

REMARKS OF ARIEL PIERRE CALONNE  
UPON BEING NAMED  
2003 PUBLIC LAWYER OF THE YEAR

September 5, 2003  
Anaheim, California

Chief Justice George, thank you for your kind remarks. And thank you for your service leading our Supreme Court, your long service in the judiciary, and your leadership earlier in your career in the Attorney General's Office.

I'd also like to thank the Public Law Section Executive Committee for recognizing me as California's Public Lawyer of the Year for 2003.

Finally, and most importantly, I'd like to thank my client, the City of Palo Alto, for providing me the opportunity to achieve. Every scientist needs a laboratory, and I have had a great one.

As you all know, I am in the unusual position of accepting this prestigious award just 10 days before I become the City Attorney (designate) of Boulder, Colorado. I have taken residence in Boulder after 13 years of service to the City of Palo Alto. I find myself in the enviable position of leaving a richly endowed community to join a community endowed with environmental and human riches. Boulder, like Palo Alto and all California cities, has engaged the good fight to

protect the constitutional home rule powers the electorate reserved to them. The challenges will be great.

Yet I leave California grudgingly. I realized the other day that I have never been outside California for longer 2 weeks or so. I love this state from corner to corner. I am sure that is a common bond among public lawyers. My career has been dedicated to creating common bonds between public lawyers.

Today I am being honored in large part because of my work creating and moderating a dedicated e-mail listserv that connects nearly 500 California city attorneys. I developed the group (which is dubbed "CCA\*\*" for California City Attorneys) in 1998 while I was president of the City Attorney's Department of the League of California Cities. I was flattered the other day when Mike Martello, the City Attorney of Mountain View, described CCA as a transformative resource for the practice of municipal law, perhaps having an even greater impact than the California Municipal Law Handbook which JoAnne Speers described when she received this award in 1999.

CCA was achieved through leadership to prove that technology is both powerful and openhearted. Email is a cold medium; a medium that doesn't allow the face-to-face interaction, the *voir dire* upon which we depend to assess credibility. Yet CCA flourishes because we have added the human dimension back into the communication by moderating the list. Moderating is reviewing,

editing, or rejecting, each and every message and response. CCA has become somewhat of an annotated discussion, much like the annotated codes and case head notes that define traditional legal information retrieval systems. And it is the process of making everyone show his or her editorial and annotational skills that makes the list work. We actually get to evaluate each other daily in that most important legal medium – the written word. Thus we have transformed a cold medium into another way to communicate that which makes us real and human.

CCA was also an adaptive concession to changing times. I am pleased to join Andy Gustafson, JoAnne Speers and Jayne Williams as local government recipients of this award. I got to know Andy when I worked for the City of Ventura, and JoAnne and Jayne are great leaders in my own field of municipal practice. I have also been appreciative of Mr. Elkins' consumer protection work.

But our practice as public lawyers has changed. Municipal law has become one of the most sophisticated and challenging practice areas. CCA lets us work with our collective brainpower to overcome the economic and political constraints that can impact the effectiveness of public lawyers. Just as in *Roberts v. Palmdale* we public lawyers were fighting for our clients' right to have effective representation through appropriate confidential advice, CCA is letting us assure quality-controlled communication and education for 500 city attorneys. The result is that we reach decisions faster, with more thorough research and with more consistency around the state.

I am proud to announce that after 5 years of development, I have made a gift of CCA to the League of California Cities.

I'd like to close with a few comments about the ethical challenges we are facing. They are real and they are daunting. Last year the Governor vetoed legislation that would have allowed each of us to whistle blow against our clients in certain circumstances. I would respectfully submit that so dramatic a change in the core, confidential trusting relationship between lawyer and client ought to be given very careful scrutiny, and accepted if at all with great skepticism. First and foremost, our clients must trust us as lawyers, public lawyers or not. Second, the same pressure to work faster, to use e-mail, to skip traditional research channels, raises some concerns about the standards of care we must exercise. CCA, for example, fills what Professor Riesenfeld use to call our desire to make "mashed potatoes" of the law. But "the law comes in little lumps" he would say, meaning that answers can be elusive and dis-integrated from their parts. And so we find ourselves less often able to rely safely upon the traditional legal system of storing and retrieving precedent. Head notes are being replaced by full text electronic searches.

CCA is the first step of a major new tradition in the practice of public law, and I am proud to have been the instrument of its creation.

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