

41 May 21, 2024

County of Los Angeles

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Dawyn R. Harrison  
County Counsel



JEFF LEVINSON  
INTERIM EXECUTIVE OFFICER

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**Board of Supervisors**

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Supervisor, Second District

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Supervisor, Third District

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Supervisor, Fourth District

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**The Honorable Board of Supervisors**

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

Dear Supervisors:

**RECOMMENDATION TO PROVIDE LEGAL REPRESENTATION FOR THREE  
ATTORNEYS EMPLOYED IN THE OFFICE OF COUNTY COUNSEL FOR  
ADMINISTRATIVE PROCEEDINGS BROUGHT BY THE STATE BAR  
(ALL DISTRICTS AFFECTED)  
(3 VOTES)**

**SUBJECT**

Request to provide reimbursement for legal representation for two Assistant County Counsels and one Deputy County Counsel in State Bar administrative proceedings.

**IT IS RECOMMENDED THAT YOUR BOARD:**

1. Find that the administrative proceedings involving two Assistant County Counsels and one Deputy County Counsel are brought on account of acts or omissions in the scope of employment as employees of the Office of the County Counsel ("County Counsel") for the County of Los Angeles ("County").
2. Find that their defense would be in the best interests of the County.
3. Find that they acted in good faith without actual malice, and in the apparent interests of the County.
4. Direct County Counsel to authorize payment for attorneys' fees incurred, at the County's expense, anticipated to be approximately \$4,700 for the two Assistant County Counsels and one Deputy County Counsel.



**PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

County Counsel seeks the Board's approval of its recommendation to provide legal representation for a Deputy County Counsel who had to respond to a State Bar inquiry regarding possible violations of California Rules of Professional Conduct. This inquiry was generated by a complaint filed by a former County employee. The complaint alleges the Deputy County Counsel directed a custodian of records to commit perjury by falsely certifying a "Certificate of Records" in response to a subpoena from a State agency and intentionally supplying non-responsive documents.

County Counsel also seeks the Board's approval of its recommendation to provide legal representation for two Assistant County Counsels who had to respond to State Bar inquiries regarding possible violations of California Rules of Professional Conduct. These inquiries were generated by a complaint filed by the same former County employee. The complaint alleges the two Assistant County Counsels were responsible for a conspiracy to violate the reporting requirements of California Business and Professions Code section 805 ("Section 805"), which requires filing a report with the Medical Board of California ("Medical Board") when certain actions are taken against a physician's privileges, membership and/or employment.

County Counsel has reviewed the facts and circumstances surrounding these matters. At the time of the alleged allegations and at the time of filing of the State Bar complaints against them, the Deputy County Counsel and Assistant County Counsels were employed by the County and were acting within the course and scope of their employment. County Counsel's review reveals no indication that any of them acted with malice. Rather, it appears that each acted in apparent good faith and in the apparent interests of the County. County Counsel has determined that a defense of each employee would be in the best interests of the County.

**FISCAL IMPACT/FINANCING**

The costs for providing legal representation for the Deputy County Counsel is anticipated to be \$2,300. The costs for providing legal representation for the two Assistant County Counsels is anticipated to be \$2,400. In total, costs are anticipated to be approximately \$4,700. Funds will be allocated from County Counsel's existing operating budget. If the costs increase, they will continue to be allocated from County Counsel's operation budget.

**FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

The administrative proceedings brought by the State Bar pertains to a complaint by a former County employee of alleged wrongdoing by County employees in the course and scope of their employment. After completing its investigation, the State Bar determined that all three matters did not warrant further action and closed the cases on December 14, 2022, and April 26, 2023.

Government Code section 995.6 provides that the County is not required to provide for the defense of an administrative proceeding brought against a County employee, 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 his or her employment as an employee 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 employee 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.

**CONCLUSION**

County Counsel recommends that the Board find that the two Assistant County Counsels and one Deputy County Counsel acted in apparent good faith, without actual malice, and in the apparent interests of the County, and that their representation before the State Bar is in the best interests of the County. County Counsel further recommends, that the Board approve the provision of a legal defense for the two Assistant County Counsels and one Deputy County Counsel and authorize payment by the County of the attorneys' fees incurred for these proceedings, anticipated to be approximately \$4,700.

Respectfully submitted,



DAWYN R. HARRISON  
County Counsel

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