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## CSAC LITIGATION COORDINATION PROGRAM

The Litigation Coordination Program is sponsored by the California State Association of Counties and administered by the County Counselors' Association. The services provided by the Program are intended to benefit counties in two principal ways: to achieve cost savings by avoiding duplication of effort and to strengthen the response of each county to litigation that affects its interests. The Program is overseen by a Litigation Overview Committee (LOC), comprised of county counsels representing all areas of the state. In conjunction with the Litigation Coordinator, the LOC monitors litigation raising issues of concern to counties statewide, coordinates the defense of major multi-county litigation, and provides *amicus* support where appropriate.

Coordinated Cases. A case may be coordinated through the Litigation Coordination Program where multiple counties have been, or it appears likely will be, sued by a common plaintiff; the counties wish to pursue a common defensive or offensive strategy; and the case raises issues of statewide concern. Requests for the coordination of litigation believed to be of statewide significance should be made to the Litigation Coordinator.

Amicus Activity. Request for *amicus* assistance should be submitted to the Litigation Coordinator. Requests are evaluated by the LOC, which makes recommendations to CSAC on participation. In determining whether to recommend that CSAC provide *amicus* assistance or participate in an *amicus* effort, the LOC considers the following factors:

- whether the case raises issues of statewide concern;
- whether there are divergent views among counties as to the appropriate position to take in the litigation or on appeal;
- the importance of the issues raised to counties generally;
- the magnitude of the impact of an adverse decision in the case on counties;
- the degree of likelihood that the argument(s) advanced will be sustained on appeal;
- the extent to which the case is a good test case; e.g., is the factual record strong or weak with respect to the issues to be litigated;
- the extent to which there are distinct arguments to be made on behalf of counties that will not simply duplicate those made by a party;

- with respect to a recommendation that counties join in an *amicus* brief to be prepared by a third party, the likelihood that the counties' position will be advanced effectively in the *amicus* brief.

Case Monitoring. The Litigation Coordinator identifies and monitors emerging issues of significant concern to counties statewide which are the subject of pending litigation. Cases raising such issues will be put on closer watch, for possible coordination or county-initiated *amicus* activity.

Sharing Information: The Program publishes a monthly "Litigation Update" covering recent decisions affecting the practice of public law and the activities of the LOC. When necessary, the Program sends Litigation Alerts to all county counsels about matters requiring immediate attention.

For more information on CSAC's Litigation Coordination Program, contact:

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