

**JESSE CAPIN SMITH**

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**DESCRIPTION OF CURRENT PRACTICE**

Oversee all of the advice and real estate, municipal finance and other business transaction divisions of the approximately 200-lawyer City Attorney's Office, including, among others, the Special Projects, Real Estate and Finance, Land Use, Government, Ethics and Elections, Port, Airport, Public Utilities, Public Transportation, Contracts, Construction, Tax, Telecommunications and Energy Teams. The City Attorney's Office provides legal services to the Mayor, Board of Supervisors, and the over 90 departments, boards, commissions and offices of the City and County of San Francisco, on all of their civil law matters. It also advises the San Francisco Unified School District and San Francisco Redevelopment Agency on a variety of matters. In San Francisco, the City Attorney is elected and all lawyers in the Office serve at the pleasure of the City Attorney. The San Francisco City Attorney's Office is widely viewed as one of the leading public law offices in the country. In 2007 the Office received from the American Bar Association the Jefferson Fordham Award for Law Office Accomplishment, which recognizes sustained outstanding performance or a specific extraordinary accomplishment by a state and local government law office.

Approve all significant written legal opinions and advice issued by the Office; since 2000, that responsibility includes review and approval of over 900 opinions.

Since 2000, have served as the acting City Attorney when the City Attorney is out of town.

Much of current practice time is allocated to real estate, redevelopment and land use matters. A significant amount of practice time is devoted to other municipal law and municipal business matters, and to administrative matters.

Performed as lead attorney for the City and County of San Francisco handling a variety of major real estate and finance transactions, including:

- Redevelopment of Mission Bay, a 303-acre mixed-use development, including 6,090 planned housing units (1,700 of which will be affordable), nearly 6 million square feet of biomedical research and development and other commercial space, a 500-room hotel, a new University of California at San Francisco (UCSF) medical research campus and a specialty hospital, and 49 acres of public open space.
- Development of the new waterfront Giants ballpark, at China Basin.
- Redevelopment of the Midmarket site of the former Emporium Department Store buildings with a 1.5 million square foot mixed-use project, Westfield San Francisco Centre, the largest urban shopping center in the West, including the second largest Bloomingdale's department store in the country, specialty retail and restaurant uses, a gourmet marketplace, a movie multiplex, and office uses.
- Proposed redevelopment of Candlestick Point and the Hunters Point Shipyard with a mixed-use project, including 9,000 housing units and a new stadium for the San Francisco 49ers.
- Conversion and redevelopment of the Hunters Point Shipyard and Treasure Island naval bases.
- Development of the new San Francisco courthouse building.

- Acquisition, development and financing of City office buildings, including the one-stop building and planning permit center at 1660 Mission St.

Also oversaw legal work and advised in numerous other significant civic projects, including the San Francisco Ferry Building, Pier One, and City Hall historic renovations, construction of the new Main Library and other prominent public-private developments and public works projects in San Francisco.

Also participated in drafting numerous pieces of local and State legislation relating to real estate development and land use, including, for example, State legislation involving the redevelopment of the Treasure Island naval base, Hunters Point Shipyard naval base, and Candlestick Point, and the establishment of infrastructure financing districts to improve the San Francisco waterfront.

#### EDUCATIONAL BACKGROUND

Stanford Law School  
Stanford, CA  
J.D., 1985

Stanford University  
Stanford, CA  
B.A., Economics and Political Science, 1982  
Graduated with distinction in both majors  
Phi Beta Kappa

#### BAR MEMBERSHIP AND DATES

Admitted to practice, State Bar of California, 1985.

#### EMPLOYMENT HISTORY

Chief Assistant City Attorney, Office of City Attorney Dennis J. Herrera, City and County of San Francisco, San Francisco, CA (January 2002 – present).

Chief Counsel, Office of City Attorney Louise H. Renne, City and County of San Francisco, San Francisco, CA (April 2000 – January 2002). Encompassed same role as currently perform as Chief Assistant.

Deputy City Attorney, Head of Special Projects, Real Estate and Finance Team, City Attorney's Office, City and County of San Francisco, San Francisco, CA (January 1994 – January 2000). Oversaw division of 12 attorneys responsible for hundreds of millions of dollars of bonds

annually and a range of complex economic development, redevelopment, affordable housing, public works, and other City, School District and redevelopment projects.

Deputy City Attorney, Member, Special Projects and Real Estate Team, City Attorney's Office, City and County of San Francisco, San Francisco (July 1992 – January 1994).

Attorney, The Nature Conservancy, San Francisco, CA (June, 1991 – May, 1992). Handled legal work for property acquisitions, sales to government agencies, conservation easements and an array of other land conservation transactions throughout The Nature Conservancy's western region. Wrote a comprehensive handbook on options for protecting strategic fish and wildlife habitats and recreation sites. This handbook was prepared for the consortium of federal and state governmental agencies in charge of restoring the Prince William Sound and the other areas in Alaska affected by the Exxon Valdez oil spill. The Nature Conservancy also used the handbook as a training resource for its staff.

Business Associate, Morrison & Foerster, San Francisco, CA (October 1985 – January 1990). Specialized in virtually all aspects of commercial real estate, with an emphasis on acquisitions, dispositions and ground and space leases, as well as joint ventures and secured loans. Represented a broad range of clients, including pension fund and investment advisors, major insurance companies and banks, and individual and corporate investors. Practiced general corporate law, including institutional project finance and incorporation and reorganization of non-profit corporations. Co-ran the 1988 summer associate program, which consisted of 52 summer associates. (Took a year leave of absence from the firm from January 1990 – January 2000 to live, study and travel in Europe with my wife shortly after we were married.)

