

MIKE FEUER



April 29, 2026

The Honorable City Council
City of Los Angeles
Room 395
City Hall
200 North Spring St.
Los Angeles, CA 90012

[transmitted by email]

Re: Opposition to proposal to alter the Charter by dividing the functions of the City Attorney's Office

Dear City Council members:

I write in strong opposition to the proposal to change the City Charter by assigning the civil functions of the City Attorney to an appointed official, while assigning misdemeanor prosecutions to a separate, elected office. This proposal, versions of which have been put forward and repeatedly rejected for more than a century, would undermine the independence, quality and impact of the City's legal advice and advocacy on behalf of the People of Los Angeles; prevent the City's voters from holding a key City official directly accountable; and make the City less safe. The Council should reject it once more.

At the outset, I am in strong agreement with the wise insights regarding this proposal provided by former judge and former L.A. City Attorney Burt Pines, whose February 23, 2026, letter to the Charter Reform Commission is attached to this letter.

Mr. Pines identifies six compelling reasons why this proposal should be rejected yet again:

- **"The proposal for an appointed City Attorney is fundamentally undemocratic."**
- **"The proposal threatens the independence of the City Attorney's Office."**
- **"The proposal will impose substantial and unnecessary costs on taxpayers."**
- **"The proposed fragmentation will diminish the quality of legal talent serving the City."**
- **"Creating a separate legal office will produce conflicting advice and internal litigation."**
- **"No compelling justification has been provided for dismantling a system that has functioned effectively for more than a hundred and fifty years."**

I strongly agree with Mr. Pines' detailed arguments in support of these trenchant points and will not reiterate them here. I write separately to offer perspectives from my personal experience.

- **The proposal will make the City less safe.** The City Attorney’s office plays a vital public safety role, prosecuting tens of thousands of misdemeanors every year. These cases can involve serious offenses including child sexual abuse, domestic violence, firearms violations and a wide range of other consequential matters. Many of the prosecutors we hired during my tenure, often from more lucrative or prestigious positions in private law firms and District Attorneys’ Offices, were attracted by the possibility that they could serve as prosecutors and then potentially move to civil positions in the same office. Absent this possibility, many of the most talented prosecutors we hired would never have considered our office, relegating us to less proficient lawyers to help keep the City safe.
- **The relatively unique statutory authority of the L.A. City Attorney to bring affirmative litigation on behalf of the People of the State of California has been enormously beneficial to the People of Los Angeles and is much more likely to be exercised by an independently-elected City Attorney.** Only a handful of City Attorneys in California have the authority under state law to bring actions on behalf of the People of the State of California to remedy major issues. Los Angeles is one of those offices.

Mr. Pines notes, “The independent authority of the City Attorney has also enabled the office to protect the public through affirmative litigation brought on behalf of the People of the State of California... These cases were brought under state statutes authorizing the City Attorney to act on behalf of the People of California—not merely as counsel for the municipal corporation, but as an independent public law enforcement officer. This important public protection function is more likely to be exercised vigorously by an independently elected City Attorney than one subject to political appointment and removal.”

During my tenure, our office used this authority to successfully sue Wells Fargo over fake accounts; opioid manufacturers and distributors over the impact of the opioid crisis on L.A. streets; a major Covid testing company over false results; SoCal Gas over the Aliso Canyon methane disaster; multiple healthcare providers over alleged dumping of homeless patients; and many others. These cases changed business practices for the benefit of L.A. residents and yielded tens of millions of dollars in penalties for City coffers.

It is easy to imagine potential targets of such litigation applying pressure to elected City officials—who, under the Charter proposal, would have appointing authority over the City Attorney—to rein in efforts like these. It is no accident that the jurisdictions in California who have most effectively used this authority—Los Angeles, San Francisco and San Diego—have *elected* City Attorneys.

- **A further note on City Attorney independence.** There were multiple times during my tenure where our legal analysis required my office to provide advice to an elected or appointed City official that they did not want to hear—or to take a position contrary to the goals of significant private interests with influence in City Hall. No City Attorney

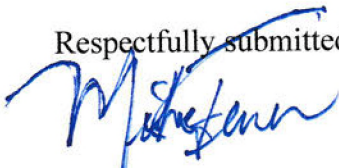
should wonder whether their best advice or most considered position on a controversial issue could subject them to removal from office by elected officials.

- **Diminishing the stature of the City Attorney from an elected Citywide official to an appointed City staff member would decrease the City Attorney's capacity for local, state and national leadership that benefits the People of Los Angeles on key issues.** Serving as a Citywide elected official in the nation's second largest City provides the City Attorney with the stature to be a leader locally and beyond. I experienced this firsthand during my tenure multiple times. For example: reaching out to elected leaders across the nation to co-found Prosecutors Against Gun Violence; convening the Blue-Ribbon Panel on School Safety in Los Angeles, with leading experts from education, public safety, mental health, architecture and other disciplines devoting long hours to public hearings; and bringing together all the key leaders of the Los Angeles justice system to examine ways to respond to Proposition 47, which reclassified a range of crimes as misdemeanors. In each instance, it is hard to imagine these officials and leaders being so responsive to an appointed City staff member.
- **The voters deserve the ability to hold this key public lawyer directly accountable.** If the People of Los Angeles decide the City Attorney is not doing the job as they wish, they currently have the power to vote for someone else. Indeed, I came into office just this way. It is not enough that if the Council were to place this proposal on the ballot along with a myriad of intertwined other Charter proposals, L.A. voters could choose whether to retain this authority. Because Charter changes will be aggregated into a single proposal, voters may want to enact the lion's share of those Charter changes but disapprove of this one—yet be compelled to sacrifice their ability to hold the City Attorney accountable if they want the balance of the Charter proposals to take effect.

