



RENNE PUBLIC LAW GROUP

Citizens Redistricting Commission – Litigation Counsel RFI

January 29, 2021

Primary Contact:

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RPLG

Renne Public Law Group®

January 29, 2021

Kary Marshall
Chief Counsel
Citizens Redistricting Commission
721 Capitol Mall, Suite 260
Sacramento, CA 95814
kary.marshall@crc.ca.gov

Re: Proposal for Litigation Counsel

Dear Ms. Marshall:

Renne Public Law Group® LLP (“RPLG”) is pleased to submit this proposal to provide litigation counsel services to the Citizens Redistricting Commission (“Commission”).

I will be the authorized representative and main point of contact for this proposal. My contact information is:

Jonathan V. Holtzman, Partner
Renne Public Law Group® LLP
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San Francisco, CA 94104
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We understand the scope of services required, as set forth by the Commission, and affirm our commitment to perform these services if selected. We look forward to the Commission’s review and consideration of our firm.

Very truly yours,



Jonathan V. Holtzman

Table of Contents

| | |
|------------------------------------------------------------------------------------------------------------------------|----|
| 1. Personnel | 1 |
| Jonathan “Jon” Holtzman | 1 |
| Linda Ross | 2 |
| Arthur “Art” Hartinger | 2 |
| Jenica Maldonado | 2 |
| Ryan McGinley-Stempel | 3 |
| Imran Dar | 4 |
| Michael Cohen | 4 |
| 2. Attorney/Firm General Description | 5 |
| 3. Experience | 5 |
| A. 10 recent cases before the California Supreme Court: | 6 |
| B. 10 recent cases where a judgement was reached in a federal court: | 8 |
| C. Representative work on behalf of public agencies and state boards or commissions in the past 10 years: | 9 |
| D. Experience with Section 2 and Section 5 of the Voting Rights Act | 12 |
| E. Experience with electronic discovery | 13 |
| 4. Conflicts of Interest | 13 |
| A. Compliance with Government Code Section 8252 | 13 |
| B. Other Conflicts | 13 |
| 5. Fee Arrangements | 14 |
| 6. References | 15 |

1. Personnel

Although we work as a team, providing a network of legal and consulting support for our public sector clients across all our practice areas, RPLG proposes the following attorneys to provide legal services to the Commission: Jonathan Holtzman, Linda Ross, Arthur Hartinger, Jenica Maldonado, Ryan McGinley-Stempel, Imran Dar, and Michael Cohen. **Attachment 1** includes a biography for each proposed attorney.

Jonathan “Jon” Holtzman

We propose Jon Holtzman as lead attorney. As a founding partner of Renne Public Law Group, Mr. Holtzman specializes in government law litigation and advice, constitutional law and elections, labor relations, and project labor agreements. Mr. Holtzman served as the primary outside counsel for the California Secretary of State’s Office during the last gubernatorial recall election, and focused on issues related to voting systems. During his time working with the Secretary of State, the office successfully defended more than two dozen lawsuits related to the recall election and successfully sued a major election machine on issues related to the recall election.

Mr. Holtzman also has extensive experience representing public agencies before the state and federal appellate courts. He represented the League of California Cities and the California State Association of Counties as *amici curiae* in *Retired Employees Association of Orange County, Inc. v. County of Orange* (2011) 52 Cal.4th 1171, and *Boling v. Public Employment Relations Board* (2018) 5 Cal.5th 898, which dealt with the scope of implied vested rights and the Meyers-Milias-Brown Act’s meet and confer requirement in the context of citizens’ initiatives, respectively. He has secured victories for public agencies in numerous published decisions involving pension reform (*Vallejo Police Officers Association v. City of Vallejo* (2017) 15 Cal.App.5th 601); the First Amendment (*Fazio v. City and County of San Francisco* (9th Cir. 1977) 125 F.3d 1238); the Fair Labor Standards Act (*Service Employees International Union Local 102 v. County of San Diego* (9th Cir. 1994) 60 F.3d 1346); and the charter of the City and County of San Francisco (*United Assn. of Journeymen v. City and County of San Francisco* (1995) 32 Cal.App.4th 751).

Jon has dedicated much of his career to improving the effectiveness of local governments. After clerking for California Supreme Court Justice Otto M. Kaus, he served as San Francisco’s Chief Deputy City Attorney, and Director of Policy and Labor. Jon litigates, negotiates, advises, and drafts ballot measures and legislation on behalf of public agencies across California. From his work as counsel for the League of California Cities on pension reform issues to his extensive work helping craft major policy initiatives for the City and County of San Francisco, including groundbreaking measures regarding living wage, equal benefits, collective bargaining, civil service reforms and criminal justice, he has a breadth of experience working on the many issues facing localities today. Jon has drafted numerous ballot measures, including a ballot measure enhancing the authority of the San Francisco Public Utilities Commission and a ballot measure requiring the City Controller to conduct “benchmarking” studies of City services, two of San Francisco’s MUNI reform measures, and San Francisco’s civil service and collective bargaining reforms. As General Counsel to the Moraga-Orinda Fire District, Jon also works on newly evolving issues such as fire fuel mitigation and predictive modeling of fire behavior for evacuation planning. Jon has also worked to improve flexibility in public safety staffing models in numerous cities.

Mr. Holtzman’s detailed biography is included in **Attachment 1**.

Linda Ross

We propose Linda Ross for writs and appeals and litigation proceedings. Ms. Ross, recently named by the Daily Journal as a Top 100 Female Attorney in California, is a key member of RPLG's government and investigation practice groups. Prior to joining the firm, Ms. Ross was a Deputy City Attorney for the City and County of San Francisco. There, she served eight years as General Counsel to the Mayor's Office, under then-Mayor Gavin Newsom, and before that as General Counsel to the San Francisco Police Department and Police Commission.

Ms. Ross has extensive experience defending governmental initiatives in the trial and appellate courts. Recently, she has litigated a high profile pension case before the California Supreme Court, defended the City and County of San Francisco in another high profile pension matter, and represented the Sonoma County Board of Supervisors and the Napa County Board of Supervisors in the successful defense of citizens' initiatives focused on police reform and land use, respectively.

Ms. Ross's detailed biography is included in **Attachment 1**.

Arthur "Art" Hartinger

We propose Art Hartinger for writs, appeals and litigation. A founding partner of RPLG, Mr. Hartinger has been recognized each year since 2004 as a "Northern California Super Lawyer," and has also received numerous awards from the *Daily Journal*, including "Top 100 Lawyers in California," "Top 20 Municipal Lawyers in California," "Top 75 Labor and Employment Attorneys," and "Top Defense Verdict." Prior to founding RPLG, Mr. Hartinger was a partner at Renne Sloan Holtzman Sakai LLP, Meyers Nave, and Liebert Cassidy Whitmore, and before that served as a Deputy City Attorney for the City and County of San Francisco. Mr. Hartinger represents public and private clients in complex state and federal litigation pertaining to all types of labor and employment issues, including California and U.S. constitutional law, the Fair Labor Standards Act (FLSA), Title VII, Title IX, the Fair Employment and Housing Act (FEHA), and the Americans with Disabilities Act (ADA).

Mr. Hartinger has litigated before the California Supreme Court, the California Court of Appeal, and the Ninth Circuit in several cases involving pension reform, serving as lead counsel for the County of Orange in *Retired Employees Association of Orange County, Inc. v. County of Orange* (2011) 52 Cal.4th 1171, and multiple related proceedings in the Ninth Circuit and the Central District of California. He has filed *amicus curiae* briefs in support of public agencies in *Metropolitan Water Dist. v. Superior Court* (2004) 32 Cal.4th 491, *Claremont Police Officers Assn. v. City of Claremont* (2006) 39 Cal.4th 623, and *Boling v. Public Employment Relations Board* (2018) 5 Cal.5th 898. Mr. Hartinger also has significant experience defending ballot measures in the state and federal courts, recently representing the City and County of San Francisco and the Napa County Board of Supervisors in the successful defense of citizens' initiatives focused on interest arbitration, pension reform, and land use.

Mr. Hartinger's detailed biography is included in **Attachment 1**.

Jenica Maldonado

We propose Jenica Maldonado for writs and appeals and litigation proceedings. Ms. Maldonado joins RPLG on February 1, 2021 as an Of Counsel. She previously worked as a Deputy City Attorney for the City and County of San Francisco on the Ethics and Elections Team, where she advised the Department of Elections regarding local and state election laws and municipal law

matters, including public records and open meeting laws; drafting title and summaries, ballot questions and digests; and staffing Ballot Simplification Committee meetings for the November 2019, March 2020, and November 2020 elections. Ms. Maldonado also advised the Ethics Commission and staff regarding local and state ethics laws and advised and trained elected officials, commissioners, and City employees regarding conflicts of interest. She drafted legislation and provided advice regarding the City's response to COVID-19.

Prior to joining the Office of the City Attorney, Ms. Maldonado was an associate at Perkins Coie LLP and Hanson Bridgett LLP. During law school, she externed for Associate Justice Joyce Kennard of the Supreme Court of California and clerked for the Government Team at the San Francisco City Attorney's Office.

Ms. Maldonado's detailed biography is included in **Attachment 1**.

Ryan McGinley-Stempel

We propose Ryan McGinley-Stempel for writs, appeals and litigation. Mr. McGinley-Stempel is a senior associate in the firm's Government and Litigation Practice Groups and has significant experience litigating constitutional issues in the state and federal courts. Prior to joining RPLG, Mr. McGinley-Stempel was an associate at Gibson Dunn, where he focused predominantly on appellate work. Before that, he served as a law clerk at the California Supreme Court (Associate Justice Mariano-Florentino Cuéllar); the U.S. Court of Appeals for the Tenth Circuit (Judge Scott M. Matheson); and the U.S. District Court for the Southern District of Texas (now Chief-Judge Lee H. Rosenthal).

Mr. McGinley-Stempel has litigated cases before the Supreme Courts of California and the United States. He recently represented the California State Association of Counties and a coalition of 33 California counties and cities as *amici curiae* in *Boise v. Martin* (U.S. Supreme Court) Case No. 19-247, a certiorari-stage case involving homelessness and Eighth Amendment. In *Briggs v. Brown* (2017) 3 Cal.5th 808, Mr. McGinley-Stempel represented the Brennan Center for Justice, Erwin Chemerinsky, and several other constitutional law professors as *amici curiae*, arguing that Proposition 66 (which imposed various timing requirements on courts in adjudicating appeals and habeas corpus petitions challenging sentences of death) violated the California Constitution's separation of powers provision. During law school, Mr. McGinley-Stempel served as a student attorney with the Stanford Law School Litigation Clinic, where he worked on certiorari- and merits-stage work, including in *Salinas v. Texas*, 133 S. Ct. 2174 (2013).

Mr. McGinley-Stempel has successfully defended ballot initiatives in state and federal courts. Working with Jon Holtzman and Art Hartinger, Mr. McGinley-Stempel persuaded the California Court of Appeal to reinstate critical portions of a ballot measure invalidated by the Public Employment Relations Board that emphasized the importance of transit effectiveness factors in resolving collective bargaining disputes between the San Francisco Municipal Transportation Agency and its transit operators. He also recently represented the Sonoma County Board of Supervisors with Linda Ross and the Napa County Board of Supervisors with Linda Ross and Art Hartinger in the successful defense of citizens' initiatives focused on police reform and land use, respectively. Mr. McGinley-Stempel has also recently published an article with Michael Cohen in PublicCEO regarding redistricting entitled "COVID-19, the Census delay and local redistricting: What local public agencies can do to prepare."

