



September 15, 2023

Honorable Members of the City Council
c/o City Clerk
City Hall, Room 395

Honorable Members:

Subject to your confirmation, I have appointed Ms. Dianne Baquet Smith to the Employee Relations Board for the term ending December 31, 2025.

I certify that in my opinion Ms. Baquet Smith is especially qualified by reason of training and experience for the work which shall devolve upon her, and that I make the appointment solely in the interest of the City.

Ms. Baquet Smith will fill the vacancy created by the departure of Anthony Miller.

Sincerely,

A handwritten signature in black ink that reads "Karen Bass". The signature is written in a cursive, flowing style.

KAREN BASS
Mayor

KB:tga

Attachment

COMMISSION APPOINTMENT FORM

Name: Dianne Baquet Smith
Commission: Employee Relations Board
End of Term: 12/31/2025

Appointee Information

1. **Race:** African American
2. **Gender:** Female
3. **Council District and neighborhood of residence:** N/A
4. **Are you a registered voter in the City of Los Angeles?** N/A
5. **Prior commission experience:**
6. **Highest level of education completed:** J.D., University of California, Berkeley
7. **Occupation/profession:** Counsel, Labor and Employment Practice Group, SheppardMullin
8. **Experience(s) that qualifies person for appointment:** See attached resume/bio
9. **Purpose of this appointment:** Appointment
10. **Current composition of the commission (excluding appointee):**

Commissioner	APC	CD	Race	Gender	Term End
Collins, Douglas	N/A	N/A	Caucasian	M	9/23/2024
Diaz-Herrera, Christine	N/A	N/A	Latinx	F	9/23/2026
Lugo, Rosalinda	N/A	N/A	Latinx	F	9/23/2023
VACANT					12/31/2025
VACANT					9/23/2027



→ Dianne Baquet Smith

Dianne Baquet Smith is of counsel in the Labor and Employment Practice Group in the firm's Los Angeles office. Prior to joining the firm in 1991, Dianne was senior labor and employment counsel with Sears, Roebuck and Co.'s Regional Law Department, where she litigated cases and provided legal services and advice to facilities in 14 western states.

Areas of Practice

Dianne has extensive experience representing management in litigation of wrongful discharge, discrimination, harassment, retaliation, wage and hour, breach of contract, breach of public policy, ERISA, and other types of employment cases, through trial. She has handled traditional labor issues (grievance arbitrations, union representation proceedings, unfair labor practices, strikes, contract negotiations, lockouts, handbilling, picketing, etc.). She has trained and advised clients on personnel matters, employment practices, compliance, loss prevention, operating, and other subjects, facilitating preventative and necessary responsive action. She has handled a broad range of administrative matters regarding business practices, including wage and hour claims, employment discrimination charges with state and federal agencies in California, Oregon and Washington, and proceedings before the National Labor Relations Board, OSHA, and the California Department of Industrial Relations.

As a trial attorney with the National Labor Relations Board from 1980 through 1982, Dianne investigated and tried unfair labor practice cases and handled representation matters and injunction proceedings.

Honors

Received the "Preeminent" AV® rating by Martindale-Hubbell® (This is the highest rating an attorney can receive for legal quality and ethics)

Recognized by the California Diversity Council as the "Most Powerful and Influential Woman of California," 2014
Southern California *Super Lawyers*, 2007, 2009, 2011-2013, 2015-2019

Experience

Representative Employment Law Matters:

Representation of a non-profit health maintenance organization for general labor and employment counseling and advice, and representation in various discrimination/wrongful discharge/retaliation actions pending in Los Angeles Superior Court.

Lead counsel for global engineering and construction firm in federal court FLSA collective action alleging failure to provide overtime for "donning and doffing" time.

Obtained summary judgment, costs and \$65,000 in attorneys' fees in L.A. Superior Court - Southwest District, whistleblower action by former secretary alleging wrongful termination for use of racial slurs in the workplace against major aerospace contractor and six individual defendants.

Following two-week jury trial obtained defense verdict and costs for employer (ice cream manufacturing plant) and supervisor in L.A. Superior Court hostile environment sexual harassment action, Judgment for defense upheld on appeal.

