
Economy & Efficiency Commission Presentation

Editorial Note: Although every effort has been made to insure the accuracy of the material in this presentation, the scope of the material covered and the discussions undertaken lends itself to the possibility of minor transcription misinterpretations.

**PRESENTATION BY
Mr. Raymond Fortner, Esq.
County Counsel
Los Angeles County**

Topic: The Future Direction of the County Counsel's Office

April 7, 2005

Chairman Philibosian introduced Mr. Raymond Fortner and welcomed him to the meeting.

Board Direction

Mr. Fortner began by thanking the Commission for the opportunity to discuss his vision and goals for the County Counsel's office.

The Goals of County Counsel

The following are the overall goals for the County Counsel's office for the upcoming year:

1. Reinforce and instill within the Office a culture of responsiveness, efficiency, accountability, and productivity
2. Management will be strengthened in-house and over the approximately 100 firms which are under contract to deal with the county's significant level of litigation cases. As part of this the litigation cost management function will have both the staff and responsibilities expanded
3. The in-house litigation team will handle more cases and develop their expertise and knowledge in litigating cases
4. Expand the round table process which is designed to have all the principal players together at the beginning to identify strategies, cost projections, the cases direction, requirement of early intervention in settlement or attempts to mediate to deal with the liability, or dismiss it before the costs escalate. This process will be expanded to all forms of litigation.
5. Increase the opportunities for mentoring and training within the office. Continuing education, appropriate staffing, proper training, and mentoring are elements that will be used in the development of succession planning.

County Counsel Operations

When Mr. Fortner began his tenure as County Counsel, he called together his senior staff and after outlining his vision and goals for the future, challenged the group to take time and think about how to best accomplish them. Collectively they advised him on how the office should be organized and managed, concluding that the organizational structure was sound, but the current division system needs to be realigned to address the practice of transferring assignments to divisions solely because the lawyer with that expertise was transferred. It was the consensus within the Office that divisions needed to be reduced to about 15 staff members. It was also concluded that litigation needed to stay within each division and no longer be shifted to General Litigation.

Most litigation matters need to be where the in-house counsel advice is given so that there would be a unity of interest. There would be an assistant county counsel who was aware of what was going on in the client department, both with house counsel advice and the extent that it translated into litigation. Embarking on the process the three largest divisions have been divided in half and three new divisions have been created.

Attorney Staffing

Creation of three new divisions has resulted in a budget request for three new assistant county counsels to head each of them. The Chief Administrative Office (CAO) is supportive of this request. Currently, there are approximately 20 budgeted attorney positions which haven't been filled. Thus, the County Counsel's Office is in the process of hiring 20 new lawyers within the next few months, without having to increase the budget for new hires.

The purpose of these actions is to fill the needs of the new divisions as soon as they are aligned by providing additional staff to handle the litigation. Since there is only so much that can be done in-house, it is necessary to develop benchmarks to establish a basis for evaluating the economy and efficiency of the continued use of outside litigators.

Office Expansion

Since the County Counsel's offices, which are located on the 6th floor in the Kenneth Hahn Hall of Administration, are currently at capacity, there is a need to find additional space. The acquisition of new space which will enable the office to increase the utility and professionalism needed to serve the Board of Supervisors and County clients has involved the entire staff. The CAO has also been assisting in a search for space in the civic center

It is likely that the worker's compensation and probate divisions will have primary consideration in any relocation since they can be moved without having an appreciable impact on the clients they serve. A deadline of the end of 2005 was needed to stay focused and complete the ambitious goal of having the entire realignment and move implemented.

Commissioner Questions

Commissioner Ikejiri asked about the idea of having an outside advisory group of people who have worked with the County Counsel to suggest areas that can be enhanced. Mr. Fortner welcomed the idea of working with groups and bringing together clients. He stated that he has created a new Code Enforcement unit that is focused on bringing county departments together to collaborate and work on issues of code enforcement, reacting, advising, and completing the paperwork. Commissioner Ikejiri commented on how the professionalism of the office had increased since his appointment.

Commissioner Sylva asked about the status of the county seal. Mr. Fortner said the old seal would be used until the stock is depleted. Even though the official county seal is the one that was newly adopted, some permanent seals would not change. As an aside Mr. Fortner noted that litigation is pending at the 9th Circuit Court of Appeals challenging the Board of Supervisors authority to change the seal.

Commissioner Anderson inquired about how the County Counsel determines whether or not to go forward with a lawsuit or to make a settlement based on an economic considerations or a decision as to whether or

not the case is winnable. In principle a consideration in settling regardless of cost? Mr. Fortner stated that the County Counsel always looks at the impact of issues. It may be important to stand up and be counted rather than being considered an agency that only looks to the dollar amount to complete the process. However, economic considerations are always a significant factor.

Commissioner Sylva was interested in the recent successes of the office. Mr. Fortner stated that there were about 5-6 recent cases involving excessive force shooting cases in the Sheriff's Department. Mr. Dennis Gonzalez was the primary counsel in all of these cases. He was recently recognized by the Board of Supervisors for winning his 100th case from 106 that were tried. He is a lawyer who will take on cases that are winnable and will work hard to prove the truth. The County Counsel's Office has also had a few cases involving the press over Brown Act issues. There is litigation dealing with hospital closure issues. Additionally, the office has handled employment cases involving hiring practices.

Chairman Philibosian wondered if there had been an influx of malpractice cases as a result of the situation at Martin Luther King Hospital. Mr. Fortner replied that there hasn't been. Chairman Philibosian commented on how private law firms had sent junior attorneys in the past to the District Attorney's Office to train on nights and weekends. They were able to deal with the entire process involving misdemeanor trials. Mr. Fortner said he would definitely look into the idea, since he thought that every lawyer should have experience in the courtroom. He did observe that a large number of the County's lawyers are trained within the Children Services Division.

Mrs. Elyse Ruth, a member of the 2004-2005 LA County Grand Jury, was curious about County Counsel's policy on allowing non-attorney staff and paralegals the authority of signing off on documents and if that would cause liability and lawsuits. Mr. Fortner answered that all the paralegal staff that are responsible for such matters are supervised by attorneys. Initial cases and claims are always assessed by an attorney.

Chairman Philibosian thanked Mr. Fortner for his time and for his plans for and perspective on the operations of the Office of the County Counsel.

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