Mr. McGinley-Stempel’s detailed biography and a copy of this article is included in **Attachment 1**.

Imran Dar

We propose Imran Dar for litigation proceedings. Mr. Dar is an associate who focuses on public and constitutional law. Prior to joining RPLG, he served as a Judicial Fellow for Judge Laurel Beeler in the U.S. District Court for the Northern District of California.

Between 2016 and 2018, Mr. Dar served as an Excelsior Service Fellow in New York’s Division of Election Law Enforcement—the enforcement unit of the State Board of Elections, created following the 2013 Moreland Commission to Investigate Public Corruption. During his fellowship, Mr. Dar conducted criminal investigations of political officials in New York and collaborated with other law-enforcement agencies in prosecuting those officials. He also litigated civil enforcement actions against political actors in state court, including one resulting in one of the largest election law fines in state history against four sitting state senators. In this role, Mr. Dar encountered a gamut of election-related issues and successfully defended New York’s elections law from constitutional challenges, including in the matter of *Sugarman v. the New York State Committee of the Independence Party*.

Mr. Dar graduated from the Benjamin N. Cardozo School of Law with honors, including the Federal Bar Council’s Cornelius Wickersham Jr. Award for highest-ranking student in the field of constitutional law. During law school, Mr. Dar brought 42 U.S.C. § 1983 cases for indigent plaintiffs in the criminal justice system with the Cardozo Civil Rights Clinic and was a research assistant for Professor David Rudenstine.

Mr. Dar’s detailed biography is included in **Attachment 1**.

Michael Cohen

We propose Michael Cohen to provide voting rights expertise to the Commission. Mr. Cohen will be joining RPLG as a Law Clerk. He has served in the chambers of Presiding Justice Arthur Gilbert at the California Court of Appeals and pursued a variety of work advancing accessibility to social services and public benefits. On UCLA Law campus, Mr. Cohen is heavily involved with student government and political student groups and is an editor on multiple journals, including the UCLA Law Review. He has competed in several moot court competitions and earned Moot Court Honors.

Mr. Cohen works as a Legal Fellow for the UCLA Voting Rights Project. He has provided litigation assistance to a range of organizations in this role, including the League of United Latin American Citizens and the ACLU. Separately, he has provided litigation assistance to the Texas Democratic Party. He worked on several of the recent election lawsuits coming before the California and Texas Supreme Courts, district courts in Texas and Georgia, and the Fifth Circuit. He has published policy papers and scholarship on voting rights litigation, redistricting, and California election law. He has also collaborated with public officials, including the office of the California Secretary of State, to prepare reports, facilitate compliance with election laws, and expand access to the voting franchise. Mr. Cohen recently published an article with Mr. McGinley-Stempel in PublicCEO regarding redistricting entitled “COVID-19, the Census delay and local redistricting: What local public agencies can do to prepare.”

Mr. Cohen’s detailed biography is included in **Attachment 1**.

We anticipate the percentage of time spent on work for the Commission will be determined upon receipt of the work.

2. Attorney/Firm General Description

Renne Public Law Group (RPLG) is a partnership based in San Francisco. The firm combines the careers of attorneys who have spent decades serving public agency clients throughout California. We are government lawyers, first and foremost. A central focus of government law is harmonizing the potentially competing powers of different agencies or officials within a single government such as a city or county. Many of our attorneys have litigated extensively in the areas of constitutional law, charter powers, preemption, and statutory interpretation. Our lawyers also have significant expertise advising specifically regarding the powers of elected law enforcement officers.

Our election law practice recognizes the critical need for local officials to receive timely, accurate, and practical legal advice to solve election problems arising under state and federal law. Our firm is uniquely positioned to provide these expert services in this high stakes area. Our attorneys include current and former city attorneys, former counsel for the California Secretary of State, and a member of the San Francisco City Attorney's Office Ethics and Elections Team.

We also regularly provide advice and representation on cutting-edge legal issues including, recall elections, the Voting Rights Act, the Help America Vote Act, and the certification, security and reliability of new voting systems. Our election law and elections advisory services include, without limitation:

- The initiative, referendum and recall processes, including the form and circulation of petitions, the verification of signatures and conduct of the election, and representation in litigation concerning these issues;
- Implementation of new voting systems;
- Voting Rights Act compliance, including the minority language provisions of the Act;
- Compliance with the Help America Vote Act; and
- Development of election materials in conjunction with our consultants who have expertise in election administration.

For additional information about our firm and the services we provide to our clients, please visit www.publiclawgroup.com.

3. Experience

Our firm has significant experience practicing before the California Supreme Court, the federal district courts, the Ninth Circuit Court of Appeals, and the U.S. Supreme Court. In addition to our advocacy work described below, our attorneys also have the following experience working within these institutions:

- Jon Holtzman served as a law clerk to former Associate Justice Otto M. Kaus of the California Supreme Court.
- Jenica Maldonado served as an extern for former Associate Justice Joyce Kennard of the California Supreme Court.
- Ryan McGinley-Stempel served as a law clerk for Associate Justice Mariano-Florentino Cuéllar of the California Supreme Court; Judge Scott M. Matheson of the U.S. Court of Appeals for the Tenth Circuit; and Judge Lee H. Rosenthal of the U.S. District Court for

the Southern District of Texas. During his clerkship with Judge Rosenthal, Mr. McGinley-Stempel also worked on cases in the U.S. Courts of Appeals for the Fifth, Sixth, Ninth, and Eleventh Circuits.

- Imran Dar served as a judicial fellow for Judge Laurel Beeler of the U.S. District Court for the Northern District of California.

A. 10 recent cases before the California Supreme Court:

Published Cases

- *Alameda County Deputy Sheriff's Association et al. v. Alameda County Employees' Retirement Assn. et al.* (2020) 9 Cal.5th 1032 (S247095). Case involved whether statutory amendments to the County Employees' Retirement Law made by the Public Employees' Pension Reform Act impaired employees' vested rights protected by the contracts clauses of the state and federal constitutions. We represented the Central Contra Costa Sanitary District, the Real Party in Interest in this case, successfully petitioning the California Supreme Court for review and achieving a victory on the merits in a 90-page opinion authored by the Chief Justice.
- *Cal Fire Local 2881 v. CalPERS* (2019) 6 Cal.5th 965 (S239958). We represented the League of California Cities as *amicus curiae* in this landmark vested rights case where the Court held that the Legislature did not violate the constitution when it eliminated public employees' ability to purchase additional retirement service credit in the Public Employees' Pension Reform Act.
- *Boling v. Public Employment Relations Board* (2018) 5 Cal.5th 898 (S242034). We represented the League of California Cities as *amicus curiae* in this high-profile case involving the scope of remedial authority of the Public Employment Relations Board.
- *Professional Engineers in California Government v. Schwarzenegger* (2010) 50 Cal.4th 989 (S183411, S185654, S185404). During her time as an associate with Hanson Bridget LLP, Jenica Maldonado served as co-counsel for State of California in consolidated litigation before the California Supreme Court (S185654, S185404), California Court of Appeal, and Alameda County Superior Court relating to California's 2010-2011 budget impasse and the California Department of Personnel Administration's implementation of the Governor's furlough program.
- *Sheppard, Mullin, Richter & Hampton, LLP v. J-M Manufacturing Co., Inc.* (2018) 6 Cal.5th 59 (S232946). During his time as an associate at Gibson Dunn & Crutcher, Ryan McGinley-Stempel represented a law firm seeking to reinstate an arbitration award in a fee dispute with former client. The case involved novel issues involving the arbitrability of violations of the rules of professional conduct, the legality of an advance conflict waiver, and the law firm's entitlement to compensation for legal services performed subject to an improperly waived conflict of interest.
- *Briggs v. Brown* (2017) 3 Cal.5th 808 (S238309). Original writ proceeding under California Rules of Court, rule 8.485 et seq. During his time as an associate at Gibson Dunn & Crutcher, Ryan McGinley-Stempel represented the Brennan Center for Justice, Erwin Chemerinsky, and a group of constitutional law professors as *amici curiae* in support of petitioners' challenge to the constitutionality of Proposition 66, which imposed various timing requirements on courts in adjudicating appeals and habeas corpus petitions challenging sentences of death. *Amici*

argued that Proposition 66’s timing requirements violated the separation of powers provision of the California Constitution and filed (1) a letter urging the California Supreme Court to exercise original jurisdiction over the writ petition; (2) a brief on the merits after the Court issued an order to show cause; and (3) a supplemental brief in response to a request for supplemental briefing from the Court on a distinct issue. Although the Court ultimately upheld Proposition 66, it did so after concluding that the timing requirements in the initiative were “directory” rather than mandatory in order to avoid the separation of powers violation highlighted in *amici*’s briefing. The case was highlighted on the Supreme Court’s website under “Featured Supreme Court Cases” along with *In re Sergio C. Garcia on Admission* (S202512), *Vandermost v. Bown* (S198387), the Proposition 8 Cases (S168047, S168066, S168078), and *In re Marriage Cases* (S147999).

- *Tuolumne Jobs & Small Business Alliance v. Superior Court* (2014) 59 Cal.4th 1029 (S207173). We represented the League of California Cities as *amicus curiae* in support of Real Party in Interest City of Sonora in case holding that CEQA review is not required before a city chooses to directly adopt a voter-sponsored initiative rather than hold a special election under Election Code section 9214.
- *Retired Employees Assn. of Orange County, Inc. v. County of Orange* (2011) 52 Cal.4th 1171 (S184059). We represented the League of California Cities and the California State Association of Counties as *amici curiae* in support of the County of Orange in case involving certified question from U.S. Court of Appeals for the Ninth Circuit regarding the circumstances under which counties and their employees could form an implied contract conferring vested rights to health benefits on retired county employees. In addition, Art Hartinger, who was at the time a Partner with Meyers Nave, represented the County of Orange.
- *San Francisco Fire Fighters Local 798 v. City and County of San Francisco* (2006) 38 Cal.4th 653 (S131818). Linda Ross represented the City and County of San Francisco in case holding that City and County had considerable discretion under charter provision exempting it from binding interest arbitration for rules and policies necessary to ensure compliance with anti-discrimination laws.

Review-Stage Work

- *Contra Costa Fire Protection District v. Public Employment Relations Board* (S265657). We represent the League of California Cities and the California State Association of Counties as *amici curiae* in support of the Contra Costa County Fire Protection District. A divided panel of the Public Employment Relations Board found that the Fire Protection District violated the Meyers-Milias-Brown Act and awarded a backpay remedy that essentially imposes contract terms on the District that it had rejected at the bargaining table. After the Court of Appeal summarily denied the District’s petition for review, the District asked the California Supreme Court to grant review and transfer the matter back to the Court of Appeal with directions to issue a reasoned opinion. We represented the LOCC and CSAC in the Court of Appeal and have filed a letter in support of the District’s petition for review in the Supreme Court.
- *Fowler v. City of Lafayette* (S261744). We represented the League of California Cities and the California Special Districts Association in requesting that the California Supreme Court republish a Court of Appeal opinion regarding the Brown Act’s closed meeting requirements that overlooked critical legislative history and threatens to burden local agencies across the state.

