



County of Los Angeles

December 3, 2024

Dawyn R. Harrison
County Counsel

Board of Supervisors

Hilda L. Solis
Supervisor, First District

Holly Mitchell
Supervisor, Second District

Lindsey P. Horvath
Supervisor, Third District

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Supervisor, Fourth District

Kathryn Barger
Supervisor, Fifth District

TO: EDWARD YEN
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: ADRIENNE M. BYERS
Litigation Cost Manager

A handwritten signature in blue ink, appearing to read 'AMB', is placed next to the name 'ADRIENNE M. BYERS'.

RE: **Item for the Board of Supervisors' Agenda**
County Claims Board Recommendation
Corey Williams v. Ricardo Garcia, et al.
United States District Court Case No. 2:21-cv-08077



Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached is the Case Summary and Summary Corrective Action Plan to be made available to the public.

It is requested that this recommendation, Case Summary, and Summary Corrective Action Plan be placed on the Board of Supervisors' agenda.

AMB:lzs

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Corey Williams v. Ricardo Garcia, et al., United States District Court Case No. 2:21-cv-08077, in the amount of \$3,650,000, and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Office of the Public Defender's budget.

This civil rights lawsuit filed against the Public Defender's Office by a former client alleges that his constitutional rights were violated when he was held in custody without trial for approximately 11 years.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Corey Williams vs. Ricardo Garcia, et al.
CASE NUMBER	2:21-cv-08077
COURT	United States District Court
DATE FILED	October 11, 2021
COUNTY DEPARTMENT	Office of the Public Defender
PROPOSED SETTLEMENT AMOUNT	\$ 3,650,000
ATTORNEY FOR PLAINTIFF	Arnoldo Casillas, Esq. Casillas & Associates
COUNTY COUNSEL ATTORNEY	Jonathan McCaverty Assistant County Counsel
NATURE OF CASE	<p>This is a recommendation to settle for \$3,650,000, an Office of the Public Defender ("PD") civil rights lawsuit filed by former PD client, Plaintiff Corey Williams, claims his constitutional rights were violated arising out of his approximately 11-year pre-trial detention as a civil detainee pursuant to the Sexually Violent Predators Act.</p> <p>Given the risks and uncertainties of litigation, a reasonable settlement at this time will avoid further litigation costs; therefore, a full and final settlement of the case is warranted.</p>
PAID ATTORNEY FEES, TO DATE	\$ 170,291
PAID COSTS, TO DATE	\$ 7,107



Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	February 6, 2008 to November 4, 2019
Briefly provide a description of the incident/event:	<p>This matter arises out of a federal civil rights complaint by a former County Public Defender Office (PD) client, naming a former and current Public Defender, one Supervisor and two former Supervisors, alleging constitutional due process and speedy trial violations because he was held in custody without a trial for approximately 11 years under the Sexually Violent Predators Act ("SVPA").</p> <p>In 1999, plaintiff was convicted of rape and sentenced to State prison. In February 2008, near the end of his prison sentence, the Los Angeles County District Attorney's Office filed a petition to have plaintiff deemed an SVP, and a County Deputy Public Defender ("DPD") was assigned to represent him. Plaintiff was represented by attorneys from the PD's Office from February 2008 until November 2019, when the PD's Office declared a conflict. After the conflict was declared, bar panel counsel represented plaintiff until his case was dismissed in May 2021.</p> <p>Plaintiff alleges in 2013 and 2014 that he wrote letters to his counsel and made other requests that his SVP case proceed to trial; however, the PD's office ignored his requests and he remained incarcerated. Plaintiff also filed several motions himself, including a petition for a writ of habeas corpus and several motions in an effort to disqualify the PD's Office from representing him, but these were all denied.</p> <p>In 2014, approximately half of the PD's Office SVP Unit staff was cut. The Deputy-in-Charge (DIC) of the Unit drafted multiple memoranda to the Assistant Public Defender, Division Chief, and Head Deputy of the SVP Unit warning that attorneys in the unit would face increased workloads and the quality of their work would suffer. In a memorandum following the cuts, the DIC reported to his senior management attorneys expressed concerns that caseloads had increased, that the cuts placed the SVP unit in an untenable position, and that further cuts could lead to liability. Also, in 2014, attorneys in the SVP Unit sent letters to the PD's Office, the Board of Supervisors, and the State Bar of California complaining about the cuts to the SVP Unit.</p> <p>Plaintiff alleges the staff cuts of the SVP Unit in 2014 created a constitutional dilemma – either proceed with unprepared counsel representing him or waive his right to a speedy trial. He supported this</p>

