



# California Public Law Litigation

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California Public Law Litigation is the representation of public entities and their employees in litigation in either state court or federal court in California. The issues raised in [Public Law](#) Litigation are often the focus of intense media scrutiny and can result in proceedings before the United States Supreme Court or the California Supreme Court.

## What Is Public Law Litigation?

Public Law Litigation generally involves either the decisions or actions of a public agency, the actions of a public employee, or a dispute between a public agency and its employees. Public Law Litigation can range from disputes about whether a business is complying with the appropriate municipal regulations to a dispute between a former public employee over the reasons for his job termination to a dispute over whether someone was arrested without a legal basis. The common thread in these unique scenarios is the involvement of a public agency.

## Common Types of Public Law Litigation

The most common types of Public Law Litigation are CEQA and Land Use Litigation, Code Enforcement Litigation, Conflicts of Interest Litigation, Eminent Domain and Inverse Condemnation, Law Enforcement Defense, Open Meetings and Public Records Act Litigation, Public Agency Defense, Public Employment Litigation, Public Works and Contract Litigation, and Special Writs and Appeals.

- **CEQA and Land Use Litigation** – Our litigators represent public agencies involving environmental and other land use issues.
- **Code Enforcement Litigation** – Our team of litigators works closely with municipal staff when enforcement actions are necessary to ensure compliance with Municipal Codes.
- **Conflicts of Interest Litigation** – We represent public agencies in litigation arising from Government Code section 1090 conflicts of interest issues.
- **Eminent Domain and Inverse Condemnation** – Our litigators

pursue [Eminent Domain](#) litigation on behalf of public agencies, as well as defend [Inverse Condemnation](#) actions for public agencies.

- **Law Enforcement Defense** – We represent police officers, deputy sheriffs, other law enforcement professionals, and their employers when members of the public alleged that they were harmed.
- **Open Meetings and Public Records Act Litigation** – When municipalities and other public agencies face litigation, we defend lawsuits involving the Brown Act and the California Public Records Act.
- **Public Agency Defense** – Our litigators represent public agencies in dangerous condition of public property litigation and other tort litigation in which plaintiffs claim injuries or property damages.
- **Public Employment Litigation** – When current or former public employees pursue litigation against municipalities, counties, or other public agencies, we defend those public agencies in litigation in state and federal courts throughout California.
- **Public Works and Contract Litigation** – Our litigators represent public agencies in complex disputes involving contractual disputes and Public Works litigation.
- **Special Writs and Appeals** – We handle complex writ and appellate matters on behalf of public agencies when their decision-making is challenged.

## What Makes Public Law Litigation Unique

Public Law Litigation differs from other litigation in several key respects. First, the claims and defenses asserted in Public Law Litigation frequently raises issues involving the United States Constitution and the California Constitution. Second, Public Law Litigation involves specific elements of the Government Code and other statutes that do not apply to private sector litigation. Third, Public Law Litigation is typically the subject of close public scrutiny, either via media coverage or through the interest of the general public.

## When It's Time to Approach a Public Law Litigation Attorney

Public agencies should approach a Public Law Litigation attorney when you know that litigation is forthcoming, which can occur when you receive a Government Tort Claim, a letter threatening litigation, or in some other fashion. We work with public agencies to develop a cost-effective plan for handling litigation.

Our Public Law Litigation attorneys are typically retained in one of three ways:

- **Burke As General Counsel** – For many of our public agency clients, Burke acts as city attorney or general counsel in addition to handling all litigation matters for that agency. An agency selecting its city attorney or general counsel should consider the full range of services that our Public Law Litigation attorneys can provide to the agency.
- **Burke As Special Counsel** – Burke is frequently retained by in-house city attorneys or county counsel or directly by public agency staff to handle litigation matters as special counsel for a public agency.
- **Retained By Risk Management Pools** – Risk management pools and insurers throughout California routinely retain our attorneys to handle Public Law Litigation on behalf of public agencies in state court and federal court.

## **Burke's Extensive History with California Public Law Litigation**

At Burke, we represent public agencies as city attorney for municipalities, as general counsel for special districts, and as special counsel on a variety of legal matters. We also have an extensive history in Public Law Litigation, and we have represented public agencies since the firm's founding in 1927.

If you have any questions about how Burke's attorneys can assist your agency in Public Law Litigation, we encourage you to contact our Litigation Practice Group Chair, [Leah Castella](#).