

THE
NEWSLETTER
OF THE
ASSOCIATION
OF DEPUTY
DISTRICT
ATTORNEYS OF
LOS ANGELES
COUNTY

ATTORNEY NOTES . . .



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Volume I, Issue 5

October 2006

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**The Association
by and for the
Deputy District
Attorneys of
Los Angeles**

ADDA BOARD ENDORSES ARNOLD FOR



After meetings with the Governor and a representative of the Angelides Campaign, the ADDA Board voted to endorse the Governor for re-election. Pictured with the Governor are ADDA Board members (left to right, bottom row) Christian Gullon, Sue Lasicka, Tal Kahana, Sera Boyadjian, (top row) Loren Naiman, Dennis Fuhrman, Marc Debbaudt, Governor Schwarzenegger, Paul Moll, Steven Lopez, Alan Yochelson, Ed Nison and Bjorn Dodd See Page 3 for more details

ADDA AWARDS DINNER SET FOR OCTOBER 19

The ADDA Awards Dinner will be held this year on October 19, 2006, at the Omni Hotel Los Angeles, Bunker Hill Room. Invitations are available from any ADDA Board Member.

Robert A. Dver and Ron E. Bowers will be sharing the 2005 Career Prosecutor Award. Benny C. Osorio will be honored as the 2005 DDA of the

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ADDA LETTER SEEKS ALADS 29% PAY RAISES/LONGEVITY BUMP FOR ATTORNEYS

BY ADDA PRESIDENT STEVEN J. IPSEN

As you know, the ADDA currently has no right to "bargain" for better pay, retirement benefits or other workplace issues as we de certified our bargaining unit nearly two decades ago. The ADDA took action last spring and turned in the "blue" certification cards to the Employee Relations Commission. We have been awaiting a hearing on whether we qualify as a DDA only unit, but we have been advised by the county that all ERCOM hearings will be postponed until after this year's collective bargaining. Last weekend SEIU 660, the union representing the majority of LA County employees, reached a contract

for the next 3 years. Earlier this year, ALADS secured a contract for Deputy Sheriffs and DA Investigators. How do they compare?

- SEIU member employees will receive total increase 15.5%, calculated as follows: 4% on October 1, 2006; a half step increase of 2.75% on July 1, 2007; 3% on January 1, 2008; a second 1/2 step increase on July 1, 2008; and finally, 3% on January 1, 2009.
- ALADS member employees will receive a total salary increase of 18.5% plus up to an additional 11% in longevity pay for total raises of 29.5% by August 1, 2008 as follows: 4% on October 1, 2006 (plus a 3% longevity bump for 19 years service); 3% on January 1, 2007; 5 1/2% step increase (plus a longevity bump of 4% at 25 years and an additional 45 for 29 years) on April 1, 2007; 3% August, 2007; 3% August, 2008.

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DDA of the MONTH FOR APRIL, 2006—ANN MARIE WISE

Ann Marie Wise is receiving the DDA of the Month Award for her outstanding work in the cases of *People v. Charles Aguilar* and *People v. Maenor Gomez*.

In *People v. Gomez*, the defendant, a 22-year old with no prior record, was accused of two incidents in which he raped and brutalized two elderly women (ages 75 and 78) after breaking into their apartments. The defendant covered each of the victims' faces during the attacks so only a general description could be given. During the second assault, the defendant was interrupted by the victim's daughter coming home. In his hasty retreat, he dropped a sock and a key. Officers discovered from the apartment manager that the defendant had been one of many residents who had reported a key missing. Subsequent DNA testing linked the defendant to the crimes.

The case was challenging in several respects. First, the defendant's inculpatory statement was kicked as involuntary. Next, there was a battle to get in the DNA evidence based on *Crawford* issues as well as the fact that the controversial

Sarah Blair from Cellmark was involved in the case. Ann Marie had to locate all of the analysts who had actually done the DNA testing by looking through old case files to find cell phone numbers since all of the analysts had been terminated when Cellmark closed their lab in Maryland. She was able to avoid the *Crawford* issues by getting each to come to court and testify. Additionally, the PD's Office appointed two attorneys to the case who "papered" Ann Marie with up to six motions per day before and during trial. The greatest challenge Ann Marie faced, however, was getting the victims to come to court and testify due to cultural "shame". Unable to locate the victims for trial, Ann Marie was eventually able to convince the families to reveal the victims' whereabouts.