- *Association of Irrigated Residents v. California Department of Conservation* (S242962). During his time as an associate at Gibson Dunn & Crutcher, Ryan McGinley-Stempel represented Real Party in Interest Aera Energy, filing a petition for review of a Court of Appeal decision involving the applicability of claim preclusion to a dismissal based on mootness and the scope of privity necessary to apply issue preclusion in the context of public rights litigation.
- *Vergara v. California* (S234741). During his time as an associate at Gibson Dunn & Crutcher, Ryan McGinley-Stempel represented students seeking review of Court of Appeal decision involving state constitutional right to education. Although the petition for review was denied, it resulted in extremely rare dissenting statements by Associate Justices Liu and Cuéllar.
- *Lubin v. Wackenhut* (S239254). During his time as an associate at Gibson Dunn & Crutcher, Ryan McGinley-Stempel represented a company that provides security services, filing a petition for review of an expansive Court of Appeal decision involving the standards for certifying a wage-and-hour class action.

B. 10 recent cases where a judgement was reached in a federal court:

- *Barrett v. County of Napa*, (N.D. Cal.) Case Nos. 18-cv-6124 and 18-cv-6683. We represented Napa County in defending a voter initiative against facial preemption and constitutional vagueness and vested rights challenge brought in consolidated actions. We obtained dismissal of the central part of the case -- a federal preemption claim. Ultimately, the remainder of the case, which was based on an assertion of vagueness, settled based on a clarification of ballot language issued by the County.
- *Doe v. White, et al.*, Case No. 19-cv-04923-SI, 440 F. Supp. 3d 1074 (N.D. Cal. 2020) – Judge Susan Illston issued a complete defense victory in this high-profile case challenging the constitutionality of the interim suspension of a student pending investigation of alleged sexual misconduct, with the Court granting motion for qualified immunity on behalf of all the individual defendants and motion to dismiss without leave to amend. We continue to represent the California State University and its employees on appeal (No. 20-15450, 9th Cir.) in defending the district court’s dismissal.
- *Gaylin Harris, et al v. County of Orange* (C.D. Cal.), Case No. SACV 09-00098-AG (MLGx); (9th Cir.), Case No. 19-56387 - The Harris plaintiffs challenge changes to the County’s Retiree Medical Grant plan, which provides a monthly premium subsidy, and they assert that reducing the subsidy is a violation of their vested rights under the Contracts Clause of the state and federal constitutions. The County has twice moved to have the case dismissed on the pleadings, and the District Court granted each motion. The Ninth Circuit, however, reversed each dismissal and remanded the case back to the District Court each time—most recently on September 19, 2018. On September 27, 2019, the County filed its Motion for Summary Judgment. On November 1, 2019, the Parties appeared before the District Court to argue the motion, and on November 25, 2019, the Court granted the motion and entered judgment in favor of the County. Plaintiffs appealed the decision to the Ninth Circuit, and both parties have submitted their respective briefs. The Ninth Circuit Court of Appeals heard oral arguments on November 18, 2020.
- *Flores v. City of San Gabriel*, (C.D. Cal.) Case No. 12-cv-4884; 824 F.3d 890 (9th Cir. 2016). We took over this case to represent the City of San Gabriel in the U.S. Supreme Court on

petition for certiorari after an unfavorable Ninth Circuit decision, and successfully resolved the matter in favorable settlement on remand.

- *Dantzer v. City and County of San Francisco*, (N.D. Cal) Case No. 3:16-cv-03119-EMC, closed 01/08/2018. Summary judgment granted for defendants on terminated SFMTA operator's discrimination and failure to accommodate claims.
- *Stevenson et al. v. City and County of San Francisco*, (N.D. Cal) Case No. 3:11-cv-04950-MMC, closed 06/28/2016. Defended City in multi-plaintiff disparate impact lawsuit challenging a San Francisco Fire Department promotional exam. Managed extensive electronic discovery production and drafted motion for summary judgment. Judgment issued following defense verdict.
- *Lam et al. v. City and County of San Francisco*, (N.D. Cal) Case No. 4:08-cv-04702-PJH, closed 03/07/2016. Obtained summary judgment for City regarding juvenile probation officers' discrimination claims. Affirmed on appeal.
- *Bower v. City and County of San Francisco*, (N.D. Cal) Case No. 3:14-cv-02239-SI, closed 3/23/15. Obtained voluntary dismissal of SFMTA employee's discrimination claim and judgment for defendant in advance of plaintiff's deposition.
- *Singson v. City of Millbrae*, (N.D. Cal) 3:10-cv-05307-SI, closed 5/16/2012. Second-chaired jury trial regarding Millbrae police officer's first amendment retaliation claim. Conducted voir dire and examined witnesses. Judgment granted following defense verdict.
- *Atwal v. Lawrence Livermore Nat'l Security LLC*, (N.D. Cal) Case No. 3:11-cv-03030-MMC, closed 3/29/2012. Judgment on the pleadings and partial summary judgment granted for defendant regarding terminated LLNS employee's discrimination claims.

C. Representative work on behalf of public agencies and state boards or commissions in the past 10 years:

All but a very small portion of the work of the firm is performed on behalf of public agencies. The following are some examples:

- *Essick v. Sonoma County Board of Supervisors* (2020) Sonoma County Superior Court, Case No. SCV-26914. We represented the Sonoma County Board of Supervisors and successfully defeated the Sheriff's petition for a writ of mandate to require the Board to provide funds to the Sheriff to challenge a county-wide ballot measure that expanded the authority of the Independent Office of Law Enforcement Review and Outreach, the county office that oversees the Sheriff's Department.

The Sheriff argued that the measure might interfere with his investigative functions or his ability to fulfill his duties. To explore litigation against the measure, he requested that the County Board of Supervisors authorize him to use \$50,000 of the Sheriff's Department's budget to hire outside legal counsel, arguing that it would be a conflict of interest for county attorneys to advise him.

The court denied the Sheriff's petition for writ of mandate because he based his argument on the possibility that the initiative might interfere with his investigative functions and ability to fulfill his duties, rather than concrete examples of this interference. The court ruled that the

Sheriff did not meet the burden of proof to show that the County Board of Supervisors needed to appoint outside legal counsel or show that he had a clear right to counsel.

Reference: Bruce Goldstein, Sonoma County Counsel, bruce.goldstein@sonoma-county.org, (707) 565-6118. Project completion date: December 17, 2020.

- *Denny v. Arntz* (2019-2021). Represented the City in pre- and post-election lawsuits to invalidate a November 2019 \$600 million general obligation bond measure to finance affordable housing based on allegedly flawed language in the voter materials and on constitutional grounds. Demurrer granted in the pre-election challenge and appeal waived. *Michael Denny v. John Arntz et al.*, S.F. Superior Court Case No. CPF-195-16823 (filed 8/27/2019). Dismissal granted in post-election challenge and appeal pending. *In re: Michael Denny*, S.F. Superior Court Case No. CPF-195-16970, Court of Appeal, 1st District, Case No. A160234.
- *Hochstatter v. Arntz* (2019). Successfully defended ballot digest concerning a November 2019 ballot measure to reverse a forthcoming moratorium on electronic cigarette sales in San Francisco. *Jennifer Hochstatter v. John Arntz et al.*, S.F. Superior Court, Case No. CPF-10-516813 (filed August 23, 2019).
- *Rain Daugherty v. City and County of San Francisco, et al.*, S.F. Superior Court, Case No. CPF-15-514302; Court of Appeal, Case Nos. A145863, A147385, published decision authored by now-Supreme Court Associate Justice Jenkins available at 24 Cal.App.5th 928 (2018). Successfully defended San Francisco Police Department's decision to terminate officers for use of racist and other offensive language against a statute of limitations challenge under the Public Safety Officers Procedural Bill of Rights Act ("POBRA").

City and County of San Francisco v. Retirement Board of San Francisco Employees' Retirement System (Cal. App. 1st Dist. May 10, 2019), Case No. A151518, 2019 WL 2067236. Case brought by the City and County of San Francisco and the Controller against its retirement system and Board for exceeding their authority under the Charter. We successfully defended San Francisco in its interpretation of a ballot measure that reduced certain pension benefits involving cost-of-living adjustments, achieving a complete victory in the trial court and on appeal, and upheld a significant part of the City's pension reform efforts.

Reference: Moira Walsh, Managing Attorney, City and County of San Francisco, Moira.Walsh@sfcityatty.org, (415) 554-4707

- *Boise v. Martin*, (U.S. Supreme Court) Case No. 19-247. We represented the California State Association of Counties and coalition of 33 California counties and cities as *amici curiae* in certiorari-stage case involving homelessness and Eighth Amendment.

Reference: Jennifer Henning, Litigation Counsel, California State Association of Counties, jennings@counties.org, 916-327-7535

- *City and County of San Francisco v. Public Employment Relations Board, et al.* (Cal. App. 1st Dist. July 22, 2019), Case No. A152913, 2019 WL 3296947. We persuaded the First District Court of Appeal to set aside the bulk of a decision by the Public Employment Relations Board and reinstate portions of Proposition G, a voter initiative that amended the San Francisco Charter to further the City and County of San Francisco's Transit First Policy.

Reference: Katie Porter, Chief Labor Attorney, City and County of San Francisco, Katharine.porter@sfcityatty.org, (415) 554-3896

Ramirez v. City and County of San Francisco, No. A151552, 2019 WL 1323449 (Cal.App. 1st Dist. March 25, 2019) - Art Hartinger represented the City and County of San Francisco filed by a former employee of the District Attorney's Office regarding an employment decision by former District Attorney George Gascon. The Court of Appeal affirmed summary judgment in favor of San Francisco in an age discrimination case targeting former District Attorney George Gascon.

Reference: Katie Porter, Chief Labor Attorney, City and County of San Francisco, Katharine.porter@sfcityatty.org, (415) 554-3896

- *Allum, et al., v. San Joaquin County Employees' Retirement Association, and the County of San Joaquin*, Case No. STK-CV-UBC-2017-10696 (San Joaquin County Superior Ct.) - In September 2019, we obtained summary judgment for the County of San Joaquin in a class action seeking millions of dollars from the San Joaquin County Retirement Association, the San Joaquin County Board of Retirement, and the County of San Joaquin for alleged breaches of a settlement agreement arising from *Ventura County Deputy Sheriffs' Assoc. v. County of Ventura* (1997) 16 Cal.4th 483. We are representing the County in the plaintiffs' appeals (Nos. C090833 & C091768, Cal. App. 3d Dist.) from the superior court's summary judgment order and order awarding costs.

Reference: J. Mark Myles, County Counsel, Office of the County Counsel of San Joaquin County, jmyles@sjgov.org, (209) 468-2980

- *Fry v. City of Los Angeles* (2016) 245 Cal.App.4th 539. We represented the City of Los Angeles in defending a program that required active employees to contribute toward the City's retiree medical subsidy program, leading to a successful result on appeal.

