witness intimidation which we have begun to utilize regularly with great success. We are extremely excited to be part of the community recently selected by a new Department of Justice grant aimed at developing ways to combat the nation-wide challenge of witness intimidation in domestic violence cases.

*"Our office made a commitment to the people of the City of San Diego to expand the DV Unit."*

In November of 2010, we named a seasoned former deputy district attorney with 14 years of trial experience and an extensive background in domestic violence, child abuse and sexual assault cases to lead our domestic violence unit. In addition to placing highly experienced prosecutors in key leadership positions within the unit, the unit is staffed by some of the most experienced and skilled trial deputies in the office. In our domestic violence unit, we have a combined total of 70 years of attorney experience. This unique combination of leadership, experience and dedication, has resulted in a strong, successful and determined domestic violence unit within our office of which we are extremely proud.

As a result of all of our efforts, our office has increased the number of cases issued for prosecuting by 65%. In addition, our DV Unit's overall conviction rate including trial statistics is 93.9%.

Our office has also initiated a pilot project in partnership with the District Attorney's Office, other law enforcement agencies and many public and non-profit partners, called the THRIVE Team—*Thriving Healthy Relationships in Violent-Free Environments*.

The purpose of THRIVE is to help victims, their families and defendants obtain the needed resources to stop the violence from happening again while the defendant is in the misdemeanor stage and before it's too late.

THRIVE will launch in first quarter 2012 and is designed to work together with the San Diego High Risk Case Response Team (HRT) that is being launched this month through the District Attorney's Office.

The Office of the San Diego City Attorney is among the region's largest law firms, handling a diverse case load. The office has restructured itself into a private law firm model with four divisions. These divisions are divided into sections and units which allow the attorneys to specialize in areas of practice. There are five senior partners who have over 133 combined years of experience, averaging over 26 years each.

- **City Attorney Jan Goldsmith**

- **Civil Advisory Division**

- Government Affairs & Finance
- Real Property & Economic Development
  - Public Works
  - Public Safety
- Employment Services

- **Civil Litigation Division**

- Civil Prosecution
- Workers' Compensation
- Land Use Litigation
- General Litigation
- Special Litigation

- **Criminal Division**

- Case Issuance
- General Trial
  - Appellate
- Domestic Violence

- **Community Justice Division**

- Neighborhood Prosecution
  - Code Enforcement
- Consumer & Environmental Protection

The City Attorney's Office has 138 attorneys throughout its four divisions. Our office advises the Mayor, City Council and all its departments.

The City Attorney's Office prosecutes or defends lawsuits or cases to which the City may be a party and receives approximately 35,000 criminal cases per year involving persons charged with violations of the state laws occurring within the city limits of the City of San Diego for misdemeanor offenses.

## **Government Affairs Unit Gears Up for the Political Season . . . .**

Months before City voters go to the polls, our Government Affairs Unit is already hard at work on the June 2012 ballot. Although eight months remain until the primary election, two deputy city attorneys are analyzing legal issues related to ballot measures, drafting materials to be published in the voter pamphlet, reviewing legal issues regarding the collection of signatures on initiative petitions, and advising City officials in preparation for the election.

Chief Deputy City Attorney Catherine Bradley and Deputy City Attorney Sharon Spivak are the City's election law attorneys. Working with the City Clerk and City Council, they provide guidance on the calling and conduct of elections, referenda, initiatives, Charter amendments, candidate statements, and related ballot materials. They draft the impartial analyses, titles and summaries of ballot measures published in the voter pamphlet. They respond to all legal questions related to City election matters.

This year, Deputy City Attorneys Bradley and Spivak also guided the City's 2010 Redistricting Commission as it heard 10 months of testimony and drew boundaries of the nine City Council districts that will be in effect for 10 years. Candidates seeking Council seats in 2012 primary and general elections will run in these newly drawn Council districts.

Throughout the process, these deputy city attorneys provided legal training to

aspects of local and federal redistricting law, including the federal Voting Rights Act, the U.S. Constitution and all the City Charter.



*Chief Deputy City Attorney Cathy Bradley*

They worked with the community and other officials to ensure the Commission operated without interference, prepared filing statements and legal documents, and led the Commission to adopt a plan that met all legal requirements, was completed on time, and was not challenged by referendum.

The Government Affairs Unit also includes deputy city attorneys Kim Kaelin, Mara Elliott, Carrie Gleeson, Sanna Singer and Stu Swett. In addition to election law, the Government Affairs Unit provides a wide variety of critical work: Attorneys in the Unit provide legal opinions and analysis concerning core municipal functions relating to the City Charter, San Diego Municipal Code, the Mayor-Council form of governance, open meeting laws, public records, record retention, ethics and conflicts of interest, boards and commissions, taxes, marketing partnerships and contracts. The Unit supports departments including the City Council, Mayor's Office, City Clerk, Independent Budget Analyst, City Auditor, Treasurer, Library, Commission on Arts and Culture, Funds Commission, Civil Service Commission, Salary Setting Commission, City Council Committee on Rules, Open Government and Intergovernmental Relations, Audit Committee, and the Ethics Commission.







