

Daily Journal

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TOP 100 LAWYERS IN CALIFORNIA 2018

LITIGATION

James McManis

MCMANIS FAULKNER | SAN JOSE

SPECIALTY: MUNICIPAL LAW, CIVIL RIGHTS, INTELLECTUAL PROPERTY

According to McManis, when someone has a problem with the city of San Jose, it's only a matter of time before they wind up in his office.

"I developed a practice of suing the city of San Jose," McManis said. "It's not a very lucrative practice, but it's been of good use to the public."

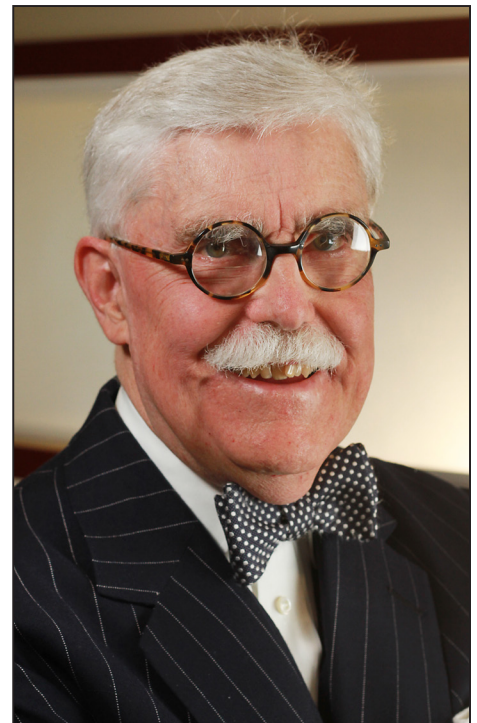
Government transparency was key in McManis' recent state Supreme Court victory where he represented a citizen activist who was worried about a real estate deal involving public funds. Initially, the city handed over some records to the citizen but refused to turn over email exchanges between council members because they were sent from personal devices.

McManis prevailed in the lower courts but the 6th District Court of Appeal reversed, saying the material on private devices were not a matter of public record. However, the state Supreme Court agreed 7-0 with McManis' argument writing, "a city employee's writings about public business are not excluded from [California Pub-

lic Records Act] simply because they have been sent, received, or stored in a personal account." *City of San Jose v. Superior Court of Santa Clara County*, 2017 DJDAR 1896.

"We've made a lot of Public Records Act requests for various records and this is the first that ended up in litigation to this extent," McManis said. "I think it's good to get more transparency."

McManis, a graduate of Berkeley Law, learned to be skeptical of government when he was representing a Stanford student who was detained because she was erroneously put on a no-fly list by the U.S. government. McManis said the government "fought tooth and nail" to keep the case out of the courts, even providing signed affidavits by then-National Intelligence Director James Clapper and then-Attorney General Eric Holder saying they had personally examined McManis' client's file and confirmed she was a national security concern. The FBI agent responsible for placing Ibrahim on the list later admitted he had "checked the wrong box." *Ibrahim v. Department of Homeland*



Security, CV06-545 (N.D. Cal., filed Jan. 27, 2006).

"Good government means doing the public's business in public," McManis said.

— Paula Lehman-Ewing