Reference: Anya J. Freedman, Assistant City Attorney, Los Angeles City Attorney's Office, (310) 489-6372

- *City of Palo Alto v. Public Employment Relations Board* (2016) 5 Cal.App.5th 1271. Jon Holtzman represented the City of Palo Alto in an appeal from Public Employment Relations Board decision finding that the City violated the Meyers-Milias-Brown Act in referring a measure to the voters repealing the city charter's binding interest arbitration provision without consulting in good faith with the fire-fighters' union. In addition, Art Hartinger and Linda Ross, who at the time worked for Meyers Nave, represented the League of California Cities as *amicus curiae* in support of the City of Palo Alto.

Reference: Corrie Manning, General Counsel, League of California Cities, cmanning@cacities.org, (916) 658-8267

- *San Jose Police Officers Association v. City of San Jose*, Santa Clara Superior Court Case No. 1-12-CV-225926. In this nationally followed pension reform trial, we served as lead trial attorneys defending San Jose's Measure B, which was overwhelmingly passed by the San Jose voters to reform its pension system.

Reference: Richard Doyle, City of San Jose, City Attorney, Richard.Doyle@sanjoseca.gov, (408) 535-1900

- *Dikes v. Santa Clara Valley Water District*, Case No. 19CV346252 (Santa Clara Superior Ct.) – Plaintiff filed suit against defendant Santa Clara Valley Water District that involved alleged negligent administration of pension benefits. We represented the Water District, asserting a variety of defenses in its demurrers to each cause of action, including: (a) immunity under the Government Code; (b) no duty in this context that would support any negligence-based case of action. Judge Sunil Kulkarni sustained in its entirety the District’s demurrer to the first amended complaint without leave to amend. Case finally resolved on January 9, 2020.

Reference: Stan Yamamoto, District Counsel, Santa Clara Valley Water District, syamamoto@valleywater.org, (408) 265-2607

D. Experience with Section 2 and Section 5 of the Voting Rights Act

Our attorneys are familiar with Section 2 and Section 5 of the Voting Rights Act. As noted above, RPLG attorneys include current and former city attorneys, former counsel to the California Secretary of State, and a member of the San Francisco City Attorney’s Office Ethics and Elections Team. Below is a list of Michael Cohen’s recent voting rights work:

- *Harding v. County of Dallas*, 336 F.Supp.3d 677 (N.D. Tex. 2018) (helped prepare lead counsel for Dallas County, Texas for oral arguments defending the County’s 2011 redistricting plan from Anglo voters bringing VRA section 2 claim alleging that the plan improperly favored minority voters)
- *In re State*, 602 S.W.3d 549 (Tex. 2020) (drafted several documents for amicus Texas Democratic Party in action seeking to establish that a prospective voter’s lack of immunity to COVID-19 is a basis for obtaining a mail ballot under Texas law)
- *Texas Democratic Party v. Abbott*, 461 F.Supp.3d 406 (W.D. Tex. 2020) (drafted several documents in First, Fourteenth, and Twenty-Sixth Amendment challenge to Texas mail ballot access law)
- *Texas Democratic Party v. Abbott*, 978 F.3d 168 (5th Cir. 2020) (drafted several documents in Twenty-Sixth Amendment challenge to Texas mail ballot access law)
- *Black Voters Matter Fund v. Raffensperger*, 2020 WL 4597053 (N.D. Ga. 2020) (helped research and write expert witness report for ACLU’s Twenty-Fourth and Fourteenth Amendment challenge to Georgia’s refusal to pay postage for mail ballots)
- *Issa v. Newsom*, 2020 WL 6580452 (E.D. Cal. 2020) (drafted motion to intervene for intervenor-defendant voting rights organization to protect California Governor’s order that all voters receive a mail ballot for the 2020 general election)
- *Republican National Committee v. Newsom*, 2020 WL 3430243 (E.D. Cal. 2020) (drafted motion to intervene for intervenor-defendant voting rights organization to protect California Governor’s order that all voters receive a mail ballot for the 2020 general election)
- *Anderson v. Raffensperger*, 2020 WL 6048048 (N.D. Ga. 2020) (drafted section of expert witness report for plaintiffs seeking relief from long polling location lines in Georgia during the June 2020 primary election)

This experience allows us to provide the Commission with cutting-edge legal advice and represent them in the event of litigation. Additionally, this allows us to work with the Commission to develop election materials and implement improved voting systems.

E. Experience with electronic discovery

RPLG has extensive experience with electronic discovery. All our attorneys, especially our Litigation Team, work with electronic discovery daily. The electronic discovery we generate and receive is stored in the firm's document management system.

4. Conflicts of Interest

A. Compliance with Government Code Section 8252

RPLG does not have a potential financial, business, professional, lobbying, or other relationship that presents a potential conflict as described in California Government Code Section 8252. RPLG does not have any work relating to Redistricting or other work for current or previous clients during that past 10 years that could present the appearance of a conflict with the representation of the Commission in connection with the defense of its maps.

1. Lobbying Work the Firm Has Performed in California During the Past 10 Years

In the past 10 years, affiliated lobbying group, Renne Public Policy Group, has performed lobbying work in Sacramento for the following entities:

| | |
|--------------------------------------------|------------------------------|
| City of Belmont | City of Foster City |
| City of Carlsbad | Interwest Consulting Group |
| City of Corona | League of California Cities |
| CA Public Private Alliance | City of Redwood City |
| Cruz Strategies | City of San Gabriel |
| City of Eastvale | Stockton East Water District |
| Feather River Recreation and Park District | |

None of this work deals with redistricting or elections.

2. Political Contributions, Including Contributions Made by a Firm Political Action Committee, to Candidates as Described in California Government Code Section 8252, During the Past 10 years

The firm has not politically contributed to candidates in the past 10 years, as described in California Government Code Section 8252. In the past 10 years, the following attorneys contributed \$2,000 or more to any congressional, state, or local candidate for elective public office:

- Mr. Holtzman contributed \$2,800 to the Biden Victory Fund on August 27, 2020.

B. Other Conflicts

We are not aware of any matters in which the firm is engaged in litigation against the State of California. To the extent known, we have not previously provided work to an adverse party or witness.

Disclosures of the proposed team are as follows:

- Ms. Maldonado served as Deputy City Attorney for the San Francisco City Attorney’s Office from 2014 through January 15, 2021.
- Mr. McGinley-Stempel volunteered for the Democratic Party’s Voter Protection Hotline for roughly 20-30 hours between September and November 2020. All of the calls Mr. McGinley-Stempel fielded came from outside of California. During his time as an associate at Gibson Dunn & Crutcher, Mr. McGinley-Stempel represented clients adverse to the State of California in the following matters: *Briggs v. Brown* (S238309); *Vergara v. California* (S234741).
- Mr. Cohen took part in UCLA Law's environmental law clinic, through which he completed unpaid work for CA Senator Henry Stern. The relationship with his office involved researching potential wildfire legislation and lasted from August-December 2020.

5. Fee Arrangements

Our fees for professional services are based on the fair value of the services rendered. To help us determine the value of our services, our attorneys and paralegals maintain time records for each client and matter. Our attorneys and paralegals are assigned hourly rates which are based on years of experience, specialization, training, and level of professional attainment. We adjust our rates periodically (usually at the beginning of each year) to take into account inflation and the increased experience of our professional personnel.

To keep professional fees at a minimum, legal work that does not require more experienced attorneys will be performed, where feasible, by attorneys with lower billing rates. Paralegals and law clerks are available to do a variety of tasks to support attorneys, including maintaining and organizing files, conducting research, and drafting documents.

RPLG will bill the Commission on a monthly basis. Each bill will indicate the date of the work done, the nature of the work that was accomplished, the attorney that performed the work, and the fee for the work.

The following out-of-pocket expenses will be separately itemized and included in bills to the Commission, without markup: (1) extraordinary operating expenses, including items such as messenger services, overnight mail charges, extraordinary copying and computer-assisted research; (2) necessary travel and subsistence expenses; (3) court costs, including filing fees, witness fees, and deposition and discovery costs not paid directly by the Commission. All travel will be reimbursed at the IRS prevailing rate for mileage only.

The Commission will review and, if it agrees with the amounts, approve RPLG's monthly statements and pay RPLG for services rendered and expenses incurred at the rates and in the amounts provided in this agreement within thirty (30) days of receipt of the monthly statements.

The following rates reflect our 2021 public sector hourly fee schedule:

| | |
|-------------|---------------|
| Partners | \$375 - \$550 |
| Of Counsel | \$305 - \$425 |
| Associates | \$275 - \$350 |
| Law Clerks | \$145 - \$155 |
| Paralegals | \$135 - \$195 |
| Analysts | \$95 - \$160 |
| Consultants | \$175 - \$450 |

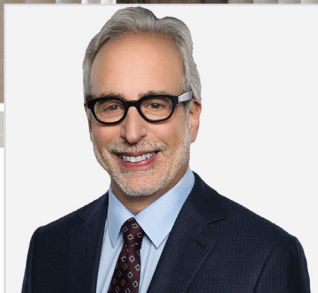
The current specific hourly rates of the attorneys listed on the proposal are as follows:

| | |
|--------------------------------------------|-------|
| Jon Holtzman, Partner | \$445 |
| Linda Ross, Partner | \$445 |
| Art Hartinger, Partner | \$445 |
| Jenica Maldonado, Of Counsel | \$405 |
| Ryan McGinley-Stempel, Senior Associate | \$405 |
| Imran Dar, Associate | \$295 |
| Michael Cohen, Law Clerk | \$225 |

6. References

| | |
|-------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <p>Sherri Sokeland Kaiser Chief Deputy County Counsel Napa County Counsel (707) 259-8247</p> |
|  | <p>Corrie Manning General Counsel League of California Cities cmanning@cacities.org</p> |
|  | <p>Teri Maksoudian Senior Supervising County Counsel County of Orange Teri.maksoudian@coco.ocgov.com (949) 400-6444</p> |
|  | <p>Jennifer Bacon Henning Litigation Counsel California State Association of Counties jenning@counties.org 916-327-7535</p> |
|  | <p>Richard Llewellyn City Administrative Officer City of Los Angeles richard.llewellyn@lacity.org (213) 473-7354</p> |

ATTACHMENT 1



Jonathan V. Holtzman

Partner

(415) 848-7235 • jholtzman@publiclawgroup.com

Practice Areas

- Labor Relations and Labor Law
- Employment Law and Litigation
- Government Law and Litigation
- Public Safety Reform and Innovations

Bar Admission

- California

Education

- Stanford School of Law, JD
- Haverford College, BA

Experience

Jonathan (Jon) Holtzman is a founding partner of Renne Public Law Group, and was previously a founding partner of Renne Sloan Holtzman Sakai LLP. Since 2005, and every year since, Mr. Holtzman has been named a “Northern California Super Lawyer.”

Mr. Holtzman’s practice focuses on assisting government agencies maintain and expand public services through strategic consulting, negotiations, fact finding, arbitration and litigation. He specializes in addressing long-term structural issues relating to pensions, health benefits, retirement health benefits, civil service reform, and other means of attaining greater managerial discretion and effectiveness through collective bargaining and reorganization. He frequently speaks and writes on matters pertaining to municipal bankruptcy, ballot initiatives, interest arbitration, bargaining, fact finding, comparability, fiscal analysis for bargaining, and pension and retirement medical programs.

