



City Attorney Jan Goldsmith

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When the Switch is Flipped

By: Jan Goldsmith

The City Attorney's and District Attorney's offices will make history when they flip a switch within the next 30 days. It will be a new era in criminal prosecution in San Diego County -- the City Attorney's and District Attorney's offices will be joined. . . . by computer.

We prosecute misdemeanors and the District Attorney prosecutes felonies in the City of San Diego. Criminals gain an advantage when our offices fail to coordinate because they know how to exploit the system's loopholes and slip through the cracks. Justice and efficiency prevail when we work together.

That's why our two offices have worked hard during the past 10 months to develop a strong relationship with good communication. Under the leadership of two veteran prosecutors -- Assistant City Attorneys Tricia Pummill and David Greenberg--we have instituted, with the DA's office, cross-training of our deputies and coordinated efforts to attack crime. Some of our deputies have been authorized to prosecute felonies under a new cross-deputization program. We regularly cover court appearances for each other and consult each other about strategy in attacking organized

criminal conduct.

When the switch is flipped, the City Attorney's and District Attorney's offices will have instant access to each other's case information and will be able to communicate with each other through computer technology, taking our cooperation to a new level. For the first time, the City Attorney's Office will have a legitimate case management system, providing technology long used by prosecutors just about everywhere except our office. We will soon join the 21st Century.

This is a big deal for our office. We thank our staff for their planning efforts, persistence and long hours of training to make this new case management system a reality-- and within our budget. We also thank District Attorney Bonnie Dumanis for helping us through this transition period and for sharing her office's excellent case management system software. Our new era of cooperation will benefit the taxpayers of San Diego by enabling more efficient criminal prosecutions and, most importantly, by helping to better protect our communities.

CONSUMER ENVIRONMENTAL PROTECTION UNIT KEEPS CONSUMERS INFORMED!

Do you want to protect your rights as a consumer? Be sure to become informed, know the laws and make wise decisions.

Every month the City Attorney's Consumer & Environmental Protection Unit publishes a newsletter to keep you apprised of important information.

These newsletters provide handy tips to help you avoid becoming a victim of a scam.

Past issues include topics about identity theft, loan modifications, false advertising and foreclosure consultants.

Check out our newsletters at: www.sandiego.gov/cityattorney/media/newsletters.shtml.

By: Deputy City Attorney Brant Will

The Public Finance, Securities and Disclosure Unit of the City Attorney's Office has had a very busy spring and summer, assisting the City in the public issuance of nearly \$2.2 billion in both long term bonds and short term notes. The Unit is primarily responsible for advising City departments, and certain related entities such as the Redevelopment Agency, on the issuance of debt, particularly with respect to the City's disclosure responsibilities under state and federal securities laws.

In January, the City returned to the public bond market after an absence of more than five years. The Unit assisted the Water Department in the issuance of \$157 million in water revenue bonds in order to continue funding needed water infrastructure projects. A subsequent issue in June in the amount of \$327 million was used primarily to refinance existing debt.

The City's Metropolitan Wastewater Department also has significant infrastructure and refinancing needs leading to the two separate sewer revenue bond issues in May, totaling nearly \$1.1 billion. The refinancing component of these bonds will save the City and its rate-payers millions of dollars annually in debt service.

For the first time in many years, the City was able to publicly issue its Tax Revenue Anticipation Notes (TRANs) in June. This is a short-term financing the City undertakes annually to meet cash flow requirements in anticipation of receiving property tax revenue in November and April. The ability to sell the TRANs to the public significantly reduces the borrowing costs for the City.

In addition to City debt, the Unit assisted the Redevelopment Agency (RDA) in the issuance of nearly \$14 million in tax allocation bonds for the North Park redevelopment project area. The proceeds of that issue will be used to refinance existing RDA debt and to continue to fund redevelopment projects in North Park.

The Unit also serves in a number of non-finance capacities. In March, along with the City's general disclosure counsel, the Unit conducted trainings in disclosure responsibilities for City staff and elected officials, including the City Council and the Mayor. The Unit also serves as legal advisor to the Audit Committee. The current Audit Committee was approved by San Diego voters in the June 2008 election.

Chief Deputy City Attorney Regan Savalla Sworn Into the Bar of the United States Supreme Court

On June 22, in Washington, D.C., Chief Deputy City Attorney Regan Savalla of the Community Justice Division's Neighborhood Prosecution Unit was sworn in as a member of the Bar and officer of the United States Supreme Court.

Regan was invited, along with 19 other University of Illinois College of Law alumni, to be admitted to the Bar of the United States Supreme Court and be sworn before the current justices. During the ceremony, Regan was introduced from the Bar of California before Chief Justice Roberts. The motion was granted by the Chief Justice and Regan took her oath to



support the Constitution of the United States and uphold her duties as an attorney and counselor.

As a member of the bar, Regan is eligible to sit in a reserved section of the Courtroom and attend oral arguments. In addition, her membership entitles her to the use of the court's extensive law library.



The Role of the Civil Investigation Unit

By: Dan Andrews, Principal Investigator

The mission of the Civil Investigation Unit of the City Attorney's Office is to provide the highest quality investigative services through topic-specific knowledge and experience, interagency and interdepartmental partnerships, and effective processes and procedures.

The Civil Division handles a wide variety of legal work for the City of San Diego. This requires attorneys and staff who have specialized experience in different areas of law. The Investigation Unit consists of individuals with experience in construction, real estate, land use, public policy, finance, law enforcement, and insurance. The Investigation Unit recruits candidates with extensive experience and specialized backgrounds. Out of a staff of seventeen investigators, several have graduate or law degrees; others have years of diverse law enforcement experience or advanced certifications in real estate and construction. The primary role of the investigator is the gathering and managing of facts through investigative processes. Investigators are tasked with conducting interviews, researching information through computer databases, gathering evidence, providing trial testimony, reviewing documents, preparing demonstrative evidence at trial, writing extensive investigative reports, and managing expert witnesses.

