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PROFILE: Sonoma Attorney Lives Off the Land At Home and Work

by Laeleya S. Saludez, Daily Journal Staff Writer

Walden Pond did something for Henry David Thoreau. Besides being the site of his most famed literary work, it served as a woodland oasis where he could write, read, and soak in the beauty of nature. The verdant setting provided the author and poet with physical, professional and spiritual nourishment.

In that same manner, the land has provided for environmental and historic preservation lawyer Susan Brandt-Hawley. The home she and her husband built themselves overlooks their 10-acre vineyard, Random Ridge, on Mount Veeder near Glen Ellen. Bill tends to the vineyard, manages the wine business and sometimes writes poetry, while Susan practices law with partner Rose Zoia at Brandt-Hawley & Zoia, located in a restored 1905 brick house in downtown Glen Ellen.

However, Brandt-Hawley's life in Glen Ellen is more than a picture-perfect postcard. Like Thoreau, she has placed herself in an environment that feeds her appreciation for beauty and need for solitude. But by ambition, drive and keen intelligence, she has also catapulted herself into the limelight of California Environmental Quality Act litigation, using her home as the launching point for one of the most successful environmental and historic preservation practices in California.

"It's apparent that she has a deep, personal interest and conviction in what she does," said Jack Rubens, partner at Los Angeles' Sheppard Mullin Richter & Hampton Real Estate Department Land-Use and Natural Resource Practice Group. Rubens works on many CEQA cases and met Brandt-Hawley through their affiliation with the California Preservation Foundation, a statewide non-profit organization. "Her skill goes beyond competency; people who have a passion or love for what they do generally do better. She has dedication to her craft.

"Just look at her record," he said.

The record includes 10 historical and environmental preservation cases that have lead the state Supreme Court and Court of Appeal justices to publish precedent-setting opinions.

According to Rubens, that is unusual in a field of law where the burden of proof lies heavily on petitioners because the courts generally show deference to the government agencies that are being sued. And, according to Brandt-Hawley, justices are loathe to establish precedents that might have the effect of micromanaging those agencies.

Despite the odds, Brandt-Hawley wins. Her track record has brought her high-profile clients such as the Sierra Club and National Trust for Historic Preservation, but her core group of clients are community associations from neighborhoods such as Old Hollywood and Sierra Madre who want to preserve a community treasure like a church threatened with demolition, or are trying to stave off the concrete encroachment of commercialization.

“Few do what she does, represent non-profits on a contingency basis,” Rubens said. “It’s always a big issue because residents don’t usually have the funds, and for Susan it’s a double contingency. Not only does she have to win the case, she then needs to seek attorneys fees and hope to recover.”

Mere miles west of Rubens’ office in downtown Los Angeles is Michael Weidman’s Old Hollywood home.

His neighborhood, comprising modest bungalows built during the ’20s and ’30s, was threatened until recently by Raleigh Studios’ plan to build a five-level parking structure amid a residential area directly across from Weidman’s abode.

After the project was proposed in 1997, residents formed Friends and Neighbors of Old Hollywood. The group, Weidman said, desperately tried to make a case against the project by attending city council meetings and handing out brochures on sidewalks. However, with the group lacking money and clout, the parking structure appeared to be au fait accompli.

Enter Brandt-Hawley.

Weidman, who has a background in architecture, met her in 1998 through a mutual friend who said he knew of a great preservation law expert. Brandt-Hawley agreed to visit the neighborhood one Saturday morning, walked around and talked to the residents, then agreed to represent the Friends and Neighbors of Old Hollywood.

“My first impressions of her was that she was competent, intelligent and would give us the voice we lacked against the city,” Weidman said. “Susan is easy to work with, she is not an elitist, she is not pompous. She didn’t expect us to come to her; she came to us, to our modest neighborhood and offered her help.”

After three lengthy appeals, Weidman and the Friends and Neighbors of Old Hollywood won their case against Raleigh Studios, with the 2nd District Court of Appeal ruling that the city of Los Angeles abused its discretion when it approved the project. *Friends and Neighbors of Old Hollywood v. City of Los Angeles*, B131537.

“Without Susan, there is absolutely no way we could have ever afforded a lawyer, let alone win this case,” Weidman reflected. “We passed the hat around the neighborhood to pay her upfront fee, and we continue to pay her.”

From the beginning, he said, Brandt-Hawley understood the importance of the case and the need to make a statement to Los Angeles.

“The houses in my community are old,” Weidman said. “They are a part of the fabric of the city, surrounding the major landmarks and putting them in their context. They add rich value to the city. Without them, the landmarks lose their value.”

Weidman cannot thank Brandt-Hawley enough. “I highly recommend her, especially in Los Angeles where the administration is very pro-development and is very willing to ignore environmental restrictions and [unwilling to] control growth.”

Brandt-Hawley is polite, articulate and sharp. Her gaze is direct, and her spoken words seem as carefully chosen as those published in her petitions.

When asked what motivates her and how she defines herself, she appears surprised by the question. "I have to think about that for a minute," she said. Later, her response is complex: "I think a legal career suits me well because I am an optimist and a creative problem solver, and am naturally drawn to figuring things out. I like intellectual challenges, reading, writing and traveling to new places. I am bored by pettiness and angered by dishonesty and greed.

"I like to do things well," she continued. "I am passionate about the importance of respecting and preserving our cultural heritage."

Does that make her biased against any sort of development in a community with disputed historic treasures?

"I respect a business' property rights," she said. "But in certain cases, cities need to consider 'adaptive reuse' and 'reasonable alternatives' before demolishing buildings that are sometimes over a century old and are important to the sense of place . . . and 'rootedness' of a community."