Mr. Holtzman has experience in virtually all aspects of employment law and labor relations. His labor expertise encompasses negotiations, fact finding, mediation, grievance and interest arbitration, and litigation related to bargaining obligations. He is the author of Rutter Group’s *California Practice Guide: Public Sector Employment Litigation Guide*, the leading treatise on public sector employment issues.

Mr. Holtzman also practices government law, including general advice work, drafting ballot and other legislative measures and initiatives, litigating issues of constitutional and statutory interpretation, and electoral matters. He currently serves as District Counsel to the Moraga Orinda Fire District.

RELATED EXPERIENCE

Prior to entering private practice, Mr. Holtzman served as Director of Labor and Policy in the office of San Francisco Mayor Willie L. Brown, Jr. His duties included serving as the Mayor’s chief labor negotiator. As a senior advisor to the Mayor, Mr. Holtzman oversaw the management of city employment and benefits issues, and helped craft major policy initiatives including the city’s living wage law, civil service reforms, and criminal justice initiatives.

Before working directly for Mayor Brown, Mr. Holtzman was San Francisco's Chief Deputy City Attorney. He was a principal architect of the City Attorney's nationally recognized affirmative litigation program, which brought together groups of local government and non-profit plaintiffs to seek court-ordered reform of unfair business practices by energy producers, tobacco companies, national banks, gun manufacturers, auto insurers, and escrow companies. He also defended San Francisco's affirmative action programs in a series of lawsuits arising under Proposition 209, including San Francisco's challenges to Proposition 209 in both state and federal courts.

Before his appointment as Chief Deputy City Attorney, Mr. Holtzman was San Francisco's chief labor and employment attorney. In that role he served as a chief negotiator in labor negotiations and interest arbitration with the City's 47 unions, and acted as lead counsel in lawsuits, writs, class actions, and appeals involving all facets of labor and employment law. Mr. Holtzman managed the City's transition to collective bargaining and interest arbitration and drafted attendant charter and civil service reform measures. On behalf of three mayoral administrations and numerous boards of supervisors, he authored and negotiated more than a dozen labor-related charter amendments adopted by the voters.

Mr. Holtzman has been extensively involved in efforts to improve government effectiveness. He negotiated and drafted a 1999 ballot measure reforming the governance of San Francisco's municipal transit system and making it a quasi-independent agency, and Proposition G, which overhauled MUNI's system of negotiation with unions. He also drafted a 2002 ballot measure enhancing the authority of the San Francisco Public Utilities Commission, and a 2003 ballot measure requiring the City Controller to conduct "benchmarking" studies of City services, as well as performance audits to improve government effectiveness.

Before joining the San Francisco City Attorney's Office, Mr. Holtzman was an associate at Morrison & Foerster for four years, focusing primarily on employment class actions. Upon graduation from Stanford Law School, he clerked for California Supreme Court Associate Justice Otto Kaus for two years. During law school he clerked for the Washington, D.C. Center for Law and Social Policy and for the Washington D.C. firm founded by former Defense Secretary Clark Clifford and disarmament negotiator Paul Warnke.

SELECTED PRESENTATIONS AND PUBLICATIONS

- Rutter Group Vesting Panel, What's Next for the "California Rule" Public Employee Pensions as Vested Rights, The Rutter Group/MCLE Program, June, 2018
- Rutter Group: *California Practice Guide, Public Sector Employment Litigation* (2017)
- *Declarations of Fiscal Emergency: A Resurging Option for Public Entities Attempting to Deal With The Current Economic Climate*, California Public Law Journal, Vol. 34, No. 1, Winter 2011.
- *Does Labor Law Prevent Voter Initiatives To Control Pensions? The Coming Fight Between Core Democratic Principles and Traditional Labor Negotiation in the Public Sector*, Bender's California Labor & Employment Bulletin, Vol. 2012, No. 10, October 2010.

REPRESENTATIVE PUBLISHED DECISIONS

- ***Fazio v. City and County of San Francisco***, 125 F.3d 1238 (9th Cir. 1977), holding that assistant district attorney is a policymaker who can be dismissed due to speech critical of the District Attorney.
- ***Stewart v. City and County of San Francisco***, 834 F.Supp. 1223 (N.D.Cal. 1993), first case to hold Department of Labor's 1954 "salary basis test" invalid as applied to public employers, eliminating large FLSA liability.
- ***Service Employees International Union Local 102 v. County of San Diego***, 60 F.3d 1346 (9th Cir. 1994), adopting San Francisco's argument that federal "salary basis test" cannot lawfully be applied to government employers.
- ***United Farm Workers of America v. Agricultural Labor Relations Board***, 41 Cal.App.4th 303 (1995), and a related case against San Francisco, holding that the California Table Grapes Council lacked authority to sue the union and the City on behalf of growers.
- ***United Association of Journeymen v. City and County of San Francisco***, 32 Cal.App.4th 751 (1995), upholding \$60 million wage freeze under San Francisco City Charter.
- ***Retired Employees Association of Orange County v. County of Orange***, 52 Cal.4th 1171 (2011), holding that a county may be bound by an implied contract under California law if there is no legislative prohibition against such arrangements, such as a statute or ordinance.
- ***Vallejo Police Officers Assn. v. City of Vallejo*** (2017) 15 Cal.App.5th 601.



Linda M. Ross
Partner

(415) 848-7239 • lross@publiclawgroup.com

Practice Areas

- Administrative Hearing and Arbitration
- Appeals and Writs
- Employment Law and Litigation
- Labor Relations and Labor Law
- Public Agency Law
- Training
- Transportation
- Workplace Investigations

Bar Admission

- California
- New York

Education

- University of California, Berkeley, Boalt Hall School of Law, JD
- Articles Editor, California Law Review
- University of California, Berkeley, BA

Experience

The Daily Journal named Linda Ross as one of California's top 75 Labor and Employment Lawyers and top 100 Women Lawyers.

Ms. Ross brings a wealth of experience to Renne Public Law Group after working for 20 years with the City and County of San Francisco and more recently, in private practice. Ms. Ross represents public entities, including cities, counties, special districts, and transit agencies, in a wide variety of public law matters, including advice, litigation, and appellate work involving pension reform, labor and employment, internal investigations, wage and hour, the Public Records Act, open meetings laws, and governance.

Recently Ms. Ross represented public agencies in closely watched pension cases before the California Supreme Court, and achieved appellate victories in other cases involving the vested rights of public employees.

RELATED EXPERIENCE

Ms. Ross gained vast knowledge in public law while serving San Francisco as General Counsel to the Mayor's Office, Chief Labor Attorney, and General Counsel for the Police Commission and the Police Department.

General Counsel, San Francisco Mayor's Office

As General Counsel to the Mayor's Office, Ms. Ross advised then Mayor Gavin Newsom and coordinated with City department heads on local governance and policy issues including ethics, public meetings laws, the Public Records Act, and public contracting. While General Counsel, Ms.

Ross authored a gun control measure upheld by the Ninth Circuit Court of Appeals in **Jackson v. City and County of San Francisco** (9th Cir. 2014) 246 F.3d. 953, against a Second Amendment challenge. In 2015, the United States Supreme Court denied review.

Chief Labor Attorney

As Chief Labor Attorney for San Francisco, Ms. Ross was in charge of a 20-person legal team, representing City departments, boards and commissions in employment and labor law issues. She successfully defended San Francisco before the California Supreme Court in **San Francisco Firefighters Local 798 v. City and County of San Francisco** (2006) 38 Cal.4th 653, in which the Court upheld the City's non-discriminatory testing procedures.

General Counsel, Police Department

As General Counsel to the San Francisco Police Department and Police Commission, Ms. Ross advised the Department and Commission on police personnel issues and public safety initiatives. Working with the District Attorney's Office, she drafted the Department's Brady policy which was upheld by the California Supreme Court in the case of **People v. The Superior Court of San Francisco County** (2015) 61 Cal.4th 696. In a rare occurrence, the Court appended the policy to its opinion.

PUBLISHED DECISIONS

- **San Francisco Firefighters Local 798 v. City and County of San Francisco**, (2006) 38 Cal.4th 653.
- **Local 21 of the International Federation, et al. v. City and County of San Francisco** (1999) 76 Cal.App.4th 213.
- **Fry v. City of Los Angeles** (2016) 245 Cal.App.4th 539.
- **Alameda Deputy Sheriffs' Assn., et al. v. Alameda County Employees' Retirement Assn, et al.** (2018) 19 Cal.App.5th 61.

PRESENTATIONS AND PUBLICATIONS

- Presenter, "Arbitration Basics," Washington Public Employer Labor Relations Association (WAPELRA), Annual Training Conference, 2015
- Presenter, "How to Navigate Changes in Public Employee Retiree Health Benefits," Judicial Council of California, Labor Relations Academy II, 2015
- Presenter, "Navigating Changes to Public Employee Medical Benefits," Webinar, 2015
- Presenter, "Mock Arbitration Part One: Preparation, Opening Statement, and Direct Examination," National Public Employer Labor Relations Association (NPELRA) Annual Training Conference, 2015
- Author, "**Searching for Vested Rights, Case By Case,**" Daily Journal, May, 2014
- Speaker, "Vested Rights: What We Can and Cannot Change," California Public Employers Labor Relations Association (CALPELRA) Annual Conference, 2012

- Speaker, "Social Media and the Workplace: Recruitment, Background Checks and Personal Use," International Public Management Association, 2012
- Presenter, Pension/Impairment of Vested Rights, State Bar of California, Annual Public Sector Conference, 2017
- Presenter, Whistleblowers, How To Manage, CALPELRA, 2017
- Presenter, Vested Rights, What Is Happening With The California Rule, CALPELRA, 2017
- Presenter, Immigration: The California Values Act, Municipal Law Institute, 2018
- Presenter, Rutter Group Vesting Panel, What's Next for the "California Rule" Public Employee Pensions as Vested Rights, The Rutter Group/MCLE Program, June, 2018



Arthur Hartinger

Partner

(415) 848-7231 • ahartinger@publiclawgroup.com

Practice Areas

- Labor and Employment
- Government
- Litigation
- Workplace Investigations

Bar Admission

- California

Education

- University of San Francisco, School of Law, JD
- University of California, Berkeley, BA

Experience

With a practice focused on labor and employment law for over 33 years, Arthur (Art) Hartinger is one of California's leading labor and employment attorneys. He is a founding partner of Renne Public Law Group, and was previously a partner at Renne Sloan Holtzman Sakai LLP. Since 2004, he has been recognized each year as a "Northern California Super Lawyer" and was one of the Daily Journal's "Top 75 Labor & Employment Attorneys" in 2013. He was also selected by the Daily Journal as one of the "Top 20 Municipal Lawyers in California" for 2011, 2012, and 2013, and in 2012 he was named one of the "Top 100 Lawyers in California."

Prior to working at Renne Sloan Holtzman Sakai, Mr. Hartinger was a partner at Meyers Nave, where he chaired the Labor and Employment Group for 16 years. He also worked as a partner at Liebert, Cassidy & Frierson, a Deputy City Attorney at the San Francisco City Attorney's Office, and an associate at Brobeck, Phleger & Harrison.

SIGNIFICANT LITIGATION EXPERIENCE

Mr. Hartinger represents public and private clients in complex state and federal litigation pertaining to all types of labor and employment issues, including California and U.S. constitutional law, the Fair Labor Standards Act (FLSA), Title VII, Title IX, the Fair Employment and Housing Act (FEHA), and the Americans with Disabilities Act (ADA).

