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L.A.'s million dollar court payouts a burning concern

Black, lesbian firefighter who won \$6.2 million settlement added \$2,500 Thursday to be paid by her supervisor.

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LOS ANGELES -- The ex-boss of a black, lesbian firefighter who won a \$6.2 million discrimination suit this week against the city was slapped with a \$2,500 fine Thursday in the biggest total payout in Los Angeles Fire Department history.

The jury award for Brenda Lee is more than double the \$2.7 million settlement proposed for Firefighter Tennie Pierce, an African-American whose separate case against the LAFD will head to trial in September.

Pierce sued after he was fed dog food during what colleagues said was a prank. Mayor Antonio Villaraigosa vetoed the deal in November after photos revealing the firefighter engaging in firehouse horseplay himself caused public outcry.

Still, Lee's award makes Pierce's proposed settlement seem like a bargain. It also raises questions about liability and current reform in the 3,500-member department, where personnel problems have now cost taxpayers more than \$10 million since 2000.

"Each case has to rest on its own facts," said Laurie Levenson, professor at Loyola Law School and director of the Center for Ethical Advocacy. "But it does give more of a financial incentive to pursue these lawsuits.

"It sure provides a huge incentive for the Los Angeles Fire Department to settle cases if they can. ... A big verdict does tend to shake things up."

After more than two weeks of testimony that put fire staffers on the stand, a jury this week agreed that Lee, 39, of Mission Hills was mistreated by her colleagues because of her race and sexual orientation, and that the city failed to do anything to stop it.

Lee, a 12-year LAFD veteran, has been on unpaid leave from the Fire Department for two years. Roughly half of the \$6.2 million the jury awarded Tuesday covers lost wages, pension and health benefits. The other half covers emotional suffering.

After the hearing at Los Angeles Superior Court, Lee said she hopes the verdict will help speed up reform within the LAFD.

"I still believe in the Fire Department and in people helping other people," she said. "I'm hoping that some people in the Fire Department will change their minds and change how they treat people.

"This award helps me, but what I really want to prevent is people going through what I've gone through."

Some jurors told attorneys that they sided with Lee because the department did not stop the harassment and discrimination after Lee made her first complaint. That negligence and lack of discipline fueled Lee's case.

"The Fire Department is not getting a free pass and they are being held responsible for injuries caused by unlawful and wrong conduct," said Genie Harrison, Lee's and Pierce's attorney.

"This was the fire station culture and when Ms. Lee reported it and tried to get help she was subjected to a campaign of retaliation."

Levenson said she expects more multimillion-dollar jury awards in similar cases.

"We often hear ... there are a few bad eggs," she said. "But to get a million-dollar judgment -- it's not a one-time mistake."

Lee said she was subjected to demeaning comments from her first days training with the LAFD, and was drilled incessantly by her bosses. Among the worst harassment, she said male firefighters would use her restroom, leave feces in her toilet and then laugh at her when she complained to her bosses.

The city's attorneys said Lee was a problem employee, who was aggressive with fellow employees and was later deemed unfit for work by a city psychiatrist.

Last year the city attorney offered about \$3 million to settle Lee's case, along with companion lawsuits by Firefighters Lewis Bressler and Gary Mellinger -- both white -- who said they were also harassed and retaliated against for defending Lee to superiors.

The trio rejected that offer. Jurors ended up giving Bressler \$1.73 million for age discrimination and retaliation. Mellinger settled for \$350,000.

In May, Harrison offered to settle the case for \$4.4 million, which included putting Lee on paid leave until she reached her 20-year anniversary and could retire with a pension. Harrison argued that that would have saved taxpayers money by paying Lee via the pension fund.

The \$6.2 million award will be paid from the city's general fund. But Frank Mateljan, spokesman for the City Attorney's Office, said the city has reduced jury awards on appeal and will weigh its options.

"A large verdict isn't the final say," he said. "That being said, this verdict has repercussions and it's not an insignificant amount."

Councilman Dennis Zine, who heads the council's Personnel Committee, said he wants to ensure that Lee's boss, Capt. Christopher Hare -- who is white -- pays the \$2,500 in punitive damages himself to send a message to supervisors that "if you do not do proper supervision or discipline within your command, the damages will come out of your pocket."

The Lee verdict comes as the Fire Commission is attempting to overhaul the department's discipline system. Though Villaraigosa did not fully fund the development of a Professional Standards Bureau this year, Fire Commission President Dalila Sotelo said the department reorganized the discipline unit and created a team to investigate employee issues.

"We've kind of inherited those cases and the best we can do as a commission, as a department, is to look toward improving the conditions we have and look toward the future," Sotelo said.

Interim LAFD Chief Douglas Barry, a 31-year veteran and the first African-American to head the department, took over Jan. 1 after the gathering discrimination scandals prompted former Chief William Bamattre to retire.

"The challenges facing our department are not easily solved," Barry said in a statement responding to Lee's case. "However, we remain committed towards making improvements that will be permanent and will demonstrate our dedication to providing a workplace that values and respects all employees."

Brought in to reform, Barry has expanded human-relations training, visits fire stations personally and wants more internal investigations.

But Barry won't be able to get the job done by himself. Jon McDuffie of United Firefighters Los Angeles City, said the LAFD needs a reshuffling at the top to ensure that any reforms take root.

"We're very optimistic about the changes (Barry is) willing to make," said McDuffie, a vice president of the firefighters union. "But he's still dealing with the same deck of cards that Chief Bamattre had."

"He's got to be given the opportunity to put together his own team of managers who will be able to move forward with his vision and with the changes in the department, many of which we agree with."

Levenson agreed, but also said the department needs to go further.

"It's not something you do overnight," she said. "It starts by hiring the right people – not just how big and strong they are, but also if they have the moral character."