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September 8, 2021

VIA E-FILING

Hon. Jack Komar (ret.)
c/o Santa Clara County Superior Court
Department D-17
161 N. First Street
San Jose, CA 95113

**Re: *Antelope Valley Groundwater Litigation, JCCP 4408*
*Wood v. Los Angeles County Waterworks Dist. No. 40***

Dear Judge Komar:

I have received your signed declaration and e-mail through electronic service today. Thank you for your response and for providing the additional information, much of which is new information.

I will not further address the ethical concerns here but am compelled to request further information regarding your paid work for Los Angeles County (the "County") and its counsel in this matter. I was not aware that you have worked directly with the County as a mediator, as set forth on page three of your declaration.

As noted in the Court of Appeal for the Fifth District's opinion in *Wood v. Los Angeles County Waterworks Dist. No. 40 et al.* (Case No. F083138), Los Angeles County Waterworks District No. 40 is the only remaining defendant subject to further trial court proceedings on remand. Hopefully you can understand why a party might be concerned about a bench officer having been retained on multiple occasions to perform paid work for the opposing party and/or its counsel of record.

For the purposes of understanding the implications under C.C.P. section 170.1, we request a more complete disclosure regarding your work for the County and Best Best & Krieger. Your declaration is not clear exactly when and how many cases you have mediated with the County, so I ask that you identify specific matters and the dates of those mediations.

For the same reasons, we also ask that you identify any matters on which you are having or have had “discussions”¹ about work as a neutral for any County affiliated entity.²

This disclosure request is relevant to judicial disqualification under several provisions of Section 170.1, including subparts (a)(6)(A)(iii) and (a)(8)(A). Hence, in light of matters referenced in your declaration, a more detailed disclosure of relevant facts is necessary.

Thank you for your prompt attention to this matter.

Very truly yours,



Michael D. McLachlan

cc: Daniel M. O’Leary (*via electronic mail*)
Chair, Judicial Council of California (*via U.S. Mail*)

¹ Section 170.1(a) (8)(B)(i) provides:

“Participating in discussions” or “has participated in discussion” means that the judge solicited or otherwise indicated an interest in accepting or negotiating possible employment or service as an alternative dispute resolution neutral, or responded to an unsolicited statement regarding, or an offer of, that employment or service by expressing an interest in that employment or service, making an inquiry regarding the employment or service, or encouraging the person making the statement or offer to provide additional information about that possible employment or service. If a judge’s response to an unsolicited statement regarding, a question about, or offer of, prospective employment or other compensated service as a dispute resolution neutral is limited to responding negatively, declining the offer, or declining to discuss that employment or service, that response does not constitute participating in discussions.

² Section 170.1(a) (8)(B)(ii) provides: “Party’ includes the parent, subsidiary, or other legal affiliate of any entity that is a party and is involved in the transaction, contract, or facts that gave rise to the issues subject to the proceeding.”