The defendant was ultimately convicted and sentenced to 72 years to life.

In *People v. Aguilar*, the defendant, a teacher at a private academy, was accused of having had consensual sex with a 16-year old student who was initially truthful but quickly recanted.

The strength of the case was reflected in the offer: a time-served misdemeanor.

The defendant brought in the victim's friends, other students, teachers and administrators to testify to his good character and to refute that he and the victim had an affair. The defendant had previously dated two other students; both claimed the relationships did not begin until they had graduated and were 18.

The case was difficult because the victim insisted that she "made up" the allegations in order to get attention. But Ann Marie was able to establish, however, that the victim had recanted only after the defendant was removed from the school and gossip about the victim and defendant was rampant. Ann Marie also skillfully used records of phone calls between the victim and defendant and a sighting of the two together to corroborate the victim's initial statement.

The defendant was convicted and, at sentencing, sent the judge a letter admitting his guilt and apologizing! He received two years in state prison.

The editor wishes to thank the DDA of the Month Committee for their contributions to this article

ADDA SEEKS 29% RAISES/LONGEVITY BUMP FOR SAFETY RETIREMENT ELIGIBLE PUBLIC ATTORNEYS

(Continued from page 1)

These raises will mean that top step Grade 2 and 3 Investigators (as well as PD and APD investigators who also received the ALADS raises) will make more than top step Grade 2 and 3 DDAs.

Following an ADDA Board vote on the matter, I joined with the presidents of the PD, APD and Child Support Attorney's associations in sending a letter to the CAO's office outlining these inequities and seeking additional steps in grade, compensation and longevity bonuses similar to those received by ALADS. It is important to note that through collective bargaining, almost every employee eligible for the "3% at 55" retirement formula; including the LA County Sheriffs (ALADS), DA Investigators, LA County Probation, and even PD and APD Investigators got the 11% longevity pay bump. The only group of LA County employees eligible for "3% at 55" that did not yet get the 11% longevity pay bump are the attorneys (DDAs, PDs, and APDs). Our letter asks the CAO and the Board of Supervisors to address this inequity and grant such parity. In order to better keep the rank and file DDAs informed about these critical salary issues, I will reprint below this letter. Please look out for future newsletter articles discussing these important developments.

DATE: September 20, 2006

TO: Mr. William Lynes,
Division Chief
Chief Administrative Office, Compensation Dept.
(address omitted)

FROM: Steven J. Ipsen, President, ADDA
M. Leslie Stearns, Public Defender's Assoc.
Sarah Johnston, Alternate Public Defender's Assoc.
Wayne Doss, Assoc. of Family Support Attorneys

Dear Mr. Lynes:

This letter is written on behalf of the non-represented lawyers of Los Angeles County. We are comprised of, the Association of Deputy District Attorneys, the Public Defenders Association, the Alternate Public Defenders Association, and the Child Support Attorneys Association. We believe you should be aware of certain aspects regarding compensation in this "negotiation season."

When we decertified SEIU 660 as our bargaining representative in the late 1980's, we did so largely because we were assured that we would always be treated as well or better than the represented county employees. Simply stated, this has not happened and from all indications will not happen again during this round of contract negotiations. In years past we have been given the standard salary increases that bargaining groups have received. However, many of the

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ADDA September Board of Directors Meeting Brings Endorsement of Schwarzenegger, Brown and Poochigian

The Meeting was called to order at 5:20 pm on September 19, 2006. Present were Board members Nison, St. Hippolyte, Fuhrman, Lopez, Sr.VP Tavelman, Kahana, Lasicka, Boyadjian, Debbaudt Harrold, Naiman, Bozajian and President Ipsen.

Members discussed the meeting on September 12, 2006, between the ADDA Board of Directors, Governor Arnold Schwarzenegger and his Chief of Staff Susan Kennedy. The meeting was held at lunchtime at the City Club in downtown LA. During that meeting the Governor and the Board spent an hour and fifteen minutes addressing the Board's concerns and answering questions regarding pensions, immigration, the judiciary and legislation.

