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RIVERSIDE COUNTY: State Bar says no grounds for action against Public Defender Windom



Mark Zaleski/The Press-Enterprise

Riverside County Public Defender Gary Windom


BY RICHARD K. De ATLEY
STAFF WRITER
rdeatley@pe.com

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The State Bar of California said it found insufficient grounds for disciplinary action in a letter filled with anonymous complaints it received May 10 about Riverside County Public Defender Gary Windom.

The letter from Chatsworth attorney Paul Virgo to the State Bar had claimed there were widespread ethical issues inside Windom's office, and that Windom, 62, was having memory problems affecting his performance.

Virgo wrote in his May 10 letter that it was based on information he received from at least 18 attorneys. None were identified in the letter, but most, he said, were members of the public defender's office.

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A copy of the single-spaced 24-page letter made its way to county officials, Windom's office, and local news media.

Ed Zappia, a Los Angeles attorney hired by the county to represent Windom in the matter, concluded the letter "was likely filed in an attempt to use the media to tarnish Windom's reputation."

In a statement released Thursday, Aug. 9, the county said Zappia concluded there was "no evidence to support the allegation that Windom is infirm in any way."

A letter from the Bar to Zappia, dated Aug. 3, stated it had closed the file on Windom. Riverside County released a copy of the letter Thursday, along with a summary of Zappia's findings. The Bar letter said because it decided there were no grounds for action, it did not interview Windom.

Neither Windom nor Zappia returned a phone call seeking comment.

Zappia determined the May 10 letter should never have been sent to the State Bar "because it anonymously alleges employment disputes over which the Bar has no purview. Given that an attorney filing such allegations would know the scope of the Bar Association's role, the complaint likely was filed in an attempt to use the media to tarnish Windom's reputation."

Virgo declined to comment Thursday, Aug. 9 on the Bar's decision not to pursue his complaint, or to respond to Zappia's findings. Virgo cited the confidentiality of his clients. He said he has read news reports about the county's earlier responses to the letter, and "everything I have read that the county has said is, in my view, inaccurate."

Virgo on June 11 sent a subsequent letter to the Bar, alleging that at least two people had been dismissed from the Public Defender's office from the repercussions over the May 10 letter, one of them was let go after it was determined the fact pattern from a case they handled matched one in the letter.

The Press-Enterprise has obtained a copy of the June 11 letter. Virgo declined comment, or even to confirm he wrote it, but did say, "I don't know how you got that."

County spokesman Ray Smith said the county had not received that letter, and is unfamiliar with its content.

Zappia also concluded that the complaint "was likely prepared by at least two former Public Defender employees without consent or authorization from other people who supposedly were the subject of the allegations. According to recent media reports the state Bar Association is reviewing complaints about the actions of at least one of those former employees."

Former Deputy Public Defender R. Addison Steele II, whose fact patterns fit at least one set of allegations in the May 10 letter as well as Zappia's report, denied on Thursday that he was one of those two "former employees."

Steele, who said he recently received papers to initiate his dismissal from the office, said he has long been cleared in a Bar investigation that started in December over his actions in a capital murder case.

Steele was suspended over that matter, but was not reinstated after he was cleared. Steele has said Windom has the paperwork that would clear his name in the case, in which it was alleged Steele and two investigators may have tried to induce perjury.

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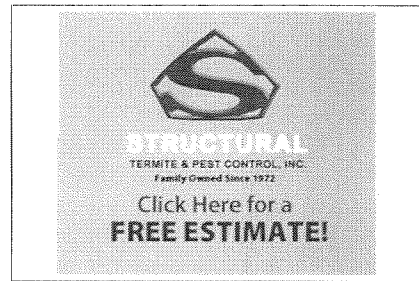
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"I know that no investigation was done, because no one was interviewed" he said Thursday of Zappia's report. "I don't know who the 'former employee' is -- I got a letter that I have been cleared," he said in reference to the Bar review Zappia made. Steele said he has made several requests to be interviewed by county human resources to tell his side of the story.

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On Thursday and in a July 27 interview, Steele denied that he acted as conduit or spoke to Virgo on behalf of the other anonymous attorneys without their knowledge for the May 10 letter. "No. Absolutely not."

Rejected bar complaint letters can be appealed to the audit and review unit of the State Bar. If they refuse to re-open the matter, there is a procedure to ask the state Supreme Court to override both decisions and initiate an investigation. Virgo refused to discuss any aspect of the letter.

The Public Defender's office employs about 120 attorneys and has an annual budget of more than \$31 million. It has been estimated in recent years that it represents clients in about 65 percent of the felony and misdemeanor cases filed in Riverside County.

Windom has been the county's public defender, an appointed position, for 13 years. The listed annual salary range is \$172,299.71 to \$310,340.58.

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