## SPEAKING ENGAGEMENTS

Over the years, have spoken at a number of conferences on a range of topics related to real estate development, including conferences sponsored by the Urban Land Institute (ULI), California State Bar Association, Lusk Center for Real Estate, Practising Law Institute (PLI), International Municipal Lawyers Association (IMLA),

California Investors Forum, and San Francisco Planning and Urban Research Association (SPUR).

In the mid-1990's started a monthly Real Estate Roundtable CLE program for the City Attorney's Office. Have served as a frequent speaker at those Real Estate Roundtable meetings and at other CLE presentations for lawyers and paralegals in the City Attorney's Office on a variety of topics related to real estate, negotiations and law office management.

#### LEGAL PUBLICATIONS

*Top Ten Practical Suggestions for Local Governments Negotiating Professional Sports Facility Projects in Major Urban Markets*, International Municipal Lawyers Association, Spring Conference (April 2006).

*Revitalizing Urban Property*, Urban Land magazine (July 2005).

Various public legal opinions by the City Attorney's Office that are posted on the Office's web site; see [http://www.sfgov.org/site/cityattorney\\_index.asp](http://www.sfgov.org/site/cityattorney_index.asp).

*Handbook on Options for Identifying and Protecting Strategic Fish and Wildlife Habitats and Recreation Sites*, prepared on behalf of The Nature Conservancy, for the Alaska Region, U.S. Department of Agriculture, Forest Service (December 1991).

#### BAR ACTIVITIES

Member, Real Property and Business Law Sections, California State Bar Association.

Member, San Francisco Bar Association.

Member, Real Property and Probate Section, American Bar Association.

#### TEACHING ACTIVITIES

Under a special program sponsored by the Practicing Law Institute for the San Francisco City Attorney's Office and New York Corporate Counsel, helped design and implement the CLE program for the San Francisco City Attorney's Office. Completed the PLI train the trainers course for faculty (April 2005).

COMMUNITY SERVICE  
AND PRO BONO ACTIVITIES

Member, San Francisco Bay Area Metropolitan Board of Directors, Jewish Community Relations Council (JCRC) (August 2004 – present). JCRC is a non-profit organization, whose mission is to educate and advocate on issues of vital importance to the organized Jewish community based on consensus, civility, and an expanded commitment to living Jewish values of social justice.

Member, Policy Committee, San Francisco Jewish Vocational Services (JVS) (September 2006 – present). JVS is a non-profit, non-sectarian organization dedicated to offering job seekers the resources, training and support they need to find and keep good jobs and to assisting businesses to hire and retain qualified workers. JVS focuses on people with barriers to employment, including immigrants, refugees, displaced workers, public assistance recipients and adults and youth with disabilities.

While at Morrison & Foerster, worked on a number of pro bono corporate assignments, including a United States reorganization of a major international environmental non-profit corporation.

OTHER MEMBERSHIPS

President, Lambda Alpha International (LAI), Golden Gate Chapter (Term began in January 1, 2006 and ends December 31, 2007). LAI is an honorary non-profit organization dedicated to the advancement and study of land economics and related real estate fields, and the Golden Gate Chapter (comprising the San Francisco Bay Area) has over 300 active members. Formerly Vice President (January 2004 – December 2005), Co-Program Chair (January 2002-December 2004), and member, Board of Directors (1998-present). Admitted as a member of LAI in 1996.

Member, Executive Committee for the San Francisco District Council, Urban Land Institute (ULI) (2002 – present). ULI is a non-profit research and education organization dedicated to providing responsible leadership in the use of land to enhance the total environment. Admitted as full ULI member, June 2000.

In 2007, admitted into the American College of Real Estate Lawyers (ACREL). ACREL is the premier organization of U.S. real estate lawyers. Admission is by invitation only after a rigorous screening process based on outstanding legal ability, experience and high standards of professional and ethical conduct in the practice of real estate law, and also for contributions to the real estate and legal professions through law practice, legal writings and public speaking.

Member, American College of Real Estate Lawyers (ACREL). ACREL is the premier organization of U.S. real estate lawyers. Admission is by invitation only after a rigorous screening process. ACREL's distinguished, nationally-known lawyers have been elected to membership not only for their outstanding legal ability, experience and high standards of professional and ethical conduct in the practice of real estate law, but also for their contributions to the real estate and legal professions through their practices, their legal writings and their public speaking.

Member, International Municipal Lawyers Association (IMLA). IMLA is a non-profit, professional organization that includes representatives of city attorney offices throughout the United States and Canada and is dedicated to serving local government lawyers and advancing the interests of local government law locally, nationally, and internationally.

## HONORS

Received California Lawyer of the Year (CLAY) Award for 2006.

Named in 2005, 2006 and 2007 as one of Northern California's "Super Lawyers".

Two-time recipient of a Certificate of Merit, Public Managerial Excellence Award, San Francisco Municipal Fiscal Advisory Committee (1995 and 2000).

## PERSONAL

Born November 3, 1960.

Hobbies include tennis and fly fishing.

Married and have two children.