After recapping the points discussed during the meeting with the Governor, the Board

debated whether the ADDA would endorse in the Attorney General's (AG) and Governor's races in the November election. To date, the Board has met with and interviewed Jerry Brown (the Democratic nominee for AG), Charles Poochigian (the Republican nominee for AG) and Schwarzenegger (the Republican nominee for Governor). Phil Angelides, the Democratic nominee for Governor, was invited to meet with the ADDA Board but declined to attend himself and sent a representative in his place.

The Board voted to endorse in Governor's race. Further, the Board unanimously voted to endorse Governor Schwarzenegger for reelection. The Board also approved endorsing in the Attorney General's race. After a lengthy discussion, the Board decided to

issue a dual endorsement to both Jerry Brown and Charles Poochigian in the Attorney General's race.

In other matters the Board discussed and authorized drafting a letter to the CAO and other officials regarding a request for DDA, DPD and DAPD longevity bonuses. During recent salary negotiations with the County, Investigators in the DA's and PD's offices got longevity salary benefits. Investigators in Probation got similar benefits. DDAs and DPDs appear to be the only group eligible for safety retirement who have not been offered longevity bonuses.

The meeting was adjourned at 7:45pm

The editor wishes to thank ADDA Board Member Marc Debbaudt for his contributions to this article.

ADDA AWARDS DINNER: OCTOBER 19 AT THE OMNI HOTEL

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year. Laurie Devine-Knieriem will be honored as the 2005 DA Investigator of the Year.

The ADDA will also be honoring the following recipients with Pursuit of Justice Awards. For their work in Mexican Extradition Issues, the ADDA will be honoring John and Barbara March (the parents of slain Deputy David March), Terri March (Widow of David March), David Dreier (Congressman), and Jan Maurizi (Director). For their work in Jessica's Law Governor Arnold Schwarzenegger, Mark Lunsford (Father of Jessica Lunsford), State Senator George Runner and Assemblywoman Sharon Runner. Also to be honored are Lawanda Hawkins of Justice for Murdered Children and Marguerite Hemphill of Justice for Homicide Victims. See page 4, "Save the Date!"



Henry Nicholas, CEO of Broadcom, (then) DDA Mike Camacho, and Ryan Shuck, guitarist of the group Orgy, pose for a photo at the 2005 ADDA Awards Dinner. Camacho has since been appointed to the Superior Court

LETTER URGES FAIR RAISES FOR PUBLIC ATTORNEYS

(Continued from page 2)

represented groups have also received additional non-salary increases, such as additional steps in grade, longevity bonuses, retention incentives, and uniform allowances. Once again, this is happening! In addition to their salary, the deputy sheriffs received uniform allowances, a longevity bonus, and retention incentives. Deputy probation officers received a longevity bonus and an additional step. DA, PD, and APD investigators received the 10% salary over three years, plus a longevity bonus and an additional step. Finally, each of these groups also receive substantial additional salary through overtime pay, which we are not eligible to receive.

By treating the lawyers as you have in the past and what appears to be more of the same this year the law of unintended consequences has created a compensation compaction where some of our long-term investigators will be better compensated than the lawyers for

whom they work. This is unfair, unjust, and nonsensical. We suggest that the CAO recognize this inequity and address it, by providing an additional step in grade, longevity bonuses, and other compensation. It is becoming increasingly difficult to justify remaining non-represented in light of the inequitable treatment we continue to receive as a result of our lack of representation.

We've seen what our represented counterparts in adjacent counties are receiving. It is not uncommon for Deputy District Attorneys and Public Defenders to receive similar compensation, frequently accompanied by better retirement and benefits packages, despite having a substantially lower cost of living.

We urge the county to live up to the promises that were made to us and offer a fair compensation package to the unrepresented lawyers of Los Angeles County.

THE NEWSLETTER OF
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DEPUTY DISTRICT
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LOS ANGELES COUNTY

ATTORNEY NOTES . . .

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SAVE THE DATE !
The ADDA Awards Dinner
Thursday, October 19, 2006

**The Bunker Hill Room,
Omni Los Angeles Hotel at
California Plaza
251 S. Figueroa,
Los Angeles**

For Directions call (213) 617-3300.

**No Host Bar: 5pm,
Dinner 6:45pm.**

Tickets

**\$65.00-Members of law enforcement
agencies, including DA employees and
their guests.**

\$75-All others.

RSVPs due October 14, 2006.

**Your ADDA
Board of
Directors**

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