Lead counsel for municipality in LA Superior Court class action brought by temporary workers asserting personnel rule claims and denial of public retirement benefits. Following summary judgment on several claims and decertification of multiple subclasses, case settled on favorable terms.

Obtained summary judgment and costs for non-profit credit union and three officers/managers in L.A. Superior Court action alleging sex discrimination, breach of contract and public policy discharge. Appeal filed by plaintiff. Judgment for defense upheld on appeal, with an award of costs.

Defended major financial institution in Los Angeles County Superior Court action alleging race discrimination in employment. Favorable settlement reached.

Provided advice to bicycle manufacturer concerning dispute with former president and drafted revisions to executive employment agreement.

Provided advice to credit managers association concerning Americans With Disabilities Act and medical questionnaire.

Lead trial counsel for national bank in federal court action (Santa Ana) alleging disability discrimination, wrongful termination and violation of ERISA for alleged failure to provide COBRA notice. Following grant of partial summary judgment, case settled for favorable terms, avoiding costly trial.

Representation of benefit plan in U.S. District Court ERISA action alleging denial of long-term disability benefits.

Defense of non-profit organization and seven individual defendants in federal court action alleging civil rights violations. Motion to dismiss granted.

Provided advice to Taiwanese and U.S. banks concerning COBRA and WARN Act issues.

Defense of wrongful termination action against major retailer, arising out of corporate downsizing. Summary judgment granted.

Defended national bank in WARN Act class action related to branch closures.

Lead counsel on jury trial of L.A. Superior Court wrongful termination and whistle blower case brought against non-profit health care organization.

Defense of subsidiary of national retailer in action alleging discrimination on the basis of military status and service. Action removed to federal court and dismissed on 12(b)(6) motion.

Representation of severance plan in Northern District of California federal court action alleging denial of benefits in violation of ERISA. Action favorably settled at mediation.

Lead trial counsel in defense of national insurance company in Central District of California federal court action alleging violations of FEHA, ADEA and Section 1981. Six of nine plaintiffs, two individual defendants, and most of over 40 claims dismissed on 12(b)(6) or summary judgment motions. Following one week jury trial of age discrimination claims by remaining three plaintiffs, unanimous defense verdicts obtained.

Represented salaried pension plan in federal court action alleging denial of enhanced retirement benefits and breach of fiduciary duties. Action settled following filing of motion for summary judgment.

Drafted revisions to leave of absence policy to assure compliance with recently enacted state and federal statutes, and provided advice re COBRA and WARN Act issues.

Represented major textile manufacturer in U.S. District Court (Santa Ana) action by former employee involving novel antitrust, fraud and misappropriation claims, as well as wrongful discharge and ERISA causes of action. Summary judgment obtained for client on all counts, eliminating costly trial.

Negotiated favorable settlement of DFEH charge by transsexual employee alleging denial of family and medical leave under California Family Rights Act.

Obtained summary judgment for major defense contractor in Central District of California federal court action alleging retaliatory layoff.

Following effective discovery and filing of summary judgment motion, obtained favorable settlement in L.A. Superior Court action alleging breach of contract and defamation against major aerospace contractor and three managers.

Represented national retailer in defense of San Diego state court action alleging wrongful termination of employment, physical handicap discrimination, and whistleblower claims. Successfully resolved in mediation.

Defense of Alameda County Superior Court action alleging employment discrimination on the basis of race, sex, pregnancy, and retaliation against employer and supervisor. Following effective discovery, favorable settlement reached.

Representation of prominent toy manufacturer in state court action alleging discrimination in employment on the basis of medical condition (cancer). Confidential settlement reached.

Defense of major aerospace company in Central District of California federal court action filed by former engineer, alleging age and race discrimination, breach of contract, breach of covenant, violation of ERISA, and loss of consortium, arising out of a reduction in force. Following dismissal of several claims on summary judgment, action resolved in mediation.

Revised major law California firm's sexual harassment and nondiscrimination policy, and provided training to attorneys and staff regarding same.

Jury trial of major retailer's L.A. Superior Court wrongful termination action following dismissal of public policy discharge claim on summary judgment.

