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OAKLAND CITY COUNCIL

2003 NOV -6 PM 3:09

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RESOLUTION No. \_\_\_\_\_ C.M.S.

INTRODUCED BY COUNCILMEMBER  
\_\_\_\_\_

**Resolution Authorizing the City of Oakland to File Amicus Briefs in the Appellate Proceedings Involving *City and County of San Francisco and Office of City Attorney v. COBRA Solutions, Inc***

**WHEREAS**, in 2001, the San Francisco City Attorney's Office, under former City attorney Louise Renne, initiated an inquiry into San Francisco's technology contracting program, known as the Computer Store; and

**WHEREAS**, the Computer Store consists of a group of competitively selected vendors that contract with San Francisco to provide technology goods and services to the City of San Francisco's departments; and

**WHEREAS**, the San Francisco City Attorney's Office filed a complaint against certain Computer Store vendors alleging that they had engaged in a kickback scheme; and

**WHEREAS**, the San Francisco City Attorney subsequently amended its complaint to name COBRA Solutions, Inc. as a defendant in the litigation; and

**WHEREAS**, COBRA Solutions, Inc., moved to disqualify the entire San Francisco City Attorney's Office from the litigation, claiming that then City Attorney Dennis Herrera had a conflict of interest because of his former firm's prior representation of COBRA in non litigation matters; and

**WHEREAS**, the Superior Court ruled that the entire San Francisco City Attorney's Office was tainted with a conflict of interest because of the City Attorney's and his former law firm's representation of COBRA in some non-litigation matters; and

**WHEREAS**, the City and County of San Francisco has asked the California Court of Appeal to reverse the Superior Court's decision; and

**WHEREAS**, the Superior Court made its ruling despite the City Attorney's erection of an ethical wall between himself and the attorneys in his office and even though there was no evidence or even an allegation that the San Francisco City Attorney's shared any confidential information with attorneys in the office; and

**WHEREAS**, the Superior Court's ruling contradicts a long line of California cases which have held that a government law office may employ an ethical screen to prevent potential disclosure of confidential information; and

**WHEREAS**, disqualifying public law offices whenever one attorney has a conflict would impose tremendous costs on taxpayers and discourage government law offices from hiring lawyers with private sector experience; and

**WHEREAS**, if the appellate courts do not reverse the Superior Court, there will be significant ramifications for public entities; now therefore be it

**RESOLVED:** that the City Council authorizes the City Attorney to file amicus briefs in seeking reversal of the Superior Court's ruling disqualifying the entire San Francisco City Attorney's Office in *City and County of San Francisco and Office of City Attorney v. COBRA Solutions, Inc.*

IN COUNCIL, OAKLAND, CALIFORNIA, NOV 18 2003 2003

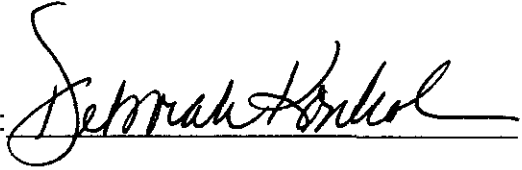
**PASSED BY THE FOLLOWING VOTE:**


AYES- BRUNNER, CHANG, MAYNE, NADEL, REID, SPEES, WAN AND PRESIDENT DE LA FUENTE - 8

NOTES- 0

ABSENT- 0

ABSTENTION- 0

Attest: 

 Ceda Floyd  
CITY CLERK AND CLERK OF THE  
COUNCIL  
OF THE CITY OF OAKLAND, CALIFORNIA