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Wanger cuts legal ties to Westlands Water District

By John Ellis - The Fresno Bee

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Retired federal judge Oliver W. Wanger did an about face Tuesday, deciding not to represent the Westlands Water District in a case now pending before a state appellate court.

A legal brief last week showed Wanger had signed on to defend Westlands in a lawsuit filed by several Northern California groups.

The move sparked intense debate about judicial ethics because as a judge, Wanger had presided over dozens of legal disputes involving Westlands. Though the agency lost as much as it won in those cases, some people felt Wanger had crossed an ethical line by representing Westlands.

Wanger – who stepped down as a judge at the end of September – said in an interview that the ethics debate was "diverting attention away from the merits of the case."

Wanger also made it clear that the debate had nothing to do with his decision to withdraw from the case. His new firm – Wanger Jones Helsley – said in a statement to The Bee that "recent media comment has raised confusion about the cases upon which former Judge Oliver W. Wanger may work as a private attorney."




"He cannot work on cases involving matters he heard as a judge. The rules do not prevent him from taking cases involving parties who previously appeared before him. No conflict or violation of any rule has occurred."

Tom Birmingham, general manager and counsel for Westlands, said in a statement that the agency "regrets that we will not have the benefit" of Wanger in the case.

"But we have the highest respect for his integrity and appreciate his strict adherence to the most exacting standards of legal ethics," the statement said. "His decision not to proceed with this matter is entirely consistent with the meticulous attention he applied to all aspects of the

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law during his long career in the federal judiciary."

Birmingham concluded by saying Westlands hopes to work with Wanger in the future.

In this case, the North Coast Rivers Alliance, Friends of the River, Save the American River Association and the Winnemem Wintu Tribe in the Mount Shasta area sued both Westlands and the U.S. Bureau of Reclamation, saying the two agencies failed to comply with the California Environmental Quality Act – known as CEQA – when interim water contracts were renewed.

Westlands won in Fresno County Superior Court, and the four plaintiffs appealed that ruling.

Though he had officially been appointed as a counsel, Wanger's firm said in its statement that "neither [Wanger] nor the law firm has provided any legal service whatsoever to the Westlands Water District in the state appellate case or in any other matter, nor is Westlands a client of Mr. Wanger or the firm."

Still, Wanger said in an interview that Westlands has a right to seek the legal representation of its choice.

Said Wanger: "Everybody deserves their day in court."

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