



Adam W. Hofmann

Partner

Adam is an Appellate Specialist, certified by the California Board of Legal Specialization, and serves as the Co-Chair of Hanson Bridgett's Appellate Practice. He represents both public and private clients in civil writs, appeals, and mandate proceedings. He has briefed and argued cases in the Ninth Circuit Court of Appeals and every District Court of Appeal in California and has filed merits briefs in two U.S. Supreme Court cases.

His practice focuses on representing cities, counties, and special districts in writs and appeals relating especially relating to public finance and revenue measures, as well as land use, civil rights, employee benefits, labor standards, and election law. He has represented water districts and cities in a range of disputes regarding rates, fees, and charges, including work on some of the leading cases interpreting related provisions of the California Constitution, including the California Supreme Court's decisions in *Jacks v. City of Santa Barbara* and *City of San Buenaventura v. United Water Conservation District*.

Outside of the office, Adam coaches regionally and nationally competitive moot-court teams at UC Davis School of Law. He also speaks and writes on questions of local government authority and policy under the California Constitution and is an adjunct professor teaching courses in local government and land use law at the University of San Francisco School of Law. Prior to joining Hanson Bridgett, Adam was also an extern in the chambers of the Honorable Martin J. Jenkins.

Representative Work

U.S. Supreme Court

Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission (2018) 137 S.Ct. 2290 (amicus curiae) – State may prohibit businesses from discriminating against LGBTQ customers, but it violated individual baker's constitutional rights when enforcing that prohibition based on apparent animus towards religion.

Expressions Hair Design v. Schneiderman (2017) 137 S.Ct. 1144 (amicus curiae) – State's prohibition against credit surcharges violates merchants' First Amendment rights.

Federal Circuit Courts of Appeals

San Francisco

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Firm Leadership

Appellate Practice Co-Leader

Practices/Industries

Appellate

Government

Municipal and Public Agency

Land Use

Litigation & Dispute Resolution

Public Sector Litigation

Cannabis Law

303 Creative LLC v. Elenis (2021) ___ F.4th ___ (amicus curiae) –Colorado law prohibiting discrimination against LGBTQ customers satisfied strict scrutiny and was neutral and generally applicable and thus permissibly prohibited website designer from refusing to serve same-sex couples.

Brewer v. Leprino Foods Co., Ninth Circuit Case No. 19-16007 – Former employee’s interpersonal complaints about supervisor reflected neither actually nor reasonably perceived violations of law and did not trigger whistleblower protections, as a result.

Painter v. Blue Diamond Growers, Ninth Circuit Case No. 17-55901 – Almondmilk is not an “imitation” food within the meaning of federal food-labeling laws because it neither substitutes for nor is nutritionally inferior to dairy milk.

AmeriCare MedServices, Inc. v. City of Anaheim, et al., Ninth Circuit Case No. 17-55565 (amicus curiae) – Cities contracting for emergency-medical services pursuant to express, statutory authority were absolutely immune from anti-trust liability, and neither an active-state-supervision requirement nor market-participant exception currently exist or should apply.

Linder v. Golden Gate Bridge, Highway & Transportation Dist., Ninth Circuit Case No. 15-17379 – Plaintiff voluntarily dismissed appeal following oral argument based on threat of novel jurisdictional argument.

California Supreme Court

City of San Buenaventura v. United Water Conservation Dist. (2017) 3 Cal.5th 1191 (amicus curiae) – Groundwater production charges are not property-related fees limited by Article XIII D of the California Constitution, and fees for government privileges, benefits, products, and services must be reasonably allocated amongst payors.

Jacks v. City of Santa Barbara (2017) 3 Cal.5th 210 (amicus curiae) – Charter city’s franchise fees are not taxes governed by Article XIII C of the California Constitution unless they exceed the reasonable value of the franchise.

State Courts of Appeal

Oakland Police Officers’ Assn. v. City of Oakland (2021) 63 Cal.App.5th 503 – Under Peace Officers Procedural Bill of Rights Act, police officers facing investigation for alleged misconduct are not entitled to broad discovery of investigators’ files prior to second or subsequent interrogation.

McWhinney Centerra Lifestyle Center LLC v. Poag & McEwen Lifestyle Centers-Centerra LLC (2021) 486 P.3d 439, 2021 COA 2 – LLC managers breached fiduciary duties and were liable for \$45 million in resulting damages, and Colorado’s economic-loss rule does not bar claims for intentional torts.