Co-counsel on jury trial of Alameda County Superior Court action by four plaintiffs against national retailer, alleging race discrimination in enforcement of check cashing policy, in violation of Unruh Civil Rights. Action settled during trial.

Represented international manufacturer and distributor of dietary supplements, cosmetics and health and beauty aids in defense of state court wrongful discharge action filed by former chief financial officer. Following a successful writ petition, favorable settlement reached.

Defense of non-profit organization and seven individual defendants in federal court action alleging civil rights violations. Motion to dismiss granted.

Defense of wrongful termination action against major retailer, arising out of corporate downsizing. Summary judgment granted.

Represented City on disability discrimination, harassment and retaliation claims in companion lawsuits brought by two former employees. Summary judgment obtained for client on one case; voluntary dismissal obtained on second case.

Representation of pension plan in state court declaratory relief action brought by heir of deceased employee concerning distribution of retirement benefits. Matter settled.

Defense of employer in U.S. District Court action by unionized employees, alleging Section 1981 civil rights claims and others. Favorable settlement negotiated following grant of partial summary judgment.

Represented health and welfare benefit plan in federal court denial of benefits claim filed by employee and parent regarding psychiatric care for minor. Obtained dismissal of client.

Represented City and City Council in L.A. Superior Court (Torrance) employment discrimination action filed by current management level employee. Favorable settlement negotiated following successful demurrer dismissing City Council and several claims against City.

Following dismissal of Business and Professions Code 17200 and other claims, served as co-counsel on 30 day Orange County Superior Court jury trial of remaining contract claim brought against high tech company.

Handled numerous judicial and contractual arbitrations, and dozens of mediations.

Conducted sexual harassment and diversity training seminars for management, sales and office personnel of Los Angeles commercial real estate agency, law firm, health plan, and other clients.

Conducted investigations of whistle blower, sexual harassment, retaliation, disability and other discrimination claims.

Media Mentions

Sheppard Mullin Announces Launch of New Firm Diversity Programs
Metropolitan News Enterprises, 11.14.2008

Lonely At the Top
Daily Journal Extra, 02.28.2005

Court Won't Wash Off Makeup Rules
ABA Journal eReport, 01.07.2005

Stand And Deliver
Daily Journal, 10.1999

Speaking Engagements

Panelist, 2017 Corporate Counsel Women of Color

Panelist, LA County Bar Association, 2017 Civil Litigation Walk-Through Program

Speaker, 2016 Corporate Counsel Women of Color

Lecturer, Council On Education In Management

Speaker, National Association of Broadcasters Radio Group

Speaker, John M. Langston Bar Association

Speaker, Los Angeles County Bar Association, Barristers Section and Labor and Employment Law Section

Speaker, Black Women Lawyers Association of Los Angeles

Speaker, State Bar of California, Section on Labor and Employment

Panelist, American Bar Association

Speaker, California Minority Counsel Program

Speaker, California League of Cities

Speaker, Women Lawyers Association of Los Angeles

Speaker, National Bar Association

Speaker, Practising Law Institute

Memberships

Board Member, Western Center on Law and Poverty

Member, American Bar Association

Member, National Bar Association

Member, John M. Langston Bar Association

Member, Black Women Lawyers Association of Los Angeles

Former President and Board Member, Black Women Lawyers Association of Los Angeles Foundation

Former Vice President and Board Member, California Bar Foundation, 2010-2016

Board Member, Los Angeles County Bar Association Foundation, 2007-2010

Member and Former Vice Chair, Diversity in the Profession Committee, Los Angeles County Bar Association, 2006 – present

Former Judge Pro Tem, Los Angeles County Municipal Court

Former Ninth Circuit Lawyer Representative

Practices

Labor and Employment

Employee Benefits/ERISA

Labor and Employment Counseling

Employment Agreements
Handbooks and Personnel Policies
Labor and Employment Litigation
Healthcare

Industries

Entertainment, Technology and Advertising
Healthcare
Retail, Fashion & Beauty

Education

J.D., University of California, Berkeley, 1980
A.B., Stanford University, 1977

Admissions

Supreme Court of the State of California
U.S. Court of Appeal for the Ninth Circuit
U.S. District Court, Central, Eastern, Northern and Southern Districts of California



KAREN BASS
MAYOR

September 15, 2023

Dear Ms. Baquet Smith:

I am pleased to inform you that I hereby appoint you to the Employee Relations Board for the term ending December 31, 2025, subject to confirmation by the City Council.

