


GENERAL OFFICE MEMORANDUM 11-052

TO: ALL DEPUTY DISTRICT ATTORNEYS

FROM: JACQUELYN LACEY 
Chief Deputy District Attorney

SUBJECT: REPORTING OF STATE BAR INVESTIGATIONS

DATE: JULY 19, 2011

This memorandum outlines the responsibilities of a deputy district attorney in the event that the deputy either contacts or is contacted by the State Bar regarding alleged violations of the California Rules of Professional Conduct.

Prosecutors have a duty to self-report to the State Bar any alleged misconduct that, in whole or in part, caused reversal of a conviction and to self-report the imposition of any judicial sanction against the attorney “except for sanctions for failure to make discovery or monetary sanctions of less than one thousand dollars.” Business and Professions Code § 6068(o)(3) and (7) . Failure to comply with the mandatory self-reporting requirement may lead to disciplinary action by the State Bar. The State Bar may consider reports of misconduct from prosecutors themselves or from any other source in deciding whether to initiate an informal inquiry or a formal investigation into the matter. The State Bar begins its process by first sending a letter of notification to the prosecutor in question.

Although employees of this office may not “engage in any private law practice” under Los Angeles County Charter § 55, the office may assist deputies in responding to the State Bar in the initial stages of its inquiry. If the State Bar investigation progresses and formal legal representation before the State Bar becomes necessary, the District Attorney’s Office may seek approval from the Board of Supervisors for the appointment of counsel under Government Code § 995.6, so long as: “(a) The administrative proceeding is brought on account of an act or omission in the scope of his employment as an employee of the public entity; and (b) The public entity determines that such defense would be in the best interests of the public entity and that the employee or former employee acted, or failed to act, in good faith, without actual malice and in the apparent interests of the public entity.”

Therefore, a deputy district attorney is **required to immediately inform** his head deputy when he:

- (1) Self-reports a finding of misconduct pursuant to Business and Professions Code § 6068(o)(3) and (7); or

- (2) Receives any communication from the State Bar Office of Chief Trial Counsel regarding allegations of misconduct.

The head deputy should then refer the matter, through his chain-of-command, to the District Attorney Professional Responsibility Committee and the chief deputy. Failure to comply with this requirement may result in a delay in seeking Board approval to pay for counsel and may impact a deputy's ability to respond to any State Bar investigation in a timely manner.

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