For all the foregoing reasons, I respectfully urge the Council to reject this ill-conceived proposal.

Thank you for your consideration.

Respectfully submitted,



Mike Feuer

Attachment

BURT PINES



February 23, 2026

Los Angeles Charter Reform Commission
200 North Main Street, Rm 277
Los Angeles, CA 90012

By email: reformlacher@lacity.org

Dear Commissioners:

I urge you in the strongest possible terms to reject the proposals to: (1) make the City Attorney an appointed position; (2) bifurcate the office by creating a separate elected prosecutor responsible for criminal prosecutions while assigning all other legal functions to an appointed City Attorney; (3) transfer the City Attorney's legislative responsibilities to a separate Office of Legislative Counsel; and (4) authorize separate legal counsel for the City Controller, the City Council, or other officers and departments of our City government.

These proposals would weaken the independence, effectiveness, and accountability of one of the most important public offices in our City government. The proposals represent a fundamental and dangerous departure from a structure that has served the people of the City of Los Angeles for more than 150 years. Similar proposals were rejected by the last charter reform commission, and they should again be rejected for the following reasons:

- 1. The proposal for an appointed City Attorney is fundamentally undemocratic.** It strips the citizens of our city of their right to elect an important public official—a right they have enjoyed for all but 22 years since the City's incorporation in 1850.
 - 2. The proposal threatens the independence of the City Attorney's Office.** It would undermine the ability of the City Attorney to perform his or her duties free from political pressure by the Mayor, City Council, or other departments.
 - 3. The proposal will impose substantial and unnecessary costs on taxpayers.** Creating a separate prosecutor's office and multiple independent legal offices will require duplicative administrative structures, staff, and resources, costing taxpayers millions of dollars annually.
 - 4. The proposed fragmentation will diminish the quality of legal talent serving the City.** Dividing the office into smaller, less comprehensive entities will make those positions less attractive to highly qualified lawyers, to the detriment of both the City government and its residents.
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5. Creating separate legal offices will produce conflicting advice and internal litigation. Instead of promoting efficiency, it will foster confusion, inconsistency, and costly legal disputes within the City government itself.

6. No compelling justification has been provided for dismantling a system that has functioned effectively for more than a hundred and fifty years.

DISCUSSION

The public and the City government benefit enormously from having an independently elected City Attorney. This independence allows the City Attorney and the lawyers in the office to provide legal advice and representation that is faithful to the law and the public interest—without fear of political retaliation or concern for their continued employment. When I served as City Attorney, I would often say that “we call it as we see it.” We were free to tell City officials when a proposed action was unlawful, and we were equally free to refuse to support it.

This independence was not theoretical—it had real and important consequences. For example, during my administration in the 1970s, my office issued an opinion to the Civil Service Commission concluding that the City could no longer disqualify applicants for police officer positions solely because they had engaged in private homosexual conduct. This opinion was issued over the vehement opposition of Police Chief Ed Davis. At the time, the law was unsettled. There were no directly controlling cases, and no other municipal law office had reached such a conclusion. Nevertheless, we determined that constitutional privacy principles were evolving in that direction and that this exclusionary policy could not be legally sustained.

Our opinion concluded: “While the issue is not free from doubt, and while there are no cases specifically dealing with police officer applicants, we believe that the California courts are moving in the direction of holding that an otherwise qualified applicant should not be disqualified solely because he or she engages in private, consensual sexual conduct.”

In 1975, when openly gay individuals were routinely excluded from law enforcement nationwide, it required independence—and courage—to reach that conclusion. An appointed City Attorney, serving at the pleasure of political officials, would have faced enormous pressure to rule otherwise.

Similarly, my office advised the Convention Center that it could not deny the application of the Commission on Soviet Jewry to hold an exhibition in the Center, showing the plight of Jews in the Soviet Union, at the same time the Soviet Union was holding its own exhibition in another part of the facility. Our advice was contrary to the wishes of Convention Center management, but we believed it was required by law.

These examples demonstrate why independence matters. The City Attorney must be free to render impartial legal judgments—even when those judgments are not politically favorable.

The independent authority of the City Attorney has also enabled the office to protect the public through affirmative litigation brought on behalf of the People of the State of California. For example, in 2008, the City Attorney filed suit against Anthem Blue Cross of California, alleging unlawful post-claims underwriting and violations of California's unfair competition and false advertising laws.