Mr. Hartinger has represented clients in a variety of litigation matters, including class actions, writs, and jury trials. His litigation practice also includes administrative and binding arbitration hearings before personnel boards, arbitrators, and administrative law judges. He also frequently advises public agencies, personnel boards, and civil service commissions.

WAGE AND HOUR LITIGATION

Mr. Hartinger regularly handles wage and hour cases, including class actions. Representative cases include:

- ***Rai, et al. v. Santa Clara Valley Transportation Authority***, United States District Court, Northern District of California, Case No. 5:12-cv-04344-PSG. Art served as lead counsel in a case brought by hundreds of transit operators claiming unpaid overtime under state and federal theories.
- ***Stitt, et al. vs. San Francisco Municipal Transportation Agency***, United States District Court, Northern District of California, Case No. 4:12-cv-03704-YGR. Similar to the SCVTA case, Art was lead counsel in a case brought by San Francisco Transit Operators claiming state and federal overtime.
- ***Sahaj vs. El Dorado Irrigation District***, United State District Court, Eastern District of California, Case No. 2:11-cv-01341-GEB-DAD. This class action involved unpaid meal times and asserted both state and federal claims.

PENSION REFORM

Mr. Hartinger advises clients on pension reform and is lead counsel in numerous cases, including:

- ***Retired Employees Assn. of Orange County, Inc. v. County of Orange*** (2011) 52 Cal.4th 1171. Facing a \$1.4 Billion reported unfunded liability, the Board of Supervisors initiated a program to de-pool actives and retirees for purposes of setting health plan rates. Art was lead counsel in the case that resulted in the courts upholding the Board's plan.
- ***Fry v. City of Los Angeles*** (2016) 245 Cal.App.4th 539. The Los Angeles City Council turned to Art and his team to defend a program that required active employees to contribute toward the City's retiree medical subsidy program, leading to a successful result.

DISCRIMINATION/HARRASMENT/RETALIATION/WHISTLEBLOWING

Mr. Hartinger has served as lead trial counsel in numerous cases alleging violations of the Fair Employment and Housing Act and Title VII, as well as retaliation cases under the Labor Code and California and United States Constitutions. Noteworthy examples include:

- ***Booker v. City of Richmond***, Contra Costa Superior Court, Case No. C07-00408. Achieved a complete defense victory in this \$18 million dollar high profile race discrimination, harassment and retaliation case filed by eight African American command staff officers in the Richmond Police Department. The jury returned a unanimous verdict in favor of the City and its two highest ranking police officers.
- ***Eng v. Santa Clara Valley Water District***, Santa Clara County Superior Court, Case No. 5:97-cv-20212-JW. Represented the Santa Clara Valley Water District in litigation filled by the former budget officer of the District. The budget officer claimed constructive discharge and asserted various causes of action, including wrongful discharge and violation of public policy, California Fair Employment and Housing Act (FEHA) claims, and other state law claims. Art represented the District in a jury trial. The Court granted the District's motion for a nonsuit, and the court of appeal affirmed.
- ***McFall v. City of Tracy***, San Joaquin County Superior Court, Case No. STK-CV-UWT-2005-0001975. The firm successfully defended the City of Tracy in an action brought by former employee alleging discrimination and retaliation under the California Fair Employment and Housing Act. Art

obtained a defense verdict after a jury trial in San Joaquin County Superior Court. The City was awarded over \$100,000 in costs.

ARBITRATIONS AND ADMINISTRATIVE HEARINGS

Mr. Hartinger has litigated dozens of arbitrations and administrative matters, ranging from contract arbitration to discipline, to personnel boards and commissions, and matters before the Office of Administrative Hearings.

LABOR RELATIONS

Mr. Hartinger is experienced in labor relations, negotiations, and workplace investigations. As a lead negotiator in collective bargaining, he has represented numerous employers in negotiations with deputy sheriffs, police and fire personnel, managers, service employees, laborers, attorneys, and other professional and service employees.

ADVOCACY

Mr. Hartinger actively writes and contributes to amicus curiae briefs on behalf of public entities throughout the country. His advocacy work includes:

- Representing, in collaboration with the San Francisco City Attorney, the National League of Cities and other public employer leagues on behalf of the Commonwealth of Kentucky in **Jackson v. Com. of Kentucky** (6th Cir. 1997) 129 F.3d 1264.
- Lead writer of the amicus curiae efforts by the National League of Cities and the City and County of San Francisco in **Service Employees International Union v. County of San Diego** (9th Cir. 1995) 60 F.3d 1346.
- Author of the amicus brief for the League of California Cities and 91 public entities in **Barner v. City of Novato** (9th Cir. 1994) 17 F.3d 1256.
- Represented the League of California Cities supporting the City of San Diego in **Boling v. PERB**, Supreme Court No. S24204.

Mr. Hartinger has twice received the prestigious Amicus Service Award from the International Municipal Lawyers Association.

PRESENTATIONS AND PUBLICATIONS

- "Public Employment Relations Board (PERB) Update," County Counsels' Association of California (CCAC), 2018
- "Paradigm Shift: Transparency, Sustainability & Accountability in Public Sector Employee Compensation," League of California Cities Annual Conference, 2011
- "POBAR and FOBAR Update," California Public Employers Labor Relations Association (CALPELRA), 2011
- "Public Employment Relations Board (PERB) Developments/Helpful Hints," County Counsels' Association of California (CCAC), 2011

- “Maintaining Control on Your Island – How to Effectively Administer Discipline,” National Public Employers Labor Relations Association (NPELRA), 2011
- *“Fixing the Pension Problem: The Latest Public Scrutiny of Public Sector Wage and Benefit Packages,”* Public Law Journal, 2011
- “Sorry We Have Nothing To Give...But ‘Let’s Make a Deal’ Anyway: How To Avoid Union ‘Outburst’” and “Are Managing Leave Laws Like Playing Twister?” Public Employer Labor Relations Association of California (PELRAC) Annual Training Conference, 2010.



Jenica Maldonado

Of Counsel

(415) 848-7200 • jmaldonado@publiclawgroup.com

Practice Areas

- Labor and Employment
- Government

Bar Admission

- California
- United States Supreme Court
- United States Court of Appeals, Ninth Circuit
- United States District Court, Northern District of California
- United States District Court, Central District of California
- United States District Court, Eastern District of California

Education

- University of San Francisco School of Law, JD, *magna cum laude*
 - U.S.F. Law Review, Symposium Editor
 - Jessup International Law Moot Court Team
- Santa Clara University, BS, *magna cum laude*

Experience

Jenica Maldonado has dedicated her professional life to public service, having started her career in government over twenty years ago. She is an experienced municipal law and employment attorney, equally comfortable litigating and providing advice and counsel. She aims, first and foremost, to be a strategic partner to colleagues and clients. Her experience in high-stakes matters gives her the confidence to shepherd clients through challenging situations and the perspective to navigate towards the best available outcome. Ms. Maldonado values the comradery that comes with practicing with dedicated attorneys and the trust that forms with one's long-term clients.

RELATED EXPERIENCE

Prior to joining the Renne Public Law Group, Ms. Maldonado served as a Deputy City Attorney in the San Francisco City Attorney's Office for almost seven years. During her tenure in the Office, she worked on the Ethics and Elections Team and the Labor Team.

ETHICS & ELECTIONS TEAM

As a Deputy City Attorney on the Ethics and Elections Team, Ms. Maldonado advised the Department of Elections regarding local and state election laws and municipal law matters, including public records and open meeting laws. She prepared title and summaries for local initiative measures, drafted ballot questions, and prepared preliminary ballot digests and served as the ex officio member of the City's Ballot Simplification Committee for the November 2019, March 2020, and November 2020 elections. She defended election contests in trial and appellate courts, including obtaining dismissals of challenges to a November 2019 affordable housing general obligation bond measure. Ms.

Maldonado counseled the Ethics Commission and staff regarding local and state ethics laws, and advised commission staff regarding ethics enforcement matters. She provided guidance to elected officials, commissioners, and City employees regarding conflict of interest laws and conducted related trainings. Ms. Maldonado also drafted legislation and provided advice regarding the City's response to the COVID-19 pandemic.

LABOR TEAM

As a Deputy City Attorney on the Labor Team, Ms. Maldonado represented the City in employment litigation matters at the trial and appellate court levels. Her matters ranged from single plaintiff cases alleging discrimination or disability-related claims to large, multi-plaintiff lawsuits contesting promotional exams for alleged disparate impact based on race or age. In many matters acting as lead counsel for the City, Ms. Maldonado executed complex e-discovery plans, took and defended depositions, drafted and argued motions, including motions for summary judgment, and defended successful trial court outcomes before the court of appeal. She also represented the City in labor arbitrations and administrative proceedings, including before the California Public Employment Relations Board ("PERB"), the California Department of Labor Standards and Enforcement ("DLSE"), the California Department of Fair Employment and Housing ("DFEH"), and the U.S. Equal Employment Opportunity Commission ("EEOC").

Ms. Maldonado also served as the assigned advice attorney on labor and employment matters to various City departments, including the Public Defender, Department of Building Inspection, the Department of Homelessness and Supportive Housing, Board of Supervisors, and the Department of Public Health.

OTHER EXPERIENCE

Prior to advising the City, Ms. Maldonado was a labor and employment associate at Perkins Coie LLP and Hanson Bridgett LLP. During law school, she clerked for the Government Team at the San Francisco City Attorney's Office and externed for the Honorable Joyce Kennard of the Supreme Court of California. Prior to law school, she interned for Senator Dianne Feinstein in Washington, D.C., for San Francisco Mayor Gavin Newsom, and for the San Francisco Municipal Transportation Agency.

REPRESENTATIVE MATTERS

Some of Ms. Maldonado's representative legal matters include:

- ***Denny v. Arntz*** – successfully defended City defendants in pre- and post-elections attempting to remove a \$600 million local affordable housing bond measure from the ballot and subsequently invalidate the election result in favor of the measure based on allegedly flawed language in the voter materials. Obtained dismissal and final judgment in pre-election challenge. Obtained dismissal of post-election challenge and represented City defendants on appeal.
- ***Daugherty v. CCSF*** – defended San Francisco Police Department following termination of officers after discovery of racist and other offensive text messages. Managed voluminous evidence collection and production took and defended key depositions, and drafted motions. Following

adverse trial court order, Court of Appeal issued [published decision](#) finding terminations did not violate the Public Safety Officers Procedural Bill of Rights Act ("POBRA").

- ***Stockwell et al. v. CCSF***; *Stevenson v. CCSF*; *Johnson v. CCSF* – defended San Francisco Police Department and San Francisco Fire Department in multi-plaintiff cases challenging promotional exams for alleged disparate impact based on age and race. Managed voluminous discovery productions, defended depositions, worked with experts on statistical analyses, and drafted motions, including opposition to class certification and motions for summary judgment.
- ***Lai v. CCSF*** – defended San Francisco Fire Department's reassignment of managers to new fire stations following finding that subordinate had suffered sexual harassment. Prevailed on anti-SLAPP motion. Developed and executed discovery plan to protect third party privacy interests during substantial discovery production.
- ***Singson v. City of Millbrae*** – second-chaired a federal court jury trial regarding a City of Millbrae police officer's First Amendment retaliation claim. Conducted voir dire and examined witnesses. Obtained unanimous defense verdict.
- ***Professional Engineers in California Government v. Schwarzenegger*** – litigated consolidated action before the California Supreme Court, California Court of Appeal, and Alameda County Superior Court relating to California's 2010-2011 budget impasse and the California Department of Personnel Administration's implementation of the Governor's furlough program.