To begin the appointment process, please review, sign, and return the enclosed undated Letters of Separation **within one week** of receiving this letter. These documents are necessary to ensure the most efficient, open, and accountable city government possible.

Mayor's Office policy requires all potential commissioners to be fingerprinted as part of the background check. The Commissions team will assist in connecting you with Personnel's Background Unit so that you may schedule an appointment to have this done. You must schedule the appointment **within one week** of receiving this letter.

Should this apply to your commission, you will be receiving a packet from the City Ethics Commission containing information about the City's conflict of interest laws, and a copy of the State Form 700/Statement of Economic Interests. You are required to complete and return this form **within 21 days** of your nomination to the City Ethics Commission via the California Fair Political Practices Commission's eDisclosure website, or by mailing the forms to City Hall at 200 N. Spring Street, 24th Floor, Los Angeles, California 90012. Any inquiries regarding this form should be directed to Nicole Enriquez at the City Ethics Commission by email at nicole.enriquez@lacity.org.

As part of the appointment process, Councilmember Tim McOsker, the Chair of the Personnel, Audits, and Hiring Committee, may wish to meet with you to answer any questions he has. Our office will assist with arranging this meeting.

Ms. Dianne Baquet Smith
September 15, 2023
Page 2

Additionally, you will be required to attend public meetings at City Hall where your appointment will be considered. You will be hearing from our office and a City Council Clerk who will let you know when your appointment will be considered by the Personnel, Audits, and Hiring Committee. Sometime thereafter, you will be notified of the date when your appointment will be presented to the full City Council. Before you may begin serving, you will be required to take the Oath of Office in the City Clerk's Office located in Room 395 of City Hall. If you require parking for these meetings, please contact my Commissions team by email at myr-commissions@lacity.org.

Per the City Charter, most commissioners must be registered voters of the City of Los Angeles, and must therefore reside within Los Angeles. If you move at any point during your term, or your contact information changes, please contact my Commissions team immediately at the email address listed below. While we hope that you complete a successful term, if for some reason you intend to resign, please do so in writing to my Commissions team at myr-commissions@lacity.org.

Congratulations, and thank you for agreeing to serve the people of Los Angeles.

Sincerely,

A handwritten signature in black ink that reads "Karen Bass". The signature is fluid and cursive, with the first name "Karen" and the last name "Bass" clearly distinguishable.

KAREN BASS
Mayor

KB:tga

Attachment I
Ms. Dianne Baquet Smith
September 15, 2023

Nominee Check List

I. Within 7 days:

- ☐ Email the below completed documents, found on the last three pages of this letter, to: myr-commissions@lacity.org OR mail them to:

Office of the Mayor
Attn: Thomas Arechiga
200 N. Spring Street, Room 303
Los Angeles, CA 90012

- Undated Separation Letters (2)

- ☐ Schedule an appointment to get fingerprinted to complete a background check. The Commissions team will assist in connecting you with the Personnel Background Unit.

II. Before your appointment is heard in committee or full council (you will be contacted by the Clerk's Office with this date):

- ☐ File the following forms with the City Ethics Commission. If you are required to file, you will receive these forms via email from that office. Be sure to take no more than 21 days to file, per City law.

- Statement of Economic Interest ("Form 700")
IMPORTANT: The City Council will not consider your nomination until your completed form is reviewed by the Ethics Commission.
- CEC Form 60

III. The Mayor's Office will notify the below Councilmember of your nomination, so that they may reach out to schedule a meeting with you should they wish.

- ☐ Councilmember Tim McOsker, Chair of the Council Committee considering your nomination

IV. Public Meetings at City Hall:

- ☐ Personnel, Audits, and Hiring Committee Hearing
- ☐ Full Council Hearing