In 2015, the City Attorney filed suit against Wells Fargo Bank for engaging in unfair, unlawful, and fraudulent practices, including the creation of unauthorized accounts using customers' confidential information. That litigation resulted in a \$185 million settlement, including \$50 million in penalties paid to the City and County of Los Angeles.

These cases were brought under state statutes authorizing the City Attorney to act on behalf of the People of California—not merely as counsel for the municipal corporation, but as an independent public law enforcement officer. This important public protection function is far more likely to be exercised vigorously by an independently elected City Attorney than by one subject to political appointment and removal.

By contrast, recent events involving the United States Department of Justice demonstrate how quickly the independence of a public law office can be compromised when it becomes subject to political control.

The existing unified structure of the office provides enormous practical benefits. The combination of civil and criminal functions under one roof promotes professional excellence and institutional strength. Lawyers gain invaluable courtroom experience prosecuting criminal cases before juries, experience that later enhances their effectiveness in handling complex civil litigation. This structure also promotes the sharing of expertise across legal disciplines.

This dual structure makes the office highly attractive to talented young lawyers. It was precisely this kind of opportunity that led me, early in my career, to seek employment with the United States Attorney's Office, where lawyers likewise gain experience in both criminal and civil matters.

By contrast, a stand-alone City Prosecutor's Office, limited to misdemeanor cases, will be unable to compete with larger prosecutorial offices, such as those of the Los Angeles District Attorney or United States Attorney, in attracting top legal talent.

The City functions most effectively when it speaks with one legal voice. The City is a municipal corporation. Like any corporation, it benefits from having a single legal advisor responsible for ensuring consistency, coherence, and fidelity to the law.

During my tenure, I was frequently called upon to resolve disputes between departments or between departments and the City Council. Because the City Attorney's Office served all parties, our decisions were accepted as authoritative, and disputes were resolved efficiently. If each department and officer has separate legal counsel, internal disagreements will inevitably escalate into adversarial conflicts between competing lawyers, requiring judicial resolution. This will produce confusion, delay, and unnecessary expense.

The City Attorney's Office has served the people of Los Angeles with distinction for more than 150 years of the City's existence. Throughout this history, and the administration of many City Attorneys, the office has fulfilled its functions, both in the prosecution of crime and the provision of legal services to the city. To be fair, one can find examples here and there over the years when there may have been some friction between the City Council and the City Attorney or when the City Attorney made a mistake or misjudgment, but in the broad scheme of things, these problems were rare. While no institution is perfect and occasional disagreements or misjudgments have occurred, as they inevitably do in any human enterprise, the office has fulfilled its essential functions effectively through generations of City Attorneys and under widely varying political conditions.

The staff report fails to identify any systemic deficiency or structural failure that would justify breaking apart this long-standing institution. To recall a familiar phrase from a commercial for a fast-food restaurant, "Where's the beef?" What is the justification for dismantling an institution that has served the public for over 150 years and remains an integral part of the City government? Surely, for this kind of drastic action to be taken, there must be some inherent disability or conflict or some overwhelming issue causing a loss of faith in the current structure. No such justification has been demonstrated.

The principal example cited in the staff report—the City Attorney's handling of the Venice Dell development in 2025—does not remotely justify such sweeping structural changes. Even if one assumes that the City Attorney's actions in that matter were mistaken, isolated disagreements do not justify dismantling the entire office. One does not destroy a vital public institution because of disagreement over a single decision.

The staff report provides a summary of the structure of other city attorney's offices, both in California and in New York, where the attorney for the municipal government is appointed by the mayor and/or the city council. Los Angeles is different, as is San Diego, where the City Attorneys are elected. But the fact that our governmental structure is different from the majority of municipal corporations is not a reason for changing it. Other offices such as the United States Department of Justice and the offices of state attorneys general throughout the country combine dual civil and criminal responsibilities and have been able to function properly through the centuries.

This proposal would disenfranchise the voters of Los Angeles by eliminating their right to elect their City Attorney. This right has existed for nearly the entirety of the City's

history. It reflects the deliberate judgment of the framers of the City Charter that independent legal oversight is essential to maintaining lawful and accountable government. An independently elected City Attorney serves as an essential safeguard—ensuring that the actions of the City officials conform to the law, and that the public interest is protected. Eliminating that independence would weaken one of the City's most important institutional protections.

Establishing a separate City Prosecutor's Office will require duplicative administrative staffs and facilities, costing the taxpayers millions of dollars. I have not seen any credible cost analysis justifying these proposals, but most assuredly, outfitting a separate City Prosecutor's Office with new quarters, equipment and personnel to handle human resources, budget, recruitment, technology, and other services will involve considerable new city expenses.

For all of these reasons, I urge the Commission to reject these proposals. Please feel free to contact me if I can provide any further information or assistance to your commission.

Respectfully submitted,

A handwritten signature in black ink that reads "Burt Pines". The signature is stylized with a large, sweeping initial "B" and a long, horizontal stroke extending to the right.

Burt Pines, Former City Attorney of Los Angeles (1973-1981), Judicial Appointments Secretary to California Governor Gray Davis (1999-2003), and California Superior Court Judge (2003-2022)