

# San Diego sues former lawyer, law firm after losing \$3.9 million wrongful-termination case

By [Jeff McDonald](#)

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Months after losing a wrongful-termination lawsuit filed by one of its longtime prosecutors, the San Diego City Attorney's Office has sued the outside law firm and one of its then-lawyers for malpractice and other alleged lapses.

City Attorney Mara Elliott is suing lawyer William Price and Burke, Williams & Sorensen, the firm she hired to defend against a case brought by former assistant city attorney Marlea Dell'Anno.

The lawsuit, filed last week in San Diego Superior Court, accuses the firm and its former partner of mishandling the case, which earlier this year ended with [a \\$3.9 million jury verdict against the city](#).

"Defendants breached the duty of an attorney to discharge duties faithfully to the best of their knowledge and ability," the suit says. "As a direct, foreseeable and proximate result of defendants' conduct, the city has suffered substantial economic losses."

Neither Burke nor Price responded to requests for comment on the allegations.

According to the suit, Price was defending the city in the Dell'Anno case last year when he scheduled a private meeting with potential witness and former deputy city attorney Mark Skeels.

At the meeting, the suit says, Price suggested he could help Skeels if he painted Dell'Anno as unstable and unprofessional. He also suggested he could avoid any public mention of a personal relationship he had with Dell'Anno.

Soon thereafter, Skeels outlined what he said was an improper attempt by Price to influence his testimony in a sworn declaration. He also accused Price of disclosing confidential information about the case to a woman Price sought to date.

The city fired the Burke firm from the case and later terminated Skeels, who subsequently was a critical witness at the Dell'Anno trial. Price left Burke and now runs his own firm in Scripps Ranch, according to state bar records.

"Evidence and testimony regarding Price's conduct and alleged witness intimidation was presented to the jury against the city's objections, which evidence and testimony was extremely detrimental to the city's defense and painted the city and its attorneys in a negative light," the lawsuit says.

Dell'Anno was fired by former City Attorney Jan Goldsmith in 2015. The city said it fired her for mishandling case files.

In her lawsuit and subsequent court testimony, Dell'Anno said she was let go because, among other claims, she had refused to pursue a politically motivated case against prominent Goldsmith critic and San Diego plaintiffs' lawyer Cory Briggs.

City officials have appealed the verdict in the Dell'Anno case, and the \$3.9 million jury award is [still being litigated](#). San Diego lawyer Josh Gruenberg, who represented the former assistant city attorney, said the city's claim against Price and Burke is short-sighted.

“The City Attorney’s Office seems to want to blame anybody it can for losing the Dell'Anno trial,” he said. “Instead of accepting the fact that the former city attorney fired a lead prosecutor illegally, it now seeks to blame its former attorneys for mishandling and losing the case.”

Gruenberg is seeking \$4 million in legal fees for his work representing Dell'Anno. No decision has been made on how much of that he may collect.

The city, meanwhile, is seeking unspecified damages from Price and Burke, including punitive damages in an “amount necessary to make an example of and to punish defendants, and to deter future similar misconduct.”

Skeels filed a separate lawsuit in May against the city, Price and Burke alleging retaliation. Gruenberg is representing Skeels in that litigation as well.