One example of adaptive reuse Brandt-Hawley cited is Old Town Pasadena. She says the city did a marvelous job restoring an area of Pasadena that had become seedy. The city preserved the 'old town' feel of the district, restored buildings, rejuvenated businesses and spurred economic growth without compromising the charm and beauty of earlier architecture.

Brandt-Hawley said her work is not about winning for the sake of winning, but rather so that future generations can benefit from the past. She also wants businesses and cities to take a good look at development and adopt a new way of thinking "beyond the concrete and tangible."

She said she's wary of the "property-rights movement," calling it shortsighted. "Some property owners believe they can do whatever they want, and live in a vacuum," she said. "They sometimes don't want to follow the rules and don't see themselves as part of the social compact, and don't see the injuries their choices have on other people."

Jim Moose, partner at Remy, Thomas & Moose in Sacramento, has represented both sides of the fence in CEQA litigation. He was, for instance, opposing counsel to Brandt-Hawley in a case in which

community members sued a Napa Valley grape pomace composter. The pair has met in two other cases, as well.

Moose said that though he may disagree with her on certain specifics of a case, he sees Brandt-Hawley as a straight-shooter.

“A lot of times, environmental preservation attorneys see themselves as instruments of divine will and are full of themselves,” Moose said. “They are self-righteous and use delaying tactics to wear away property owners’ resources.

“[But] Susan is willing to move the case along, never conveys the sense of self-righteousness and is easy to work with.”

Although they have their differences, what Brandt-Hawley may think worth saving might in his mind be just an “ugly building,” Moose said his firm has written amicus briefs on Brandt-Hawley’s behalf, and he admits to admiring her “hot streak” as a petitioner’s attorney.

He said Brandt-Hawley’s strategic sense, understanding of CEQA nuances and an ability to write compelling arguments keeps her at the top of her game. “She has developed a good sense of how to pick on appeal the facts of a situation that the appellate court feels comfortable with creating precedent,” he said.

Her ability to know what to argue and what not to argue is what Tom Simon of the Preservation Action Council of San Jose sees as the basis of her professional success. He also believes it’s a sign of something deeper.

“She is a person who thinks deeply,” he said. “She always looks for the best possible outcome and is willing to take risks on people without a whole lot of money.”

Simon and his group hired Brandt-Hawley to represent them in various San Jose preservation cases, most recently to help save from demolition the Jose Theater, a former vaudeville venue built during the early 1900’s. *Preservation Action Council v. City of San Jose*, HO19468.

Through their association, Simon said he discovered a consummate professional with a passion for details. “She’s thorough, intelligent and

caring. Why else would she take cases on contingency? She must love what she does.

“Even though her office is ‘off-the-beaten-path’ in the middle of wine country, her practice spans the entire state,” he said. “That shows you there is a lot to her.”

Indeed, there is a lot more to Brandt-Hawley than successful preservation lawyer. She grew up wanting to be a writer, studied philosophy at the Claremont Colleges and at the University of Uppsala in Sweden, finally graduating from San Diego State University Phi Beta Kappa.

When she completed her undergraduate studies, she decided to pursue the “practical” profession of law, so it was off to University of California, Davis, where she obtained her law degree. In 1978, she hung her shingle in Glen Ellen.

Although she chose law as her career, her love for words and philosophy has aided her every step of the way. “Reading philosophy develops skill in absorbing volumes of material and distilling kernels of meaning,” she said.

“In studying [Austrian philosopher Ludwig] Wittgenstein, in particular, I learned how language can influence our thinking, so that in constructing words to pose questions there can be any number of answers depending on one’s way of looking at the world.

“Just by asking the question does not mean there is a particular answer, and the construction of the question is key,” she said.

Another truth she holds close to her heart came from her father, Clifford Brandt, who after a career as an Air Force officer retired and studied Sufi philosophy.

“I learned from him to expect obstacles in life, what he called the ‘second force’ necessary to learn and grow, just as a seed needs the earth for resistance,” she said.

“So I minimize the ‘if only’s’ including ‘if only I didn’t have a huge brief due Monday, I could enjoy this spring weekend’ in my head and try to

perceive each moment as perfect the way that it is, despite knowing that it will change.

“Life now seems to me to be full of perfect, if sometimes bittersweet moments.”

Back at Random Ridge, bittersweet moments are coupled with the joys of living off the land and pursuing grand passions.

In their home — all windows and light, filled with books and art — they have raised two sons, Emile, 21, and Zane, 15, both avid surfers along with their father.

“Our home is a reflection of us,” Bill said. “The way Susan and I live correlates to our conservationist ideas. The wine we grow is an example of preservation of a sort. It encapsulates the soil, the climate, the land, and that flavor of a place will remain interesting even 100 years from now.

“Each bottle is a limited edition of art — it’s poetry.”

Of his wife’s accomplishments, Bill couldn’t be more proud. “She is a really great mother, a good lawyer, too. She works for a good cause — a lot of lawyers start off idealistic but are lured by the dollar when working at large firms.

“I am proud she has forged new territory and has helped shape CEQA litigation and historic preservation — what she does is true conservation.”

Bill explains the significance of Mount Veeder and Glen Ellen to the couple and to Susan’s life choices.

“It is really important to have a sense of place, because it really opens your eyes to the natural world and the connection we have to the land. Susan and I live here because it provides us that sense, a place for love and contemplation,” he said.

“We love California, the diversity of the ocean, the geology and diversity of culture.

“Susan recognizes the need in the communities of California to preserve their uniqueness and diversity,” he said.

“Susan is a steward of the land.”