	<p>theory with the communications and memoranda that SVP staff attorneys sent to administrators in the PD's Office as well as to the Board of Supervisors.</p> <p>In February 2019, plaintiff filed a "Motion for Replacement of Counsel" in which he alleged he had requested no more waivers of time and that he was demanding his trial. This motion was denied, but the court suggested the PD's Office file a <i>Litmon-Vasquez</i> motion to dismiss the case due to speedy trial right violations. The assigned DPD responded that she was "restrained" and could not file such a motion, to which the court responded that her office's policy could not override her duty to represent plaintiff (filing such a motion would necessarily attack the prior DPD's who represented plaintiff). While the DPD did not file a <i>Litmon-Vasquez</i> motion, she did file a motion for new psychiatric evaluations based on the fact that the State's evaluators based their opinions on information contained in juvenile records that, due to a change in law the law in July 2016, had been improperly relied upon. The court granted this motion.</p> <p>In November 2019, the PD's Office declared a conflict and private counsel was appointed. From November 2019 to early 2021, bar panel counsel filed motions to destroy plaintiff's juvenile records, which was granted. Bar Panel counsel also filed a <i>Litmon-Vasquez</i> motion in February 2021, but, before that motion could be heard, the District Attorney's Office declared it could no longer proceed with the case, noting the State's evaluators had both filed evaluations indicating Plaintiff did not meet the criteria to be an SVP because they could not rely on his juvenile records. In May 2021, the SVP proceedings were dismissed, and plaintiff was released from custody.</p>
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1. Briefly describe the **root cause(s)** of the claim/lawsuit:

Inadequate training resulted in a legal/tactical error by attorneys who neglected to identify a legal issue that could have resulted in an earlier dismissal of the case; staffing reductions in the special unit resulted in continuances by attorneys who believed they had insufficient resources to take the cases to trial; failure to obtain clear time waivers from clients who preferred to remain at the state hospital during court appearances, and the Department did not have an adequate case management tracking and reporting system.

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

Ensure that attorney staff assigned to the special unit are trained in reviewing both the prior records and the legal basis the State's evaluators relied upon in determining a client qualified as an SVP.

Ensure that the weighted caseloads of attorneys assigned to the Civil Commitment Units are manageable and that adequate support services are provided. After the Vasquez decision in February 2018, the Supervising Judge of the Superior Court ordered all pending SVP trials to be heard before one court. The Public Defender's Office conducted an audit of all pending cases as to their status and level of preparation with monthly updates reported to the Assistant, Division Chief and Deputy-in-Charge. It has been determined that the high number of SVP cases reported to the BOS and State Bar, were in fact misrepresentations. SVP filings had been continually falling since 2009, at the time of the staff reductions in 2014 and continued to this date where caseloads have remained at or below pre-2014 levels.

Require a verbal waiver taken by the court on the record via video appearance. With the development of video conferencing and assignment of all pending trial cases to one court for all pretrial cases following the Vasquez decision, all waivers are now made on the record in open court with all parties present. Per this process, written waivers are no longer utilized and non-appearances by the client are not permitted.

The Department now has a digital Client Case Management System (CCMS) that maintains the Department's official case file for each case it handles. Attorneys, paralegals and investigators utilize CCMS to document all aspects of the case. There is a section for case file documentation where all staff can notate activity on the case. Attorneys can detail client conversations including the documentation of any time waivers. CCMS also allows management to track progress on cases in real time to be aware of the status on each case, as well as to notify staff in the event case file documentation is inadequate. Additionally, the CCU (SVP) Unit maintains an Excel spreadsheet that lists every active case along with its status, including age of the case, which is regularly monitored by the supervisor.


3. Are the corrective actions addressing department-wide system issues?

- ☒ Yes – The corrective actions address department-wide system issues.
☐ No – The corrective actions are only applicable to the affected parties.

Name: (Risk Management Coordinator)

Jon Troncz

Signature: 	Date: 5-4-24
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Name: (Department Head) Justine Esack, Chief Deputy	
Signature: 	Date: 9-6-2024

Chief Executive Office Risk Management Inspector General USE ONLY

Are the corrective actions applicable to other departments within the County?

- ☐ Yes, the corrective actions potentially have County-wide applicability.
- ☒ No, the corrective actions are applicable only to this department.

Name: (Risk Management Inspector General)

Betty Karmirlian, Acting Risk Management Inspector General

Signature: 	Date: 9/6/2024
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