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Thursday, March 8, 2012

**Judges and Judiciary****Central District's vacancy woes increase**

The Central District of California is poised to have more "emergency" judicial vacancies than any other federal court district, a problem for a district that has a mix of complex civil and criminal filings.

**Criminal****Groups claim criminals' voting rights wrongly disenfranchised**

A memorandum from the state's top elections official has sparked controversy - and now legal action - over the alleged disenfranchisement of some criminals' voting rights.

**Litigation****Bratz insurer case is warning for companies**

An insurer's settlement with Bratz manufacturer MGA Entertainment Inc. underscores the bitterness of insurance brawls in high-stakes litigation and serves as a warning for other companies.

**Real Estate****Real Estate Deals**

Jackson DeMarco Tidus Peckenpaugh, JDTP, an Orange County-based firm specializing in mergers and acquisitions, insurance, land-use development and intellectual property, inked a seven-year, \$2.5 million lease to renew its 12,382-square-foot

**Government****City's pension plans rile unions**

San Jose will move forward with a controversial measure to reform the city's pension structure despite legal threats from labor unions and an audit approved Wednesday by state lawmakers.

**Securities****FINRA fires back at Schwab over class-action waivers**

A tussle between the association that regulates the securities markets and San Francisco brokerage Charles Schwab & Co. over Schwab's consumer class-action waivers heated up this week.

**Law Practice****Offer rates for summer associates show signs of recovery**

Legal employers are beginning to ramp up their

# Groups claim criminals' voting rights wrongly disenfranchised

By Henry Meier

A memorandum from the state's top elections official has sparked controversy - and now legal action - over the alleged disenfranchisement of some criminals' voting rights.

In the memo, the secretary of state's office lays out new guidelines that explicitly forbid county officials from registering to vote felons sentenced under California's new realignment laws, which shift non-violent, non-sexual and non-serious felony offenders from state prisons and parole monitoring to county jails and local post-release supervision.

The ACLU and several other organizations filed a petition in the 1st District Court of Appeal in San Francisco Wednesday, asking a judge for a writ of mandate in order to prevent county clerks and registrars from following those orders.

The petition claims Secretary of State Debra Bowen's Memorandum No. 11134 blatantly violates the state's constitution.

Jory Steele, an attorney for the ACLU, said she was hopeful that the court would take the petition under consideration.

"It's a discretionary decision by the court," she said. "We believe voting rights are a fundamental issue and are very hopeful that the court will take it. Voting is one of the most precious rights in a democracy and it makes us no safer, no stronger, and no fairer if we take these rights from people."

Article II section 4 of the state's Constitution says that inmates in state prison and those released on parole can be disenfranchised. It does not mention offenders serving jail time in county jails or under local supervision. The petitioners claim that since these criminals are being held and monitored at the local level, they are not eligible to be disenfranchised.

Bowen's office argues the exact opposite in the memo. The office maintains that at the time the section was written, all felony offenders would be sentenced to state incarceration and then be subject to parole. Therefore, the felons that are now locked up and supervised at the local level are still subject to a voting ban.

A spokeswoman for Bowen said the office does not comment on pending litigation and said the legal reasoning for the guidelines were contained in the memo.

A letter dated Wednesday from the attorney general's office to the petitioners said that the secretary of state would litigate the matter if necessary but was willing to take under advisement "any detailed legal analysis of these important issues..."

Richard Hasen, a professor at UC Irvine School of Law who focuses on election law, said there was a vast disparity in how states dealt with voting rights for felons.

"It's really a state by state issue," he said. "There are states like Vermont and Maine that have no voter disenfranchisement for felons, while other states ban all offenders from voting."

Many former inmates who were disenfranchised have spoken out in support of the petition, arguing the voting ban pushes offenders further from the communities in which they are supposed to reintegrate.

Andres Abarra, a former felony offender who now works with the Safe Return Project and sits on the advisory board to the Community Corrections Partnership in Contra Costa County, said being unable to vote after he was released from prison was a psychological barrier that made him feel isolated.

"Discouraging people from voting is discouraging them in life," he said. "It made me feel like I don't count. I don't exist. If you don't have that right you don't exist. I might be somebody who makes noise, but my voice isn't heard."

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**ACC-SoCal**  
 Association of Corporate Counsel  
 Southern California Chapter (ACC-SoCal)

Cordially invites you to attend its  
**17th Annual Gala Dinner**  
 and pro bono silent auction

**Friday, May 4, 2012**  
 Keynote Speakers  
**Mary Matalin and James Carville**  
 "All's Fair: Love, War & Politics"

**Event Info:**  
 5:00-8:30PM – Reception and Program  
 8:30-9:30PM – Networking and Dessert  
**WESTIN BONAVENTURE HOTEL & SUITES**

To purchase tables or tickets, visit  
[www.acc.com/chapters/socal](http://www.acc.com/chapters/socal)  
 or contact MTA Events at  
[accsocal@mtaevents.com](mailto:accsocal@mtaevents.com) or 818-906-0240

recruiting and hiring efforts with law school students following the recession, but those rates still lag far behind the pre-recession years, according to a study released Wednesday.

**Entertainment & Sports**

**How NBA lawyers can save the league's 'no star' dunk contest**

What used to be an electrifying display of skill has now devolved into a total snooze-fest. By **Aaron Bloom** of Greenberg Glusker Fields Claman & Machtinger LLP

**Personal Injury & Torts**

**Use of political question doctrine rejected in Navy asbestos case**

Courts have heard Navy-related asbestos tort claims for decades without jurisdiction being questioned. By **Michael Gurien** of Waters, Kraus & Paul LLP

**Law Practice**

**A cure for that bad day at work**

Don't underestimate the power of laughter. By **Christina Wang** of Law Offices of Keefe Roberts and Associates

**Criminal**

**Economic espionage defendant drops lawyer**

An Orinda man accused of economic espionage against DuPont is dumping his well known criminal defense lawyer .

**Intellectual Property**

**Oracle pushes its damages report for a third time**

Attorneys for Oracle Corp. on Wednesday tried a third time to persuade a federal judge to accept its expert's report on damages suffered due to infringement of the Java programming language by Google Inc.

**California Supreme Court**

**High court weighs whether audit requests are too taxing**

A popular corporate tax credit came into the state Supreme Court's crosshairs this week and businesses might not be happy with the result.

**Constitutional Law**

**Cancer awareness slogans pose tough challenge for schools**

Can schools prevent students from wearing accessories bearing edgy Keep a Breast Foundation slogans? By **Sloan Simmons** and **Aimee Perry** of Lozano Smith

**Real Estate**

**Court clarifies rules for litigation expenses in eminent domain**

A recent 3rd Circuit decision makes clear that