

# In Fresno County DA's race Smittcamp challenges Keenan's leadership

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Fresno County District Attorney Elizabeth Egan and challenger Lisa Sondergaard Smittcamp have haggled over conviction rates, staff turnover and office morale in an increasingly heated campaign battle. Now Smittcamp is questioning the management style of Egan's key assistant, Chief Assistant District Attorney Kelly Keenan.

"Keenan would never work for me," Smittcamp told The Bee's editorial board. "We don't see eye to eye. That's the quote you can take to the bank."

Since Keenan's job is at-will, and Smittcamp says he wouldn't be her chief assistant "for one minute," it is almost certain that he will be out of a job if she beats Egan in the June primary election.

Egan says that Smittcamp never once complained about Keenan when she worked in the DA's office.

"When (Smittcamp) decided to run against me, all of a sudden she's complaining," Egan said.

Smittcamp worked under Egan as a deputy district attorney for a dozen years and under Keenan for two years. "I think it is absolutely politics — and campaign politics," Egan said.

Keenan declined to comment for this story.

Smittcamp says there are many problems in the office, and she has blamed Keenan for a good number of them. Low morale. Micromanaging. A tyrannical management style. Prosecutors afraid to settle cases for fear of incurring his wrath, even when they are struggling because their case may lack strong evidence and shouldn't have been filed in the first place.

"There are no conversations in the DA's office; it's a dictatorship," Smittcamp said, referring to both Keenan and Egan. Smittcamp claims that Egan "abandoned the office," letting Keenan run it after she hired him in late 2010.

Egan challenges every allegation that Smittcamp makes: Low morale? Not that she sees, Egan said. Micromanaging? Not that she's heard, Egan said. No freedom to settle cases? Not true, Egan said.

As for Keenan being a tyrant, Egan said there may be some management-employee friction that is typical of any business operation, but not one person has come to her with concerns about it.

"Kelly carries out my polices," she said. "He's the boss, and what he does may not always be popular."

But if her staffers do have a problem with Keenan or his leadership style, Egan said, she would listen to their concerns.

The office at one point had a monthly meeting that offered a wide-ranging discussion and a chance for staffers to voice concerns. But with the agenda often crammed full, those meetings morphed into more manageable twice monthly staff meetings, Egan said.

"The executive staff needs to know if there are any problems because we want to act immediately," she said. "We have to have two-way communication up and down. I want to have open communication."

Additionally, Egan questioned Smittcamp's charge because she said most prosecutors, investigators and rank-and-file staffers have limited direct interaction with Keenan. They mostly deal with their immediate supervisors.

This isn't the first time Keenan has come under fire in Fresno County. In fact, his very hiring caused some grumbling in Fresno's legal and political communities.

Keenan came to Fresno County from the Riverside County District Attorney's Office. He had been job hunting since his former boss, Rod Pacheco, lost a re-election bid.

Like this year's Fresno County District Attorney's election battle between Egan and Smittcamp, that heated 2008 Riverside County DA's election also featured Keenan.

There were accusations of dirty politics and mismanagement in the election that pitted Pacheco against Paul Zellerbach, who had stepped down as a Riverside County Superior Court judge to challenge Pacheco.

After the election, an accountant in the Riverside County DA's Office swore in a court declaration that Keenan ordered him to lie about the budget.

The accusation was that Pacheco wanted to hire a dozen people before he left office, but he needed to get around a hiring freeze the county had imposed due to budget restraints.

Zellerbach told The Bee at the time that Keenan left the DA's office in a financial mess.

Keenan at the time denied the accusations, and Egan said then that she had looked into the allegations and concluded Keenan did nothing wrong. He was, she said, a casualty of a bitter election battle.

Egan says now that Keenan was the best person for the job. And that wasn't just her opinion, she said. It also was the conclusion of an interview panel that included Sacramento County District Attorney Jan Scully, former Fresno County Sheriff Steve Magarian, then-Tulare County District Attorney Phil Cline, and a veteran of both the San Diego County DA's office and its chief administrative office.

At the time, Egan said she restructured the position that had been held most recently before Keenan by Bob Ellis, who retired, and then for a short time by John Savrnoch.

Those men came up through the prosecutorial ranks, and Egan said she was looking for someone who had that as well as business and administrative experience.

Several people applied, she said, and three or four — including Keenan — were called before the interview panel.

Keenan was a 1982 graduate of the U.S Naval Academy in Maryland. He has a bachelor's degree in economics and was a lieutenant and a surface-warfare officer on the aircraft carrier USS Kitty Hawk and the destroyer USS John Young. In 1990, he received his law degree from the University of San Diego. He then joined the Riverside DA's Office and rose through the ranks.

When Keenan arrived, Smittcamp said, Egan checked out and turned over the daily operation of the office to him. By comparison, Smittcamp said she would be in the office daily.

Egan denied the accusation, saying there is more to the job than sitting behind her desk.

"That's why I'm at the Board (of Supervisors)," she said derisively. "That's why I'm at the executive staff meetings."

But wherever she is, Egan said, she still is actively running the office.

"I work 100% of my time in a 24/7, 365 day-a-year job," she said.

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