



San Diego City Attorney  
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## Skilled Negotiations Save Taxpayers' Money

*By City Attorney Mara W. Elliott*

As your City Attorney, I advise the City Council, defend the City in litigation, civilly and criminally prosecute violations of the law, and protect taxpayer dollars so that the money can be used to advance the interests of our communities.

When it comes to litigation, you might picture lawyers waging a dramatic battle in a courtroom trial. However, a skilled negotiator can often find a way to avoid a costly trial by working out a settlement that is acceptable to both sides, thereby saving a tremendous amount of time and money – your money.

Deputy City Attorneys are trained to assess liability and obtain fair outcomes for taxpayers when the City is at fault. I'd like to recognize some of those attorneys, and to highlight the positive outcomes they reached on behalf of our citizens:

- In 2018, a man filed a lawsuit to halt the Rock 'n' Roll Marathon because of noise associated with the event. Deputy City Attorney Dana Fairchild successfully defended the City by persuading the judge to deny the requested injunction.

Last year, the same citizen threatened to bring another lawsuit. With help from the City's Special Events Department, Dana worked with the resident to address his concerns. The diplomatic efforts paid off – the parties created a plan to abate the noise, the popular event went forward as planned, and the City avoided a new lawsuit.

- Last year, Deputy City Attorney Lynn Beekman negotiated the dismissal of a lawsuit over the City's denial of a homeowner's application to get title to the City's unused public rights-of-way that ran in front of, and behind, his home. The view out his front window of a "dying" tree on the City's right-of-way proved to be the issue that concerned him most.

The City's arborist determined that the tree was struggling, but did not need to be replaced. The homeowner disagreed. He argued his case, without a lawyer, with great passion and intensity. After much discussion about possible alternatives to litigation, the parties resolved the case. The resident agreed to waive the costs and replace the tree at no cost to the City.

- In 2017, nine homeless people filed a federal class-action lawsuit alleging the City violated their constitutional rights through enforcement of its Encroachment Ordinance, which prohibits persons from obstructing the public right-of-way with their belongings. The City argued that the belongings impede the City's ability to keep the streets safe and clean for all; however, the homeless individuals said they had nowhere else to store their belongings.

The judge suggested the parties to the litigation attend a ride-a-long with the City's Homeless Outreach Team (also known as the HOT Team). The judge and lawyers spent a summer morning in the East Village with the HOT Team, and toured the Alpha Project Bridge Shelter to see how many storage facilities the City provides to homeless individuals. This field trip was an essential step in finding common ground.

These are just some examples of how your Deputy City Attorneys are working hard every day, often behind the scenes, to resolve conflicts and reach solutions that save taxpayers' money.

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