Los Angeles Times v. So. Cal. Regional Rail Assn., Second District Court of Appeal Case No. B280021, Aug. 30, 2019 (unpub’d) – Public rail agency did not violate California’s sunshine law, the Ralph M. Brown Act, when it held emergency, teleconference Board meeting to analyze threat to the security of its rail service.

Restore Hetch Hetchy v. City & County of San Francisco, et al.(2018) 25 Cal.App.5th 865 – Federal Raker Act preempts claim that O’Shaughnessy Dam and Hetch Hetchy Reservoir were an unlawful diversion of water under Article X, section 2 of the California Constitution.;

O’Neal v. Stanislaus County Employees’ Retirement Association (2017) 8 Cal.App.5th 1184 – County retirement

system had constitutional and statutory authority to consider the interests of both active and retired members when setting employer contributions.

Lemke v. Sutter Roseville Medical Ctr., et al. (2017) 8 Cal.App.5th 1292 – Hospital's reports to the Bureau of Registered Nurses is absolutely privileged from tort liability.

Santos v. Kisco Senior Living, LLC (2016) 1 Cal.App.5th 862 (amicus curiae) – Mandated reporters of elder abuse are absolutely immune from tort liability for reporting and related activity.

Higgins-Williams v. Sutter Medical Foundation (2015) 237 Cal.App.4th 78 – California law does not require employers to allow so-called "boss-ectomies," employee requests for different supervisors as an accommodation for the stress of working with a difficult boss.

Great Oaks Water Co. v. Santa Clara Valley Water Dist. (2015) 239 Cal.App.4th 456 – Water district's groundwater charge did not violate restrictions of California's Proposition 218 or the district's enabling legislation.

Storper v. Dillick, First District Court of Appeal Case No. A135435, May 31, 2013 (unpub'd) – Trial court had jurisdiction to enforce settlement under Code of Civil Procedure section 664.6.

State of Cal. Div. of Occupational Safety & Health v. Superior Court, Second District Court of Appeal Case No. B 235419, April 23, 2012 (unpub'd) – Trial court abused its discretion by allowing broad, exploratory discovery in traditional mandamus proceeding.

Arntz v. Superior Court (Alioto-Pier) (2010) 187 Cal.App.4th 1082 (amicus curiae) – County supervisor could not seek reelection under local term limit rules.

Trial Court Writ Proceedings

Successfully defended regional rail authority against Brown Act challenge to emergency closed session regarding the security of essential public services.

Defended elected officials from recall proponent's writ of mandate attempting to restrict the officials' ability to discuss their views on relevant political issues in their ballot-pamphlet statements.

Intervened on behalf of political action committee in writ of mandate proceeding and helped defeat challenge to ballot materials regarding San Francisco's Proposition F.

Defended a commuter rail agency in a taxpayer waste suit seeking to sever the agency's planning relationship with the California High Speed Rail Authority, obtaining early dismissal of all claims.

Fought labor organization's writ of mandate seeking to dictate how the state enforces heat regulations governing farm work.

Defended city against challenge to the Housing Element of its General Plan based on the city's decision to reject a proposed development.

Publications

"Chevron/Auer Deference," *In-House Defense Quarterly* (June 2021)

"Manufacturing Appellate Jurisdiction: A Dangerous Gambit," *The Recorder* (February 2021)

"Supreme Court Rules Referendum Process Cannot Be Used to Challenge Water Rates," *Water Law Alert* (August 2020)

"The California Court of Appeal Issues Landmark Local Government Finance Decisions," *Government Law Alert* (July 2020)

"Making Effective Use of the Revision Process," *For the Defense* (February 2020)

"Home Field Advantage Making the Most of Your Reply," *Daily Journal* (November 2019)

"Masterpiece Cakeshop': Drawing Lines to Ensure Tolerance Runs in All Directions," *The Recorder* (December 2017)

"Cal Supremes Limit Prop 218's Impact on Tax Initiatives, but Less Than You Might Think," *The Recorder* (September 2017)

"Supreme Court Clarifies Application of Procedural Requirements of Proposition 218 to Revenue Measures Adopted by Initiative," *Government Law Alert* (September 2017)

"Supreme Court Clarifies Application of Proposition 218 Requirements to Franchise Fees," *Litigation & Dispute Resolution Alert* (June 2017)

"*Propositions 218 and 26 Implementation Guide*" (June 2017)

"Court Rejects Challenge to Groundwater Charges," *California Special Districts Association e-News* (April 2015)