AWARDS AND HONORS

- Phi Beta Kappa
- Bloomberg BNA Award for Excellence in the Study of Labor and Employment



Ryan McGinley-Stempel

Senior Associate

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Practice Areas

- Government
- Litigation

Bar Admission

- California
- United States Court of Appeals for the Ninth Circuit
- United States Court of Appeals for the Tenth Circuit
- Federal District Court for the Northern District of California
- Federal District Court for the Central District of California

Education

- Stanford School of Law, JD
- Vassar College, BA

Experience

Mr. McGinley-Stempel is an associate in the firm's Government and Litigation Practice Groups. He has experience advising on and litigating constitutional and statutory issues involving education law, employment law, public pensions and vested rights, voter initiatives, land use, public records, class actions, free speech, preemption, professional responsibility, and religious discrimination before state and federal courts and administrative agencies, including the United States Supreme Court, the United States Court of Appeals for the Ninth Circuit, the California Supreme Court, the California Court of Appeal, CalPERS, and the Public Employment Relations Board.

RELATED EXPERIENCE

Mr. McGinley-Stempel has experience both bringing suits on behalf of and defending public agencies in actions involving the Federal and California Constitutions, the County Employees Retirement Law of 1937, the Meyers-Milias Brown Act, the Fair Employment and Housing Act, the Public Records Act, and the Fair Labor Standards Act. Mr. McGinley-Stempel also advises public agencies on Joint Powers Authority creation under Government Code section 6500 *et seq.*; worker classification in the wake of ***Dynamex Operations West, Inc. v. Superior Court***; and state and federal requirements for employee drug testing.

Before joining Renne Public Law Group, Mr. McGinley-Stempel was an associate at Gibson Dunn for two years, focusing primarily on cases involving education law, employment law, the Anti-Terrorism Act, and class actions. He represented the Brennan Center for Justice and several California constitutional law professors in the California Supreme Court as *amici curiae* in the constitutional challenge to Proposition 66, which changed the process for imposing the death penalty in California. He also assisted with the successful defense of the City of Tallahassee, Mayor Andrew Gillum, and

several city commissioners in an action brought under a state preemption statute that authorizes private individuals to sue local public officials for enacting or enforcing firearm regulations.

Mr. McGinley-Stempel draws further perspective and experience from his time as a law clerk, when he served Associate Justice Mariano-Florentino Cuéllar of the California Supreme Court; Judge Scott M. Matheson of the United States Court of Appeals for the Tenth Circuit; and Judge Lee H. Rosenthal of the United States District Court for the Southern District of Texas. During his clerkship with Judge Rosenthal, Mr. McGinley-Stempel also worked on cases in the United States Courts of Appeals for the Fifth, Sixth, Ninth, and Eleventh Circuits.

During law school, Mr. McGinley-Stempel served as a student attorney in the Supreme Court Litigation Clinic, where he participated in the certiorari and merits briefing for *Salinas v. Texas*, 133 S. Ct. 2174 (2013). He also served as teaching assistant to Dean Larry Kramer's Constitutional Law course, research assistant to Professor Barton H. Thompson on issues involving property law and land use, and associate editor for the *Stanford Law and Policy Review*.

Before law school, Ryan worked as a squash director for StreetSquash, a comprehensive youth enrichment program for at-risk youth in Harlem, New York.

PUBLICATIONS

- Michael Cohen & Ryan McGinley-Stempel, "*COVID-19, the Census Delay, and Local Redistricting: What Local Public Agencies Can Do to Prepare*," PublicCEO (June 25, 2020).
- Jonathan Holtzman, Steve Cikes & Ryan McGinley-Stempel, "*Navigating Fiscal Emergencies in the Time of Coronavirus: Tools from the Great Recession Revisited*," PublicCEO (May 19, 2020).
- Ryan McGinley-Stempel, "*Europe's Immigration Problem Is Ours As Well*," S.F. Chronicle, January 20, 2016
- Ann McGinley & Ryan McGinley-Stempel, "*Beyond the Water Cooler: Speech and the Workplace in the Era of Social Media*," 30 Hofstra Lab. & Emp. L.J. 75 (2012)

AFFILIATIONS

- Family Violence Appellate Project, New Leadership Council
- Squash + Education Association, Professionals Board

PRESENTATIONS

- "Threading the Needle: Crafting a Defensible Drug Testing Policy," CALPELRA (November 2019)



Imran Dar
Associate

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Practice Areas

- Litigation

Bar Admission

- California
- New York

Education

- The Benjamin N. Cardozo School of Law, *cum laude*
- Bard College

Experience

Imran Dar is an associate who focuses on public and constitutional law. Prior to joining RPLG, Mr. Dar served as a Judicial Fellow for Judge Laurel Beeler in the U.S. District Court for the Northern District of California.

RELATED EXPERIENCE

Mr. Dar spent two years as a New York Excelsior Service Fellow with New York State Board of Elections: Division of Election Law Enforcement. In this role, he investigated corruption in state, county, and municipal elections, brought civil and administrative enforcement actions against political actors, and defended the office's actions and legislative mandate from constitutional and statutory challenges.

Mr. Dar graduated from the Benjamin N. Cardozo School of Law with honors, including the Federal Bar Council's Cornelius Wickersham Jr. Award for highest-ranking student in the field of constitutional law. During law school, Mr. Dar brought 42 U.S.C. § 1983 cases for indigent plaintiffs in the criminal justice system with the Cardozo Civil Rights Clinic and was a research assistant for Professor David Rudensine.



Michael Cohen

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Practice Areas

- Litigation

Bar Admission

Education

- University of California, Los Angeles, JD (May 2021)
- University College of London, MA
- University of Colorado at Boulder, BA, magna cum laude

Experience

Beginning Fall 2021, Michael S. Cohen will be joining Renne Public Law Group as a Law Clerk. Mr. Cohen has served in the chambers of Presiding Justice Arthur Gilbert at the California Court of Appeals and pursued a variety of work advancing accessibility to social services and public benefits. On UCLA Law campus, Mr. Cohen is heavily involved with student government and political student groups and is an editor on multiple journals, including the UCLA Law Review.

Mr. Cohen works as a Legal Fellow for the UCLA Voting Rights Project. Mr. Cohen has worked on several of the recent vote-by-mail lawsuits, published policy papers and scholarship on voting rights matters, and collaborated with state and federal government officials to facilitate compliance with election laws and expand access to the voting franchise.

VOTING RIGHTS WORK

- **California Redistricting Reports:** Wrote several reports on California counties potentially liable under the CVRA and/or VRA for private use by voting rights organization. These included a racially polarized voting analysis and alternative voting district maps establishing majority-minority districts for use in future litigation.
- **Asian Language Ballot Access:** Identified a dozen counties nationwide with especially large limited-English-proficient Asian language-speaking populations that barely avoided coverage by Voting Rights Act section 203 during the Census Bureau's 2016 coverage determination. I coordinated an effort with several voting rights organizations to issue letters to local election officials asking that the jurisdictions provide election materials in the relevant languages and warning them of possible litigation.
- **Harding v. County of Dallas**, 336 F.Supp.3d 677 (N.D. Tex. 2018) (helped prepare lead counsel for Dallas County, Texas for oral arguments defending the County's 2011 redistricting plan from Anglo voters bringing VRA section 2 claim alleging that the plan improperly favored minority voters)

- ***In re State***, 602 S.W.3d 549 (Tex. 2020) (drafted several documents for amicus Texas Democratic Party in action seeking to establish that a prospective voter's lack of immunity to COVID-19 is a basis for obtaining a mail ballot under Texas law)
- ***Texas Democratic Party v. Abbott***, 461 F.Supp.3d 406 (W.D. Tex. 2020) (drafted several documents in First, Fourteenth, and Twenty-Sixth Amendment challenge to Texas mail ballot access law)
- ***Texas Democratic Party v. Abbott***, 978 F.3d 168 (5th Cir. 2020) (drafted several documents in Twenty-Sixth Amendment challenge to Texas mail ballot access law)
- ***Black Voters Matter Fund v. Raffensperger***, 2020 WL 4597053 (N.D. Ga. 2020) (helped research and write expert witness report for ACLU's Twenty-Fourth and Fourteenth Amendment challenge to Georgia's refusal to pay postage for mail ballots)
- ***Issa v. Newsom***, 2020 WL 6580452 (E.D. Cal. 2020) (drafted motion to intervene for intervenor-defendant voting rights organization to protect California Governor's order that all voters receive a mail ballot for the 2020 general election)
- ***Republican National Committee v. Newsom***, 2020 WL 3430243 (E.D. Cal. 2020) (drafted motion to intervene for intervenor-defendant voting rights organization to protect California Governor's order that all voters receive a mail ballot for the 2020 general election)
- ***Anderson v. Raffensperger***, 2020 WL 6048048 (N.D. Ga. 2020) (drafted section of expert witness report for plaintiffs seeking relief from long polling location lines in Georgia during the June 2020 primary election)

PUBLICATIONS

- ***COVID-19, the Census Delay, and Local Redistricting: What Local Public Agencies Can Do to Prepare***, PUBLIC CEO (June 25, 2020).

COVID-19, the Census delay and local redistricting: What local public agencies can do to prepare



By [Renne Public Law Group](#) Senior Associate *Ryan McGinley-Stempel* and 2020 Public Law Fellow *Michael Cohen*



Local public agencies responding to the COVID-19 pandemic and grappling with its wide-ranging effects have yet another consideration to worry about: its impact on local redistricting deadlines. The Census

Bureau paused its decennial data collection operations across the country because of the virus, sacrificing critical time to gather the data that could affect hundreds of billions in federal funding and shift voting and trustee districts that shape the character of political representation and community services nationwide. The delay will

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have a profound ripple effect on leadership at all levels of California government; officials must remain attentive to shifting deadlines and pending legislation that will dictate their responsibilities throughout the year.

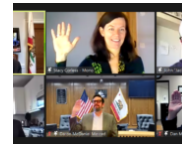
Despite the potentially significant impact of the delay, many jurisdictions in the state remain unaware of how the census delay affects their redistricting obligations and deadlines. Although the California Legislature and the California Supreme Court appear poised to fix most of the potential issues arising from the census delay, there are a number of other actions that local agencies can take to prepare sooner rather than later. In particular, officials of charter cities should consider whether any measures must be taken to extend redistricting deadlines (if any) set forth in their charters and ordinances.

Redistricting and the Census

Redistricting—the process of redrawing the boundaries of districts from which public officials are elected at the federal, state, and local level—determines the composition of districts that elect public officials at every level of government. It is impossible to appreciate the significance of the census delay without bearing in mind the importance of the decennial redistricting and the difficulty and drawn out nature of the redistricting process.

