

WE NAVIGATE CLIENTS THROUGH ACTIONS NECESSARY TO USE AUTHORITY WHILE HONORING INDIVIDUAL RIGHTS ON ISSUES OF GREAT PUBLIC INTEREST.



DEBORAH J. FOX

Chair, First Amendment Practice Group

Deborah Fox takes an innovative and tenacious approach in analyzing complex constitutional issues affecting public agencies. She is one of California's foremost experts on First Amendment issues, and has achieved groundbreaking rulings in state and federal court at both the trial and appellate levels.

Deborah is a Senior Fellow of the Litigation Counsel of America and has received numerous awards and recognitions, including "Top Women Lawyers" (*Daily Journal*, 2018), Southern California Super Lawyers in Constitutional Law (*Super Lawyers magazine*, 2017-2018) and "Top Women Litigators" (*Daily Journal*, 2007 and 2009). Deborah is also rated "AV" Preeminent by Martindale-Hubbell and included in Martindale-Hubbell's *Bar Register of Top Rated Lawyers: Land Use and Zoning* (2013-2018), *Bar Register of Top Rated Lawyers: Women Leaders in the Law* (2013 and 2015), and *Bar Register of Preeminent Women Lawyers* (2011).

With a full grasp of the First Amendment's nuances, Meyers Nave attorneys frequently address the interconnection of local government with free speech, right to assemble, and religious freedoms. Some of the issues we advise on are public protests, RLUIPA, signs and billboards, and adult uses. We always look at the big picture so clients understand the impact of their legal decisions on their communities.

With the understanding of the sensitive and intricate nature of First Amendment rights, our multi-disciplinary team drafts constitutionally sound regulations and defends them in federal and state courts to protect client actions as local government bodies. We draft and defend decisions, ordinances and policies on issues such as the following:

- Adult use
- Billboards
- Newsrack ordinances
- Protests
- Parade and park permits
- Public forum provisions
- Religious Land Use and Institutionalized Persons Act (RLUIPA)
- Rules of decorum
- Sign and solicitation ordinances
- Telecommunications

PUBLIC POLICY

The First Amendment champions individual rights and this tenet is supported by laws aimed at government transparency: open meeting laws, sunshine ordinances, Public Records Act, conflicts of interest laws, etc. These laws also set boundaries to protect classified information in public agency domain and safety in public forums.

To help clients navigate these laws and the First Amendment we draft public policy guidelines and prepare legislative handbooks that distill how to balance individual rights and transparency with local government protections.

OUTDOOR ADVERTISING

Every day our team advises and litigates on the constitutional validity of outdoor advertising regulations—from controversial political messaging on donation bins and bus benches to large digital billboards and supergraphics on buildings and along freeways. We ensure our public agency clients' restrictions have ironclad defensibility by setting reasonable prohibitions and maintaining neutrality in order to address concerns of traffic safety and visual blight.

The matters we handle stem from the full spectrum of forums—traditional (park, streets, sidewalks), non-public (prisons, jails, military bases), designated (universities, schools, theaters) and limited (libraries, license plates). We also advise clients on regulating on-site versus off-site business signs, designating sign districts and drafting specific plans that regulate signage.

ADULT USE

While the First Amendment prohibits an outright ban of adult businesses such as bookstores, video stores and cabarets, cities can regulate these businesses via zoning ordinances, permits and regulations—setting boundaries of reasonable time, place and manner restrictions.

We defend cities' adult use permitting and operational standards in addition to related Section 1983 claims.

As advice counsel, we proactively update and refine cities' adult use permitting regulations to mitigate and reduce potential adverse secondary effects (crime, neighborhood blight, etc.), with the end goal being to protect the community and promote peaceful operation and patronizing of adult businesses.

First Amendment Services

- Adult use
- RLUIPA
- Public policy
- Public protests
- Public forum provisions
- Parade and park permits
- Zoning and sign ordinances
- Sign districts
- Sign regulation in specific plans
- Newsrack ordinances
- Billboard regulation

RLUIPA

The Religious Land Use and Institutionalized Persons Act is a sensitive and difficult legal challenge that public entities face. The federal law prohibits governments from imposing land use regulations that place a substantial burden on religious activity unless there is a “compelling governmental interest.”

Our team has scored important wins for public entities that have rejected plans proposed by religious institutions. Outside the courtroom, we advise cities and counties on applications by religious institutions. We review zoning ordinances, including classifications of “place of assemblies,” to ensure they comply with RLUIPA and are constitutionally sound.

PUBLIC PROTESTS

We advise city clients on their authority to regulate demonstrations. We craft municipal codes that clearly define how groups can assemble on public property and impose reasonable time, place and manner restrictions. To this end, we help local officials weigh the right of free speech against growing concerns of health, safety, property damage and shared use of public property so they can pursue actions in their communities’ best interests.

REPRESENTATIVE EXPERIENCE

- *California New Business Bureau, Inc. v. County of San Bernardino*. After the U.S. Supreme Court’s decision in *Reed v. Town of Gilbert*, Meyers Nave drafted a constitutionally sound solicitation ordinance for the County regarding soliciting business on the grounds around the County’s Hall of Justice. When that ordinance was challenged by CNBB, Meyers Nave obtained a complete victory in court for the County.
- *City of Chula Vista Bay & E, Inc.* In a civil trial representing the City of Chula Vista, Meyers Nave obtained a permanent injunction to close a strip club that had violated zoning codes. The case was a complete validation of the constitutionality of the City’s adult zoning and licensing regulations, which Meyers Nave had drafted.

- *BGT Media vs. City of Oceanside*. Meyers Nave obtained dismissals of various claims in a dispute regarding the City’s rejection of BGT Media’s application to operate a digital billboard on a City right-of-way. Meyers Nave also filed an anti-SLAPP motion with a companion demurrer and prevailed, resulting in a judgment in full for Oceanside.
- *Davidson I and II v. City of Culver City*. Meyers Nave defended the City in First Amendment litigation asserting a variety of constitutional challenges to the City’s regulations of signs, pennants, and banners in the public right-of-way. The Ninth Circuit also affirmed the trial court’s award of over \$90,000 in attorneys’ fees to the City for a frivolous case.
- *Zuvich v. City of Los Angeles*. Meyers Nave defended the City against a group of five plaintiffs who wanted to vend items on the Venice Boardwalk and also claimed their artistic expression was unconstitutionally restricted. Plaintiffs raised constitutional challenges to the City’s ordinance and sought millions of dollars in damages. Meyers Nave prevailed on summary judgment and the Ninth Circuit affirmed in full.
- *International Church of Foursquare Gospel v. City of San Leandro*. Meyers Nave represented San Leandro in a Religious Land Use and Institutionalized Persons Act matter that involved a mega church within its community. The matter was resolved through federal mediation and settled.
- *Lamar Central Outdoor v. City of Los Angeles*. Meyers Nave authored an amicus brief on behalf of the League of California Cities, California State Association of Counties, and American Planning Association California Chapter in this digital billboard case. In a landmark decision, the Second Appellate District Court upheld the ability of California cities and counties to continue using the onsite/offsite and commercial/noncommercial distinctions as a regulatory tool in sign codes.