CONSTANGY
Brooks Smith & Prophete



Erica R. Cortez

SENIOR COUNSEL

SAN DIEGO
619.605.6171 | ecortez@constangy.com

Erica represents employers in complex employment litigation and provides strategic counsel on workplace compliance, risk management, and governance.

Drawing on her experience as both a litigator and former judicial officer, she brings a unique perspective to dispute resolution, investigations, and policy development.

Before joining Constangy, Erica served as Assistant County Counsel for the County of San Diego, where she led multiple attorney practice groups—including the Labor & Employment Practice Group—advising the Board of Supervisors and County departments on employment and government law matters affecting more than 22,000 employees. She managed high-stakes litigation in state and federal courts involving discrimination, retaliation, civil rights, and wage and hour claims, and oversaw workplace investigations, compliance programs, and training initiatives for executives and HR leaders.

Erica also served as a Commissioner for the San Diego Superior Court, presiding over a high-volume docket that included arraignments, plea hearings, and bench trials. Earlier in her career, she spent more than a decade as a Senior Deputy County Counsel for the County of San Diego, handling employment, civil rights, and tort litigation, and arguing cases before the California Courts of Appeal and the Ninth Circuit Court of Appeals—including multiple published appellate decisions.

Erica holds a Certificate from the Association of Workplace Investigators.

Representative Matters

- Secured extremely favorable settlements in discrimination, retaliation, and whistleblower lawsuits brought by current and former public employees.
- U.S. District Court for the Southern District of California (2020). Trial counsel representing the County of San Diego and County Officials in a civil rights action. Verdict for defense in jury trial.
- U.S. District Court for the Southern District of California (2020). Represented the County of San Diego and County Officials in a civil rights action. Case dismissed against all defendants with prejudice after multiple successful motions to dismiss.

SAN DIEGO

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San Diego, California 92101

SERVICES

Advice & Counsel

Appellate

Employment Litigation Prevention & Defense

Investigations

ADMISSIONS

California, 2010

Illinois, 2009

Ninth Circuit Court of Appeals

U.S. District Court – CA – N.D., C.D, S.D.

U.S. District Court – IL – N.D.

- U.S. District Court for the Central District of California (2017). Trial counsel representing the County of San Diego and County Officials in a civil rights action. Verdict for defense in jury trial.
- U.S. District Court for the Southern District of California (2017). Represented the County of San Diego and County Officials in a civil rights action involving four plaintiffs, eleven County defendants, and nine causes of action. Successfully defeated three causes of action on motion for summary judgment. At trial, the jury returned a verdict for defense on five causes of action. On the remaining cause of action, the jury returned a verdict for plaintiffs but awarded each $0 in compensatory damages and nominal damages of $1.00 – despite a request for millions of dollars in compensatory and punitive damages.
- California Superior Court – San Diego County (2016). Trial counsel representing the County of San Diego in an equitable indemnity action brought against the County. Verdict for defense in jury trial.
- Two published decisions in the California Fourth District, Division One Court of Appeal: *Leyva v. Crockett & Co., Inc.*, (2017) 7 Cal. App. 5th 1105 and *In re D.C.*, (2015) 243 Cal. App. 4th 41.

Education

Chicago-Kent College of Law

- J.D., 2009

San Jose State University

- B.S., cum laude, 2004

Professional & Civic Associations

- Association of Workplace Investigators, Member
- San Diego Appellate Inn of Court, Past Treasurer
- Federal Bar Association, Member
- San Diego County Bar Association, Member
- Lawyers Club of San Diego, Member
- San Diego La Raza Lawyers Association, Member
- San Diego County High School Mock Trial, Coach

Languages

- Spanish

News

Erica Cortez Earns Certificate from Association of Workplace Investigators , Press Room, April 13, 2026

Constangy Welcomes Two Attorneys to Employment Litigation Practice in California, Press Room, January 14, 2026