"The Court of Appeal Holds Groundwater Augmentation Charges Fees for Water Services Under Proposition 218 and Provides Much-Needed Guidance on Several Related Issues," *Municipal & Public Agency Law Alert* (October 2013)

"Chapter 5: Finance and Economic Development," *Municipal Law Handbook* (2012–2013)

"Courts Provide Some Relief for Eliminating Vexatious Appeals," *Daily Journal* (June 2012)

"Chapter 12: Code Enforcement," *Municipal Law Handbook* (2011)

"Negotiating Attorneys Fees," *California Lawyer* (January 2011)

"Which Comes First, the Compensation or the Fees?" *The Recorder* (September 2010)

"Blurring Lines: How Supplemental Jurisdiction Unknowingly Gave the World Ancillary Personal Jurisdiction," *University of San Francisco Law Review* (Fall 2004)

Blog Posts

"Not Saying the Quiet Part Out Loud; or, Keep Your Cool on Appeal to Avoid Contempt," *Appellate Insight* (June 2021)

"Making the Most of Your Reply Brief," *Appellate Insight* (October 2019)

"Hanson Bridgett Brings Home Appellate Victory for California Employers, Defeating Boss-ectomy Claims," *HB Briefly* (May 2015)

"In A Multi-Phase Trial? Don't Appeal At The Wrong Time," *HB Briefly* (April 2015)

"Proposed Changes To Federal Appellate Rules Face Opposition," *HB Briefly* (February 2015)

Presentations

"Developments in Prop. 218 and the Law of Water Rates," ACWA 2021 Spring Conference (May 2021)

"Manufacturing Federal Appellate Jurisdiction," The Bar Association of San Francisco's Appellate Law Section Webinar (June 2021)

"How to Build an Appellate Practice," DRI's Appellate Advocacy Seminar (May 2021)

"Legal Environment in Rate Development," BAWSCA Financial Best Practices Workshop (March 2018)

"Drought Regulations, Groundwater Management, and Water Rates," County Counsel's Association of California Environmental Law and Regulation Fall 2016 Study Section Conference (October 2016)

"Drought Regulations, Groundwater Management, and Water Rates," California Special Districts Association Annual Conference (October 2016)

"And Not a Drop to Drink: Public Agency Options for Responding to Drought," Municipal Management Association of Northern California Annual Conference (October 2015)

"The Law: When do the Substantive and Procedural Provisions of Proposition 218 and Proposition 26 Apply?" Municipal Water Utility Ratemaking in California Seminar (July 2015)

"Emerging Trends in Urban Planning and Development - SB 374 and 743," University of San Francisco School of Law's Environmental Law Society (November 2014)

"State Water Resources Control Board Emergency Regulations for Water Suppliers," Hanson Bridgett Public Agency Roundtable Series (July 2014)

"Setting Retail Water Rates During Water Shortage Conditions," Water Shortage Seminar (April 2014)

"SB 375, Sustainable Communities and Climate Protection Act of 2008: Implementation Update and Development Incentives," Hanson Bridgett Public Agency Roundtable Series (June 2013)

Press

"The Shape of Groundwater Fees," *Daily Journal* (December 2017)

"Is There an Economic Fix to Masterpiece Cakeshop?," *Bloomberg Law* (November 2017)

"Weekly Appellate Report Podcast," *Daily Journal Friday Podcasts* (April 2017)

Honors & Awards

International Municipal Lawyers' Association, Amicus Advocacy Award (2018)

Professional Affiliations

League of California Cities, Municipal Finance Committee, Chair

Commission on Judicial Nominees Evaluation, Member

State Bar of California, Public Law Section, Member

DRI Appellate Advocacy Committee, Member

Sacramento County Bar Association, Appellate Law Section, Member

Association of Defense Counsel of Northern California and Nevada, Amicus Committee, Member

Judicial Clerkships

Judicial Extern for the Honorable Martin J. Jenkins, United States District Court for the Northern District of California

Education

J.D., *magna cum laude*, University of San Francisco School of Law (2005)

B.A., Canisius College (2000)

Admissions and Courts

California

Supreme Court of the United States

U.S. Court of Appeals for the District of Columbia Circuit

U.S. Court of Appeals for the Ninth Circuit

U.S. Court of Appeals for the Tenth Circuit

Adam W. Hofmann
Partner



U.S. District Court for the Northern District of California

U.S. District Court for the Eastern District of California

U.S. District Court for the Central District of California

Professional Licenses

Certified Appellate Specialist