Case Study: *Estate of Billye Venable v. San Diego Police Department, et al.*

On October 11, 2003, documented Emerald Hills Blood criminal street gang member Billye Venable, a parolee at large, was stopped in a vehicle by three police officers. When officers attempted to take him out of the vehicle to initiate an arrest, Venable attempted to flee. A struggle with the officers ensued. During the struggle, one of the officers put a gun to Venable's head and fired. Venable died at the scene. His family sued the SDPD and the involved officers in federal court for a violation of 42 USC, Section 1983.

The case went to trial in November 2007. At trial, plaintiffs produced four independent witnesses that testified that Venable was first beaten, then murdered by the officers. City Attorney investigators conducted witness interviews, background investigations, scene measurements and photographs, and offered trial testimony that discredited all four witnesses. In addition, City Attorney investigators ordered forensic examination that scientifically proved that Venable had been struggling to remove an officer's firearm from his holster just prior to being shot and killed. This, coupled with an outstanding trial performance by Chief Deputy City Attorney Don Shanahan, as well as a superb overall defense team effort, resulted in a defense verdict in two hours following a six-week trial.



Civil Investigation Unit

Crisis Response Team Provides Legal Support for Emergency Preparedness

The San Diego City Attorney's Office has formed a Crisis Response Team (CRT) with Deputy City Attorneys John Hemmerling, Rachel Lipsky and John Riley to provide legal advice and help cut through red tape during emergencies. They are quickly becoming a resource for this office as well as the City's emergency operations personnel.

In order to prepare for the unexpected, the CRT has been researching policies, statutes, and case law in an effort to create various procedures and legal documents that may be needed in the event of an emergency, which includes proclamations of a local emergency, declarations imposing a curfew or other restrictions to protect the public peace, health or safety of persons or property, court filings, emergency contracting, employment matters and other legal documents.

Julio DeGuzman appointed Director of Community & Government Relations

City Attorney Jan Goldsmith recently appointed Julio DeGuzman as Director of Community & Government Relations.

DeGuzman comes to the management staff of the City Attorney's Office with vast experience and high credentials. Prior to his appointment, he had been a City Attorney investigator since his retirement from the federal government in 2006.

DeGuzman is a retired Special Agent with the U.S. Naval Criminal Investigative Service and the U.S. Department of Defense Office of Inspector General, Office of Criminal Investigations.

"Julio brings excellent skills and experience as Community & Government Relations Director. He is one of San Diego's finest investigators. When we get a call and send Julio out to investigate, we know we will get the facts," said City Attorney Goldsmith.

Julio will cover special projects and participate in community collaborations and planning groups.

City Attorney's Office Provides Legal Assistance At Stand Down Event for Homeless Veterans

The City Attorney's Office and several agency partners provided legal assistance at the 22nd annual Stand Down for Homeless Veterans on July 17. Prosecutors from the Neighborhood Prosecution Unit worked with Public Defenders to address over 1,000 misdemeanor and infraction cases for approximately 300 homeless veterans. Veterans plead guilty to some of the charges against them and are ordered to participate in social programs offered at the event. Other charges are dismissed as part of the plea agreement. Generally, the violations handled by the court are minor non-violent offenses like illegally lodging, trolley violations, and drinking in public. The Stand Down Court was created and is staffed by the City Attorney's Office, San Diego Superior Court, District Attorney's Office and Public Defender's Office. Stand Down is hosted and underwritten by Veteran's Village of San Diego. Veterans are provided with a range of necessities including food, clothing, medical, legal and mental health assistance. The hand up (not hand out) philosophy of Stand Down is carried out through the work of hundreds of

volunteers and organizations throughout the nation.



Deputy City Attorneys from the Neighborhood Prosecution Unit



Meet Chief Deputy City Attorney Tom Zeleny, Public Works Unit

As Tom tells it, he joined the City Attorney's Office in 1994 as a starving law student, working for food in the Consumer and Environmental Protection Unit. As an intern, Tom had the opportunity to learn from veteran prosecutors like Assistant City Attorney Tricia Pummill and Deputy City Attorney Mike Rivo. Amazed that

Tom lasted for more than a few weeks, they recommended he continue with the office after graduation. He was hired as a prosecutor in the Criminal Division in 1995.

The office moved Tom to the Civil Division in 1997 over concerns about the flood of Public Defenders asking to take trials against him. There, he joined attorneys Ted Bromfield (retired) and Fritz Ortlieb in advising the Metropolitan Wastewater Department in its billion-dollar effort to upgrade the City's wastewater system. Tom spent the next several years resolving claims and negotiating settlements associated with this massive construction program.

Since 2006, Tom has been the head of the Public Works Unit. The unit has thirteen lawyers helping the City construct, maintain and operate its public facilities and provide public services such as water, sewer, and trash collection. By working with City staff early in project development, the unit helps resolve problems before they end up in litigation.

Tom started life as an engineer, graduating from Cal Berkeley with a degree in Mechanical Engineering. Tom spent the next few years in Japan designing Honda automobiles. After returning to California, Tom was coaxed by a scholarship and enrolled at Thomas Jefferson School of Law, where he graduated as Valedictorian in 1994. Not satisfied with just one bar exam, Tom took the patent bar exam and is a Patent Attorney registered with the Patent and Trademark Office.

Tom enjoys life with his attorney-wife Lisa, son Nate and twins Katie and Grace. Tom's hobby is taking anything apart and putting it back together again. Originally from Northern California, Tom endures endless taunts over the success of the Giants (bad) and the Raiders (way-worse). But there is always next season.