**Criminal Division's Ken Collier's Crew Team  
Won #1 Law Enforcement for the 8th Annual  
Walk Like MADD Event**

Chief Deputy City Attorney Karen Li from the Criminal Division set up a team for the 8th Annual Walk Like MADD event in honor of her fiancée, Deputy Sheriff Ken Collier, who lost his life pursuing a DUI driver. The City Attorney's team was named "Ken Collier's Crew." The 5K walk was held on October 8 at NTC Park in Point Loma. City Attorney Jan Goldsmith was on site to show his support for MADD and the City Attorney's team during the welcoming ceremonies.

The City Attorney's team raised over \$5,300 and came in second overall for the amount of money raised. Mothers Against Drunk Driving started a powerful movement more than 30 years ago. Their mission is to educate and prevent underage drinking; stop drunk driving and support the victims of this violent crime.

**CITY ATTORNEY'S CRIMINAL  
DUI STATS**

- In 2010 the City Attorney's Office prosecuted 6,195 DUI cases
- In 2011 the City Attorney's Office prosecuted 4,634 DUI cases as of September.
- 53% of arrestees in 2011 were under 30

**Consumer & Environmental Protection Unit files consumer protection case  
against FASTENAL STORES**

A San Diego Superior Court Judge in September ordered Fastenal Corporation, the owner of Fastenal stores to pay \$292,558 to settle a consumer protection case filed by the San Diego City Attorney's Consumer & Environmental Protection Unit, San Diego County District Attorney's Office and the Stanislaus District Attorney was also co-counsel on the case.

The prosecutors filed a civil complaint alleging that the owners of Fastenal stores which sell industrial and construction supplies at 163 stores in California (10 in San Diego County) posted prices and advertisements in stores of the price that would be charged for items and then charged more than those prices at the time of checkout. The prosecutors allege these actions violated the laws prohibiting false advertising and unfair competition.

The case was brought to prosecutors by weights and measures officials in 20 counties in California when they documented overcharges during 98 inspections of 67 different Fastenal stores. Some of the violations involved the charging of unadvertised shipping and handling charges added to the invoices. In addition, during 61 inspections, inspectors observed that the cash registers failed to display the price of items where the consumer could see the display, in violation of state law.

The San Diego County Division of Weights and Measures was the agency that inspected Fastenal stores in San Diego County.

**City Attorney's Office Reduces Outside Legal Defense Costs by More than Half**

*In the past two years, the City Attorney's Office has slashed spending on outside counsel to defend the City from lawsuits by nearly 60 percent.*

*The office is on pace to spend \$2.8 million in outside counsel defense costs in 2011, about 10 percent less than the \$3.1 million spent last year and nearly 60% less than previous years. Overall, average annual spending on outside legal defense fees was \$6.8 million from 2004 to 2009.*

*The new policy on the outside counsel is that the office will only hire outside counsel when in-house lawyers lack a specific expertise to handle a particular case or in instances when manpower is an issue or there is a conflict of interest.*

**Lawyer Spotlights: Highlights from our Civil Advisory Division**

**CEQA**

Deputy City Attorneys Heidi Vonblum and Keith Bauerle from the Civil Advisory Division's Land Use Unit contributed as peer reviewers for the Institute for Local Government's publication, "Evaluating Greenhouse Emissions as Part of California's Environmental Review Process: A Local Official's

Guide." The guide is available at: [www.ca-ilg.org/CEQA-GHG](http://www.ca-ilg.org/CEQA-GHG) and provides information for the local official audience and others seeking a plain language explanation of requirements to analyze greenhouse gas emissions as part of CEQA. We are proud that DCA's Vonblum and Bauerle were selected for their CEQA expertise to help educate local officials across California.

Deputy City Attorney Ray Palmucci was nominated to sit on ACWA's Legal Affairs Committee by the Public Utilities Department. DCA Palmucci is an attorney with the Civil Advisory Division's Public Infrastructure Unit who has developed special expertise in water issues. He will be participating on the Legal Affairs Committee covering a range of issues associated with *The Association of California Water Agencies*. The Legal Affairs Committee supports the mission of the association and works with staff to produce publications to assist member agencies in complying with state and federal laws. The committee files amicus curiae filings on important cases, comments on proposed regulations and guidelines of state agencies and monitors / engages in water rights matters of interest to member agencies. Congratulations to DCA Palmucci for his state-wide leadership on important water-related legal issues.



**Association of California Water Agencies**  
Leadership Advocacy Information Since 1910