



Legislation Text

File #: 17-073, Version: 1

MEMORANDUM

TO: THE HONORABLE BOARD OF SUPERVISORS

FROM: ANITA L. GRANT, County Counsel

DATE: January 19, 2017

SUBJECT: Sheriff's Request for Legal Representation Pursuant to Government Code section 31000.6

EXECUTIVE SUMMARY: Pursuant to Government Code section 31000.6, upon request of the Sheriff, the Board of Supervisors shall contract with and employ legal counsel to assist the Sheriff in the performance of his duties in any case where the county counsel would have a conflict of interest in representing the sheriff. It is the opinion of Sheriff Martin that the pending litigation, Lake County Correctional Officers' Association v. County of Lake, et al. presents such a conflict.

In the event that the Board of Supervisors does not concur with the sheriff that a conflict of interest exists, the sheriff, after giving notice to the county counsel, may initiate an ex parte proceeding before the presiding judge of the superior court. The county counsel may file an affidavit in the proceeding in opposition to, or in support of, the sheriff's position.

The presiding superior court judge that determines in any ex parte proceeding that a conflict actually exists, must, if requested by one of the parties, also rule whether representation by the county counsel through the creation of an ethical wall is appropriate. The factors to be considered in this determination of whether an ethical wall should be created are: (1) equal representation, (2) level of support, (3) access to resources, (4) zealous representation, or (5) any other consideration that relates to proper representation.

FISCAL IMPACT: ___ None ___ Budgeted ___ Non-Budgeted
Estimated Cost:
Amount Budgeted:
Additional Requested:

Annual Cost (if planned for future years):

FISCAL IMPACT (Narrative):

STAFFING IMPACT (if applicable):

RECOMMENDED ACTION: Direction to staff