San Francisco couple have both argued cases in front of SCOTUS

By Douglas Saunders
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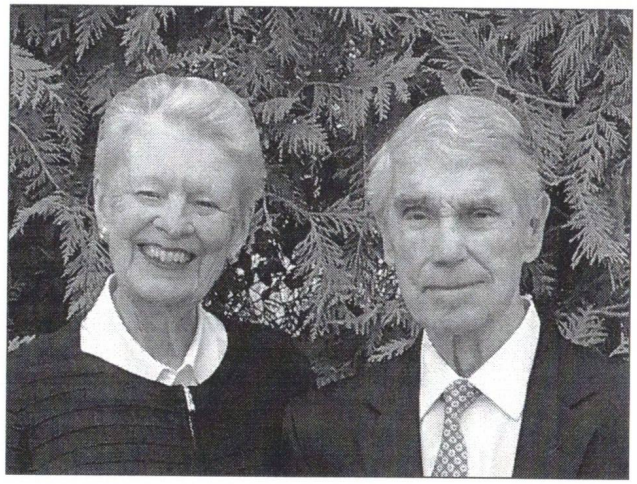

Paul and Louise Renne met in law school decades ago. They have been attorneys their entire adult lives and have both argued cases in front of the U.S. Supreme Court.

"I was a third year student at Harvard Law School and there was this very attractive first year student who was in the class of '61 – I was in the class for '59," Paul said. "I contacted some people who knew her and eventually asked her to have a cup of coffee with me and the rest is history."

The two wed in July of 1959.

"After we were married we both worked for the Kennedy administration and then we moved to San Francisco where we settled down to raise our family," Louise said. "I had a terrible time getting a job. The discrimination against women at that time was rampant, but ultimately the state attorney general's office was interviewing women and so I went for an interview, and I was hired. Women automatically were placed in the criminal division, not the civil."

In the earlier days when an attorney was assigned a case and it was at the Court of Appeal level it could have had the possibility of heading to the highest court in the land and the one attorney would take it all the way there "if in fact that is where it was going to go," she explained.

At some point, she would bring two cases to argue in front of the U.S. Supreme Court. The first – a highly complex habeas corpus case. *Nelson v. George*, 399 U.S. 224 (1970)

"There was a state prisoner who had been in a crime wave from North Carolina across the US, where he was finally picked up and convicted in California, and while he was in state prison, he wanted to challenge his North Carolina conviction under a writ of habeas corpus," she explained. "The state took the position that habeas corpus meant you literally had to be in the state that you were challenging the conviction so since he wasn't in North Carolina, he couldn't challenge it. And that case went all the way up to the Supreme Court that essentially held. I think the law may be somewhat modified now."

Louise first entered San Francisco politics in the turbulent year of 1978, following the murders of Supervisor Harvey Milk and Mayor George Moscone. Dianne Feinstein abruptly ascended to the mayorship following that tragic event, so she quickly appointed Louise to replace her on the Board of Supervisors.

"I knew Louise well and understood how qualified she was, so it was a no-brainer for me to appoint her to fill my seat on the Board of Supervisors and later as San Francisco City Attorney, the first woman in that position," Sen. Dianne Feinstein said. "Louise served with dedication and distinction for more than two decades in those roles – she was a real trailblazer."

As city attorney, Renne would soon face the Supreme Court once more. Renne v. Geary, 501 U.S. 312 (1991)

"The issue in that case was whether requiring nonpartisan descriptions for judges and other elected officials violated the first and 14th amendments," she recalled. "Now even though I was city attorney and brought the case, I did not argue that case because my chief assistant Dennis Aftergut, who had worked hard on the case, deserved to argue it in my view. I sat second chair."

The City and County of San Francisco, its Board of Supervisors, and certain local officials petitioned to delete any reference to party endorsements from candidates' statements. Article II of the California Constitution prohibits political parties from endorsing, supporting, or opposing candidates for nonpartisan offices such as county and city offices.

The lawsuit sought an injunction preventing petitioners from editing candidate statements to delete references to party endorsements, among other things. Subsection 6(b) violated the First and Fourteenth Amendments, suit argues.

The District Court entered summary judgment for respondents, declaring 6(b) unconstitutional and enjoining its enforcement, and the Court of Appeals affirmed.

Now, Renne, who is in her 80s, runs her law firm in the city, The Renne Public Law Group. The firm primarily represents public agencies.

"I do a lot of public interest cases," she said. "We're involved in some of the opioid cases, some of the Juul cases, representing school districts, that sort of thing."

Paul, who retired as partner at Cooley LLP, is a fellow of the American College of Trial Lawyers and spent the majority of his career in private practice. His practice consisted of business and corporate litigation, with an emphasis on securities litigation, accountants' malpractice, trade secrets, and intellectual property matters.

"With my practice I had no opportunity to get a case in any litigation I did to the level of being appealed to the Supreme Court, but in 2000 I was asked to get involved in a pro bono case called the Department of Housing and Urban Development versus Rucker," he said. *Department of Housing and Urban Development v. Rucker*, 535 U.S. 125 (2002)

"There were four plaintiffs in this case, all who lived in public housing in Oakland," Renne recalled. "One of the granddaughters of Rucker had been arrested by the Oakland police sitting on a curb smoking dope. The grandsons of two of the plaintiffs had been arrested in the parking lot of the housing development using drugs, and the fourth was an elderly man who had a caretaker, and the caretaker on occasion would have guests who would be on the premises partaking in drug activity."

All four were ordered to be evicted in accordance with HUD standards, and since an injunction had been granted at the time by the lower court, the issue ultimately went before the Supreme Court.

In Rucker, the question put before the court was Does the Anti-Drug Abuse Act of 1988, as amended, allow local public housing agencies to evict tenants for drug-related activity of nontenant relatives or guests regardless of whether tenants knew, or should have known, about the activity?

The answer to that question would yield a unanimous affirmation from the Supreme Court. In an 8-0 opinion delivered by Chief Justice William H. Rehnquist, the Court held that the Anti-Drug Abuse Act of 1988 unambiguously requires lease terms that vest local public housing authorities with the discretion to evict tenants for the drug-related activity of household members and guests whether or not the tenant knew, or should have known, about the activity.

Chief Justice Rehnquist wrote, "Congress' decision not to impose any qualification in the statute, combined with its use of the term 'any' to modify 'drug-related criminal activity,' precludes any knowledge requirement."

The Chief Justice also noted that it was reasonable for Congress to permit no-fault evictions in order to provide public housing that was decent, safe, and free from illegal drugs.

"Nobody was denying that drug use within the housing and urban development communities weren't a problem, but It was certainly draconian to throw these four elderly people out on the street because there is no evidence that they had any knowledge of these grandchildren or the caregiver using drugs," Paul Renne said.

Paul, who is now 92, doesn't practice anymore, but he is a pro tem judge on a regular basis in the San Francisco Superior Court in civil discovery law and motions. He also continues to conduct mediation and arbitration sessions.

Their daughter Christine is an attorney in Houston, Texas and their other daughter Anne is a high school teacher in Sun Valley, Idaho.

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