



THAI VIET PHAN

Associate

Government and Regulatory

Orange County

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Thai Phan is a municipal law attorney whose practice centers on providing advice and counsel to local agency clients throughout Southern California. In addition to helping her city clients with day-to-day legal operations, Thai is an advocate for her clients in civil litigation and transactional negotiations. She currently serves as City Attorney for the City of Duarte and the Assistant City Attorney for the City of Menifee. She previously served as the interim Assistant City Attorney for the City of Irvine.

As a municipal law attorney, Thai assists her public agency clients in all aspects of government. She interprets and helps her clients understand and implement state and federal laws, including the Public Records Act, the Brown Act, the California Environmental Quality Act, First Amendment and free speech rights, elections law, and land use and zoning laws. Providing advice related to the Political Reform Act and Fair Political Practices Commission regulations also comprises a large part of her practice, particularly as it relates to potential conflicts of interests for elected and appointed officials. Thai also prepares ordinances, resolutions, and staff reports on behalf of her clients.

Thai has litigation experience in municipal code enforcement, municipal defense and prosecution in section 1085 and section 1094.5 writ actions, *Pitchess* defense, the Government Claims Act, eminent domain, as well as general civil litigation. Some examples of litigation matters include assisting in the successful prosecution of a breach of contract by a member of a joint powers authority resulting in a major victory for the authority and assisting in eminent domain proceeding resulting in success for a city.

Thai also drafts and negotiates agreements with private contractors on behalf of local municipalities as a part of her transactional practice.

Related Services

- Government and Regulatory
- Condemnation and Property Valuation
- Environmental
- Government Relations and Political
- Land Use and Natural Resources
- Municipal Law General and Special
- Water

Related Industries

- Public Entities and Municipalities
- Environmental and Natural Resources
- Water

Bar & Court Admissions

- State Bar of California
- California State Courts
- U.S. District Court for the Central District of California
- U.S. Court of Appeals for the

Areas of Focus

- Public Records Act
- Brown Act
- Political Reform Act
- California Environmental Quality Act
- Elections Law

Representative Matters/Cases

- Advise public agencies on Public Records Act compliance issues, including implementation of the recent California Supreme Court cases *City of San Jose v. Superior Court* (2017) 2 Cal.5th 608 (holding communications on private account and devices pertaining to the public business are public records) and *Los Angeles County Board of Supervisors v. Superior Court* (2016) 2 Cal.5th 282 (holding invoices between a public agency and its attorney are not categorically exempt under the attorney-client privilege).
- Assist city staff on interpretation of new CEQA amendments and implementation of new requirements.
- Assist in litigation matter for public agency breach of joint powers agreement resulting in victory for joint powers authority client.
- Advised city staff on municipal code sections regulating commercial speech and solicitation for consistency with First Amendment law.
- Advised city staff on intersection between the Americans with Disabilities Act and California dog tag laws as they relate to service animals.
- Represented city client in an appeal for attorneys' fees.
- Represented city client in an appeal for violation of the ADA and § 1983 Civil Rights.
- Defended private client against suit for default judgment and fraudulent conveyance.
- Represented city clients in misdemeanor code enforcement matters.
- Prepared ordinance restricting panhandling in areas posing a danger to individuals.
- Reviewed CC&Rs for housing associations.
- Drafted professional services agreements for IT support services.

Pro Bono Matters

- Provided assistance with asylum filing for monolingual Spanish client.
- Prepared Form 400 applications to naturalize citizens at pro bono clinics.
- Prepared a white paper on the legal, economic, and social issues regarding food waste, food insecurity, and homelessness and provided recommendations for funding sources and solutions.
- Provided free legal services to monolingual Vietnamese community in Little Saigon.

Education

- University of California, Los Angeles (B.A., 2011), cum laude
- University of Southern California, Gould School of Law (J.D., 2015)
- University of Southern California, Sol Price School of Public Policy (M.P.P., 2015)

Publications

- 2019 CEB California Administrative Mandamus Update, Chapters 1 and 6

Memberships & Associations

- Councilmember, City of Santa Ana
- Board Member, Metropolitan Water District of Southern California
- Vice President, Vietnamese American Bar Association of Southern California
- Former Board of Directors, Heritage Museum of Orange County
- Former Board Member, Rancho Santiago Community College District's Leadership, Equity, Advocacy & Diversity (LEAD) Advisory Board.

Awards

- Congressman Lou Correa's 2019 Women of the Year Awards Recipient
- 2018 One OC's Spirit of Volunteerism Honoree