

Legal bill could 'cripple' city

By TOM LONG
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SAN JOSE — While Watsonville Mayor Betty Murphy sat nervously listening, a federal judge heard arguments Tuesday over whether Watsonville should have to pay \$1.6 million to attorneys who forced the city to institute a district election

system.

Murphy said after the court hearing that if the city has to pay that large a sum it could "cripple" Watsonville. Murphy said that huge legal fees from the case, coupled with millions of dollars in expenses and losses from the October earthquake would mean "a triple whammy" to the city's finances.

The \$1.6 million is being charged by attorneys who represented three Latinos who sued the city, claiming that its old election system made it difficult for Latinos to be elected in Watsonville. Despite having a population that is more than 50 percent Hispanic, only one member of the City Council is a Latino.

The suit resulted in Tuesday night's first district election in Watsonville.

The fee is three times the normal amount that attorneys would be allowed to charge for services. But attorney Sanford Rosen, whose Fremont firm represented the Latinos, argued that such an "enhancement" of the fee charged is appropriate because his firm took the "risky" case knowing that it would only get paid if it won.

"Our rates are reasonable rates for this kind of case," Rosen said. "No matter how the case shakes down now we can't expect any payment until 1990... and the case goes back to '85."

Rosen said that his firm has already shaved some \$55,000 off its initial asking price of \$1.633 million. But that reduction wasn't near enough for attorney Vincent Fontana, who represented Watsonville in the four-year litigation.

"This case started in 1985, but

we're dealing here with fees at a 1989 level," Fontana said.

Fontana also argued that the case was not a particularly risky one for Rosen's firm to take on, saying that about 90 percent of so-called "voter's rights" cases are won by those who file suit.

"The general ease of success is probably why since 1987 700 voting rights cases have been brought nationally," Fontana said. Fontana said that attorneys specializing in such cases investigate areas where such suits might be successful.

"It's almost become a traveling road show," Fontana said. "I had the opportunity to litigate cases recently in Oklahoma City and Chattanooga, Tenn., and the parties on the other side were the same. They just move from place to place."

The bill from Rosen's firm includes fees for his partner, Joaquin Avila, who argued the case, and bills submitted by 10 other attorneys who assisted.