


Office of the City Attorney

March 24, 2014

To: Honorable Mayor and Members of the City Council

From: Zach Cowan, City Attorney 

Re: Litigation Concerning Redistricting

Attached is the form of a letter to the proponents of the redistricting referendum that will be on the November ballot. An individually addressed version was sent to each of the proponents of the referendum today.

You may have received correspondence over the last few days to the effect that this litigation would be “collusive”. As you can see, this concern was not well-taken. Election cases are often filed against city clerks and registrars of voters who have no particular stake in the outcome, but who must be named as respondents because they are the officials to whom court any orders will be directed. The normal practice in such cases is to name the adverse parties – in this case the proponents or the person or persons they designate – as “real parties in interest” or defendants, to ensure that the merits of the dispute are fully ventilated before the court. That is the case here.

cc: Christine Daniel, City Manager

REMCHO, JOHANSEN & PURCELL, LLP
ATTORNEYS AT LAW

201 DOLORES AVENUE
SAN LEANDRO, CA 94577
PHONE: (510) 346-6200
FAX: (510) 346-6201
EMAIL: harrison@rjp.com
WEBSITE: www.rjp.com

SACRAMENTO PHONE: (916) 264-1818

Joseph Remcho (1944-2003)
Robin B. Johansen
Kathleen J. Purcell (Ret.)
James C. Harrison
Thomas A. Willis
Karen Getman
Margaret R. Prinzing
Harry A. Berezin

March 24, 2014

VIA EMAIL AND U.S. MAIL

[Proponent]

Re: *City of Berkeley Redistricting Litigation*

Dear Mr. Anderson:

The City of Berkeley has retained us to initiate a lawsuit regarding the district lines for the City's November election. We intend to seek an order from the Alameda County Superior Court determining whether to use the City Council-approved district lines (Ordinance No. 7,320-N.S.) or the district lines adopted in 2002 in Ordinance 6,679-N.S., in the November election. To ensure that the proponents of the referendum have an opportunity to be heard, we intend to name you and the other proponents as real parties in interest/defendants. However, we understand that some of the proponents may prefer not to be named as parties to a lawsuit. If the proponents would prefer to designate one or more of their members to represent the views of the proponents as a group, we would be willing to name only your designee(s) as real parties/defendants.

Please advise us by close of business on Thursday, March 27th, how you would like to proceed. Thank you for your consideration of this matter.

Sincerely,

James C. Harrison

JCH:NL

cc: Zach Cowan, City Attorney (via email)