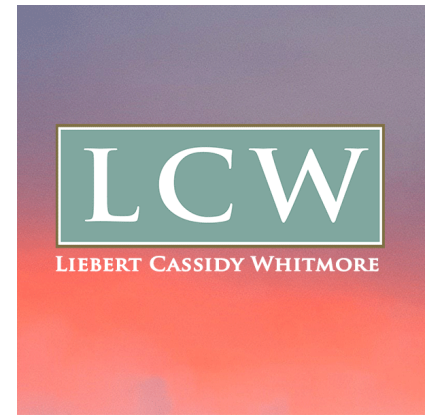
In California, several different types of jurisdictions redistrict. At the state level there are federal congressional districts, state legislative districts, and board of equalization districts; at the county level, supervisor districts and trustee areas for county boards of education; at the municipal level, city council districts; for school districts and community college districts, trustee areas; and for certain special districts, divisions. These districts necessarily overlap, creating a quilt of districts at many levels of government across the state. Some jurisdictions have been divided into districts for many years, while others only recently moved to by-district elections in the wake of the California Voting Rights Act and the explosion of ensuing litigation.

Districts in California must be drawn in compliance with state and federal constitutional and statutory requirements. These include requirements under the Voting Rights Act, the 14th Amendment, the California Voting Rights Act, and redistricting guidelines in the California Constitution, Government Code, Elections Code, and local charters and ordinances. Compliance with these guidelines requires data-intensive approaches and carefully executed discretion. Some



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jurisdictions may elect to redistrict at will, but most districts are redrawn following the decennial census.

Redistricting also comes with significant public hearing and outreach requirements that contribute to drawn-out redistricting timelines. At the state level, map-drawers must meet strict transparency and public engagement requirements throughout the process.¹ To promote public participation during the last redistricting cycle, the state Redistricting Commission held more than 70 business meetings and 34 public hearings in 32 cities throughout the state.² For county supervisor districts, multiple hearings are required at different stages of the redistricting process, with requirements as to timing, public outreach, and other matters of accessibility.³ The requirements are similar for charter⁴ and general law cities.⁵ Officials redistricting school districts and community college district trustee areas must hold at least one public hearing,⁶ as must officials in special districts.⁷ And special transparency rules apply to local government jurisdictions in the process of transitioning from at-large to by-district elections.⁸

Under normal conditions, the Census Bureau would deliver the counts to the president by December 31, 2020, and the states would receive the data no later than April 1, 2021.⁹ Because the Census Bureau has consistently adhered to this schedule for the last five decades, California has treated this deadline as definitive in crafting constitutional and statutory deadlines for redistricting. The Citizen Redistricting Commission, for example, is constitutionally required to redraw and finally approve the maps for congressional, state senate, state assembly, and state board of equalization districts by August 15, 2021.¹⁰ Counties and cities, for their part, are statutorily required to adopt new maps no later than 151 days before their next regular election occurring after March 1, 2022, which works out to October 8, 2021 for the election scheduled for March 8, 2022.¹¹

As a result of the pandemic, however, the Census Bureau's decennial data reporting will likely be delayed from April 1, 2021 until as late as July 31, 2021. The delay will affect this decade's redistricting round, which already takes place within a compressed timeline, at almost every level of California government. The Citizens Redistricting Commission, for example, could have only 15 days to meet its August 15, 2021 constitutional deadline to redraw and approve the boundary lines for congressional, state senate, state assembly, and board of equalization districts.¹² If it fails to do so, the California Supreme Court may be required to appoint a special master.¹³ Certain special districts seeking to hold an election for a

director on March 8, 2022 would need to finalize division boundaries by September 9, 2021.¹⁴ Although cities and counties would have more time to redraw their district maps, they, too, would have limited time to receive public input and finalize district maps by the October 8, 2021 statutory deadline. And if cities and counties fail to do so timely, they could be liable for attorney's fees and costs incurred by any resident who petitions the superior court for an order adopting supervisorial and council district boundaries, as well as the costs associated with a special master if the superior court appoints one to assist the court with adopting new district boundaries.¹⁵

Senate Bill 970 Would Change Redistricting Deadlines for Most Cities and Counties, But Not Some Charter Cities

Thankfully, pending legislation in Sacramento, SB 970, seeks to move California's March 2022 election back to June 2022, which would give public agencies across the state some breathing room in their redistricting efforts. The bill has met no opposition so far and is projected to be adopted later this week. If SB 970 is adopted and signed by the Governor, local redistricting deadlines will change to the following:

| Government Level | District Type | Redistricting Deadline | Consequences for Missing Deadline | Authority |
|----------------------------------------|-----------------------------|------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| Counties | County Supervisor Districts | January 7, 2022 | Any resident may petition superior court for order adopting supervisorial district boundaries and is entitled to attorney's fees and costs; Superior court may appoint a special master at the county's expense | Elec. Code §§ 21501, 21509 |
| General Law Cities | City Council Districts | January 7, 2022 | Any resident may petition superior court for order adopting council district boundaries and is entitled to attorney's fees and costs Superior court may appoint a special master at the city's expense | Elec. Code §§ 21602, 21609 |
| Charter Cities | City Council Districts | Same as General Law Cities unless provided otherwise in ordinance or charter | Any resident may petition superior court for order adopting council district boundaries and is entitled to attorney's fees and costs Superior court may appoint a special master at the city's expense | Elec. Code §§ 21622, 21629 |
| County Board of Education Districts | Trustee Area Boundaries | Unspecified | Unspecified | Educ. Code § 1002(b)-(c) |
| School and Community College Districts | Trustee Area Boundaries | February 28, 2022 Except multi-county districts | County committee on school district organization redistricts before April 30, 2022 | Educ. Code §§ 5019.5(a)&(b), 5019.7 |
| Certain Special Districts | Divisions | December 9, 2021 | Unspecified | Elec. Code § 22000(a) |

Notably, some charter city redistricting deadlines default to the general law city deadlines, but those chartered cities that have adopted local redistricting deadlines untethered to the election date will not have their redistricting deadlines automatically delayed.¹⁶ Charter cities of the latter sort may need to take additional steps to allow for additional time to meet their local redistricting deadlines. We recommend that officials in all charter cities familiarize themselves with any redistricting deadlines in their city's charter or ordinances. Those jurisdictions that have adopted redistricting deadlines that fall before December 2021 may then consider what actions they must take (e.g., placing a charter amendment on the November 2020 ballot) to give themselves sufficient time to adopt new maps.

Pending Litigation Before the California Supreme Court Could Extend the Deadlines for the Citizens Redistricting Commission

What about the August 15, 2021 deadline for the Citizens Redistricting Commission to redistrict federal congressional, state legislative, and board of equalization districts? Because this deadline is a creature of the California Constitution,¹⁷ not statute, it cannot be extended by the Legislature or the Governor even through the Governor's broad emergency powers. Must the Citizens Redistricting Commission redraw these districts in only two weeks to meet the state constitutional deadline if Congress allows the Census Bureau to delay its decennial data reporting until July 31, 2021?

The good news is that the California Legislature is being proactive on this front, too, petitioning the California Supreme Court in *Legislature of the State of California v. Padilla* (S262530) to extend the deadline in order to effectuate the California Constitution's intended purpose of requiring the Citizens Redistricting Commission to redraw congressional, state senate, state assembly, and board of equalization district maps with maximum public participation. Given that the Court has already notified the parties it is seriously considering granting the petition,¹⁸ in our view, there is a good chance that the Court will extend the deadlines for redistricting at the state level.

Key Takeaways for Local Public Agencies

The census delay, SB 970, and emergency writ petition in *Legislature of the State of California v. Padilla* will change most redistricting deadlines throughout California. Certainty regarding these deadlines should be possible within the next month.¹⁹ But the consequences of missing these deadlines could be costly, as courts may be asked to intervene and direct special masters to hire personnel, purchase technology, and incur other significant costs for which the county or city would be liable.²⁰ To avoid these consequences, jurisdictions can prepare now to meet redistricting deadlines that are altered or have become more compressed. In particular, we recommend that:

- Officials in all jurisdictions monitor the dates and deadlines that are currently in flux:
 - The census data reporting date, which is subject to the Census Bureau meeting its publicized deadlines;
 - The 2022 election date, which is likely to change because of SB 970; and
 - The state’s Citizens Redistricting Commission deadline, which may change depending on the California Supreme Court’s ruling in *Legislature of the State of California v. Padilla*
- Cities and counties with redistricting deadlines tied to the 2022 election date prioritize crafting a new schedule that front-loads hearings while pushing back internal deadlines by four months to ensure they have enough time to meet their redistricting deadlines
- Cities and counties review their candidate filing deadlines
- Officials in all charter cities familiarize themselves with the redistricting deadlines in their city’s charter or ordinances and consider whether they need to seek more time to adopt new maps through judicial action, legislation or charter amendment
- Jurisdictions notify their residents about the delay as soon as possible.

[RPLG](#) practices throughout California, advising and advocating for public agencies, nonprofit entities, individuals and private entities in need of effective, responsive and creative legal solutions.

1 – Cal. Const. art. XXI; *see also* Gov. Code § 8253(a)(7) (The Commission must “establish and implement an open hearing process for public input and deliberation that shall be subject to public notice and promoted through a thorough outreach program to solicit broad public participation in the redistricting public review process”).

2 – *Vandermost v. Bowen*, 53 Cal. 4th 421, 445-46 (2012).

3 -Elec. Code §§ 21507-21508.

4 – Elec. Code §§ 21627-21628.

5 – Elec. Code §§ 21607-21608.

6 – Educ. Code § 5019(c)(2).

7 – Elec. Code § 22001.

8 – Elec. Code § 10010.

9 – The deadlines are set in federal law at 13 U.S.C. § 141(b) and 2 U.S.C. §§ 2a(a)-(b).

10 – Cal. Const., art. XXI, § 2(g).

11 – Elec. Code §§ 21501 (counties), 21622 (cities).

12 – Cal. Const., art. XXI, § 2(g).

13 – Cal. Const., art. XXI, §§ 2(j), 3.

14 – Elec. Code § 22000(d) (providing that no change in special district division boundaries following the decennial census “may be made within 180 days preceding the election of any director”).

15 – Elec. Code §§ 21509(a) & (b)(2) (counties), 21609(a) & (b)(2) (cities).

16 – See Elec. Code § 21622(b).

17 – See Cal. Const., art. XII, § 2(g).

18 – See *Legislature of the State of California v. Padilla*, No. S262530, Docket, Order dated June 22, 2020.

19 – If the Court ultimately decides to grant the emergency petition in *Legislature of the State of California v. Padilla*, it is likely to do so by July 13, 2020, which is the last day that the Legislature will have time to decide whether to put a constitutional amendment on the November 2020 ballot asking voters to allow the Citizens Redistricting Commission more time to do its work. Although the California Assembly is on recess, the Speaker has called an irregular meeting to be held on the week of June 22. The Assembly is likely to pass SB 970 during that session. Once Governor Newsom signs the bill, jurisdictions can be certain about the 2022 election date. Otherwise, the bill is likely to become law early in the next legislative session, which commences on July 13.

20 – See Elec. Code §§ 21509, 21609, 21629 (setting out the required procedures for counties, general law cities, and charter cities that

miss their redistricting deadline).

June 25, 2020 | [Attorney](#), [Cities](#), [COVID-19](#), [Insights](#), [Planning and Development](#),
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