

# Daily Journal

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## TOP 100 LAWYERS IN CALIFORNIA 2017

### POLITICAL LAW

## Thomas W. Hiltachk

BELL, MCANDREWS & HILTACHK LLP | SACRAMENTO

SPECIALTY: COMPLEX ELECTION MATTERS, CAMPAIGN COMPLIANCE

Hiltachk might be one of the most important Republicans in Sacramento.

In an era when Democrats hold every statewide office and a supermajority in both houses of the Legislature, Bell, McAndrews & Hiltachk is often the last line defense for the GOP.

When Democrats passed a law in 2016 to allow public funding of elections, they went to court. A Sacramento judge ruled in their favor in late August, agreeing that the law undermined the voters' intent when they passed Proposition 73 in 1988. *Howard Jarvis Taxpayers Association v. Brown*, 80002512 (Sacramento Super. Ct., filed Dec. 12, 2016).

When Democrats passed two separate bills designed to help Sen. Josh Newman, D-San Dimas, head of a recall effort, they went to court again. Hiltachk said both bills violated due process by attempting to retroactively apply a new law to a recall campaign that was already underway.

Last month, a 3rd District Court of Appeal judge stayed the new law pending the outcome of the case in *Howard Jarvis Taxpayers Association v. Padilla*, C085176 (Cal. App. 3rd Dist., filed July 27, 2017).

"I'm not trying to pick fights with the Legislature, but if the Legislature won't follow the rules, then someone needs to call them on it," Hiltachk said. "I've been lucky enough to have clients who are willing to do that."

Hiltachk is also known as "the guy you call" for a statewide or local voter initiative. Hiltachk has written numerous initiatives, then often fought in court over the official ballot arguments. He authored two successful initiatives last year: Propositions 51 for general obligation bonds to fund public school construction and 52 for hospitals to pay Medi-Cal and uninsured patient fees.

The firm Hiltachk founded a quarter century ago with partner Charles H. Bell Jr. is also a link to a recent past when Republicans held far more power. Both of the state's two most recent Republican governors — Pete Wilson and Arnold Schwarzenegger — were clients. They even helped Schwarzenegger get into office, defending the recall campaign from multiple legal challenges.

His long history in politics reminds Hiltachk of another change he has seen: the falling numbers of reporters following state government.



"We used to have a bunch of reporters in Sacramento," Hiltachk said. "They knew what the rules were. They served in some capacity as a check on the abuse of power."

— Malcolm Maclachlan