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Subj: CITY ATTORNEY HERRERA GIVES OVER \$2 MILLION OF CITY MONEY TO CAMPAIGN CONTRIBUTOR TRYING TO PREVENT A JURY FROM HEARING FACTS OF HIS SEWERGATE SCANDAL

Press release

For immediate release

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The City and County of San Francisco has spent over \$2 million (\$2,179,758) thus far on outside lawyers defending a whistleblower claim brought by an attorney who blew the whistle on City Attorney Dennis Herrera's "sewer-gate" scandal. <http://cironline.org/reports/sf-lawyer-claims-she-was-fired-investigating-suspected-payment-scam-6519>

Former Chief Trial Deputy Joanne Hoepfer sued the City after she was fired for blowing the whistle on a fraudulent scheme involving city payments to property owners who claimed that City tree roots damaged their sewers. Hoepfer discovered that the fraudulent scheme, which cost taxpayers at least \$20 million, was being run out of Herrera's office by a unit headed by Herrera's political confidante, Matthew Rothschild. After Hoepfer reported the scheme, Herrera stopped the program, but Rothschild told Hoepfer she'd be "sorry" and Rothschild threatened to stage a hunger strike. Hoepfer was transferred and later fired after she blew the whistle on the sewer scandal.

Records released by the San Francisco Controller's Office reveal the exorbitant payments to the law firm of Kecker & Van Nest – a politically-connected and expensive firm whose partners have contributed to City Attorney Dennis Herrera's campaigns and which once hosted a fundraiser for Herrera.

The \$2.17 million-plus in payments to the Kecker firm have come even though the case hasn't even gone to trial. The City tried and failed to get Hoepfer's case dismissed before trial, but San Francisco Superior Court Judge Richard Ulmer ruled against the City. The City then asked the Court of Appeal in San Francisco to overrule Judge Ulmer's order, but the Court of Appeal summarily ruled against the City. Now, in another expensive tactic, the Kecker firm has asked the California Supreme Court to review the case.

"This kind of spending is exorbitant and wasteful," said one of Hoepfer's lawyers, Karl Olson of San Francisco. "It shows that no one – especially City Attorney Herrera – is minding the store. And it's troubling that Herrera has given this much money to a campaign contributor on a no-bid contract. He could have hired a number of fulltime deputy city attorneys with this kind of money, or the city could have hired full-time police or firefighters."

Attorney John Kecker, the partner who is heading a large team of at least five lawyers representing the City, is also representing Zula Jones, a former city official who famously said that to get business in San Francisco, "you pay to play here." [<https://ww2.kqed.org/news/2016/01/22/3-former-fundraisers-for-mayor-ed-lee-indicted-on-bribery-money-laundering-charges>] At the same time, Kecker is representing developers suing the city. Herrera gave Kecker's firm a "conflict waiver" to allow Kecker to both sue and defend the city at the same time. [<http://blog.sfgate.com/cityinsider/2014/10/13/attorney-john-kecker-wearing-two-hats-when-it-comes-to-the-city/>]

The City claims that the Kecker firm has given the City a "discounted" rate of \$850 an hour.