



**Request for City Council Committee Action  
From the City Attorney's Office**

Date: October 15, 2013  
To: Ways & Means/Budget Committee  
Referral to:

**Subject:** Amicus brief in *McCullen v. Coakley*, Case No. 12-1168

**Recommendation:** That the City Council authorize the City Attorney's Office to execute any documents necessary for the City to join with other cities in the filing of an amicus brief in *McCullen v. Coakley*, Case No. 12-1168.

**Previous Directives:** None

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Approved by: *Susan Segal*  
Susan L. Segal  
City Attorney

Presenter in Committee: Susan L. Segal, City Attorney

**Financial Impact** (Check those that apply)

- No financial impact (If checked, go directly to Background/Supporting Information).
- Action requires an appropriation increase to the \_\_\_\_\_ Capital Budget or \_\_\_\_\_ Operating Budget.
- Action provides increased revenue for appropriation increase.
- Action requires use of contingency or reserves.
- Business Plan: \_\_\_\_\_ Action is within the plan. \_\_\_\_\_ Action requires a change to plan.
- Other financial impact (Explain): Use of fund balance in self insurance fund (06900).
- Request provided to department's finance contact when provided to the Committee Coordinator.

**Community Impact**

City Goal(s): A City That Works

**Background/Supporting Information**

We have received an inquiry from the San Francisco City Attorney's Office to see if the City would join with San Francisco and other cities on an amicus brief to the United States Supreme Court in the above case. *McCullen v. Coakley*, Case No. 12-1168, addresses the constitutionality of laws creating buffer zones around reproductive health clinics where protests and other expressive activities are not permitted. San Francisco has such a buffer zone ordinance; but Minneapolis does not. The brief in support of the Massachusetts buffer zone statute will emphasize the importance of preserving the flexibility of state and local governments to respond to local problems with access to health care facilities with a variety of legislative tools under their police powers, so it is a brief that is of interest to local governments that have not legislated in this area. The specific question before the Court is whether the First Circuit Court erred in upholding Massachusetts's selective exclusion law which makes it a crime for speakers other than clinic "employees or agents . . . acting within the scope of their employment" to "enter or remain on a public way or sidewalk" within thirty-five feet of an entrance, exit, or driveway of "a reproductive health care facility".