



COUNTY OF LOS ANGELES  
OFFICE OF THE COUNTY COUNSEL

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DAWYN R. HARRISON  
Acting County Counsel

August 2, 2022

**ADOPTED**

BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES  
40-D August 2, 2022

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

CELIA ZAVALA  
EXECUTIVE OFFICER

Dear Supervisors:

**RECOMMENDATION TO PROVIDE FOR THE LEGAL REPRESENTATION OF AN  
ATTORNEY IN THE OFFICE OF THE COUNTY COUNSEL FOR AN  
ADMINISTRATIVE PROCEEDING BROUGHT BY THE STATE BAR  
(ALL DISTRICTS AFFECTED)  
(3 VOTES)**

**SUBJECT**

Request to provide for the legal representation of a Deputy County Counsel in the Office of the County Counsel for administrative proceedings brought by the State Bar of California.

**IT IS RECOMMENDED THAT YOUR BOARD:**

1. Find that the administrative proceeding was brought on account of alleged acts or omissions in the scope of the attorney's employment as an employee of the Office of the County Counsel ("County Counsel").
2. Find that providing for the defense of the attorney would be in the best interests of the County of Los Angeles ("County").
3. Find that the attorney acted in good faith without actual malice, and in the apparent interests of the County.
4. Approve the provision of a legal defense for the attorney and authorize payment by the County of the attorney's fees incurred for the legal defense of this proceeding.

### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

County Counsel seeks Board approval to: provide for the legal representation of a Deputy County Counsel who was required to respond to an inquiry by the State Bar of California ("State Bar") regarding possible violations of California Rules of Professional Conduct and authorize payment of attorney's fees incurred.

### **Implementation of Strategic Plan Goals**

The recommended action supports the County's Strategic Plan Goal No. 1, Operational Effectiveness, by ensuring that the committed efforts of our staff are recognized and defended when challenged.

### **FISCAL IMPACT/FINANCING**

The final invoice submitted by legal counsel is in the amount of \$1,080.00. Funds will be allocated from County Counsel's existing operating budget. If the costs increase, they will continue to be allocated from the Office of the County Counsel's operating budget.

### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

The administrative proceeding brought by the State Bar pertains to a complaint by a party in a court proceeding in which the County participated. After completing its investigation, the State Bar determined that the matter did not warrant further action and closed the case on March 23, 2021.

Under Government Code section 995.6, the County is not required to provide for the defense of an administrative proceeding brought against County employees, but the County may provide for such defense if:

The administrative proceeding is brought on account of an act or omission in the scope of their employment as employees of the public entity; and

The public entity determines that such defense would be in the best interests of the public entity and that the employees acted, or failed to act, in good faith, without actual malice, and in the apparent interests of the public entity.

### **IMPACT ON CURRENT SERVICES (OR PROJECTS)**

None.

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**CONCLUSION**

County Counsel recommends that your Board find that the Deputy County Counsel acted in good faith, without malice, and in the apparent interests of the County, and that providing for the defense in the State Bar proceedings is in the best interests of the County. County Counsel further recommends that your Board approve the provision of a legal defense for the Deputy County Counsel, and authorize payment by the County of the attorney's fees incurred for this proceeding.

Respectfully submitted,



DAWYN R HARRISON  
Acting County Counsel

DRH:RSP:db