

14-1509

MOTION

PUBLIC SAFETY

On October 20, 2014, the United States Supreme Court granted the City's petition for writ of certiorari in the case of *City Los Angeles v. Patel* (USSC Docket No. 13-1175). At issue in this case is whether Los Angeles Administrative Code §41.49, which is the City's motel inspection ordinance, is unconstitutional and whether motels and hotels have a reasonable expectation of privacy in their guest registries. The U.S. Ninth Circuit Court of Appeals answered both questions in the affirmative, striking down the City's Administrative Code provision.

Administrative Code Section 41.49 is an important tool used by the Police Department to investigate, control and deter crime occurring in motels, particularly crimes involving human trafficking, prostitution and narcotics. The significance of this Administrative Code provision is seen in statistics showing that, since the provision was struck down, there has been an 82% increase in serious crimes, including murder, attempted murder, rape, and robbery, occurring at five sampled motels.

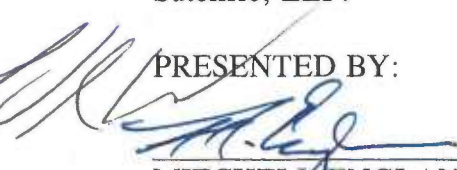
Appellate practice before the Supreme Court is a highly specialized practice area. A handful of practitioners brief and argue the vast majority of cases before that Court. The respondents in this case have retained an attorney who specializes in Supreme Court practice, having argued before that body multiple times. The law firm of Orrick, Herrington & Sutcliffe, LLP, ("The Firm"), which has argued eight cases before the Supreme Court in the past six years, has offered to serve as co-counsel with the City Attorney's Office in this case without charging any attorneys' fees. The Firm does not represent any person or entity in any currently pending litigation with the City and as such there is no issue of conflict of interest.


I THEREFORE MOVE that the City Attorney be authorized to accept the offer of the law firm of Orrick, Herrington & Sutcliffe, LLP, to assist, on a pro bono basis, the City Attorney in representing the City in the United States Supreme Court in the case of *City of Los Angeles v. Patel*, and to process and execute any documentation as may be needed in this matter.


I FURTHER MOVE that the Council find that the services to be performed by Orrick, Herrington & Sutcliffe, LLP are for the performance of professional, scientific, expert, technical, or other special services of a temporary and occasional character for which competitive bidding is not practicable or advantageous and that the work can be performed more economically or feasibly by independent contractors than by City employees.

I FURTHER MOVE that upon completion / resolution of the above referenced litigation, the City Attorney be requested to include in its next 'outside counsel' report the final value of the pro bono work given to the City in the above matter by the law firm of Orrick, Herrington & Sutcliffe, LLP.

PRESENTED BY:

  
MITCHELL ENGLANDER  
Councilman, 12<sup>th</sup> District

  
FELIPE FUENTES  
Councilman, 7<sup>th</sup> District

  
NURY MARTINEZ  
Councilwoman, 6<sup>th</sup> District

SECONDED BY:



November 4, 2014<sub>ak</sub>

ORIGINAL