

# FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY  
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DEPARTMENTAL CORRESPONDENCE

LEGAL DEPARTMENT

TO: **Lioneld Jordan**, Mayor  
**City Council**

CC: **Don Marr**, Chief of Staff

FROM: **Kit Williams**, City Attorney

A handwritten signature in black ink, appearing to read "Kit Williams", with a long horizontal line extending to the right.

DATE: **January 14, 2009**

RE: **Litigation Highlights Of 2008**

The City Attorney's Office has been busier than ever in 2008. We continue to advise City Staff and Aldermen, draft several hundred Resolutions, Ordinances and contracts every year, perform legal research, attend all City Council meetings and agenda sessions, Planning Commission meetings and agenda sessions, Board of Adjustment meetings, Advertising and Promotion Commission meetings, Civil Service Commission meetings, Staff Agenda meetings, Pension Board meetings and many meetings of other City Committees. We have accomplished this without increasing the number of office staff (City Attorney, Assistant City Attorney, and Senior Secretary) that was here twenty years ago.

The **Romine v. City of Fayetteville** case was finally resolved in 2008. We won our appeal to the Arkansas Supreme Court and got the Civil Right claims dismissed (saving potentially high attorney fee awards). We prevailed in summary judgments against Romine's punitive damage claim as well as all intentional tort claims (assault, battery, bad faith, outrage). After a lengthy jury trial on inverse condemnation, a jury awarded Ms. Romine \$176,011.00. Both sides decided not to appeal.

The **City of Fayetteville v. Commonwealth-Ghosen Theatre Corp.** condemnation case was sent for trial on January 15, 2008. Commonwealth had originally demanded more than \$825,000.00 for the large sewer easement across its property. After I deposed Commonwealth's appraiser, Commonwealth reduced its demand to \$335,600.00 and eventually settled for \$100,000.00.

Several pro se civil rights cases alleging our police officers acted unconstitutionally were dismissed or otherwise decided in our favor during 2008. One case brought by an excellent civil rights attorney (who recently won a one million dollar plus judgment against Siloam Springs for jail problems) went to trial. We also prevailed in that jury trial. The City of Fayetteville has continued its unbroken record of winning every police/civil rights case filed against Fayetteville since 2001. We have also prevailed in every case challenging a Planning Commission's or City Council's decision in zoning or land use cases.

**City Prosecutor Casey Jones** and his staff have maintained an excellent conviction rate while prosecuting substantially increased numbers of DWIs and other misdemeanors in Fayetteville District Court. They have also collected over **\$100,000.00** in overdue HMR taxes in 2008 and over **\$500,000.00** total since 2001 with no increases in staffing during my tenure as City Attorney.