

SAFETY RETIREMENT STILL IN DOUBT AS HEARING OFFICER REVIEWS ARGUMENTS

June 15 marked the deadline set by the ER-COM Hearing Officer (*The Employee Relations Commission of Los Angeles County*) to receive briefs in the application of the ADDA to hold an election to determine if the ADDA can represent Los Angeles DDAs in a DDA only bargaining unit. The ADDA sought to organize DDAs into such a bargaining unit after representatives of the County Chief Administrative Officer (“CAO”) blocked attempts by the ADDA gain access to DDA actuarial data. This data is needed to obtain improved retirement benefits for DDAs.

When former Governor Davis signed into law the legislation called AB 2023, its provisions permitted and encouraged California counties to provide 3% at 55 retirement plans (commonly called *safety retirement*) to Deputy District Attorneys (DDAs), Deputy Public Defenders (DPDs) and Deputy Alternate Public Defenders (DAPDs). The ADDA established an exploratory committee with the PD’s Association and representatives from the APD’s office. The members of this committee named it the “Coalition for Pen-

sion Reform.”(CPR) CPR’s goal was to convince the Board of Supervisors to implement the Safety Retirement. But to do so, CPR was first required to determine the costs of providing safety retirement.

To determine the safety retirement’s costs, CPR retained a financial consulting firm to conduct an actuarial study. However, the actuarial study required special retirement data controlled by the CAO. Historically, the CAO routinely authorized LACERA (our retirement association) to provide retirement data to any union requesting it. But ADDA representatives on CPR soon discovered that the CAO planned to stonewall CPR and refuse to disclose any information, or even meet with ADDA representatives. Without this data, the actuarial study could not be completed and the ADDA was blocked from making any progress in obtaining safety retirement. The only option left for the ADDA to pursue safety retirement was to unionize. As a represented group, the CAO would have to meet with the ADDA and provide actuarial information. But the CAO has filed an opposition to the ADDA’s application, and the ADDA

and CAO have been locked in a contentious hearing before an ERCOM Hearing Officer since March of this year. The briefs filed on June 15 present the final arguments of the representatives of the ADDA and the County Chief Administrative Officer (“CAO”) in regards to the ADDA’s application.

The briefs are in the process of being uploaded to the website deputyda.com so that they can be reviewed by everyone. The ER-COM Hearing Officer has 30 to 60 days to review the briefs and issue a written recommendation as to the ADDA’s application. However, the ERCOM Hearing Officer’s recommendation is not the final ruling on the application. The full Employee Relations Commission can uphold or overturn the Hearing Officer’s recommendations, and even a decision by the full Employee Relations Commission can be appealed by a writ.

Attorney Notes will continue to keep you informed regarding any updates in this continuing story.

By Newsletter Editor Steven Lopez

AN IMPORTANT SAFETY RETIREMENT DEVELOPMENT

As most DDAs are aware, under AB 2023 the California Legislature authorized an enhanced retirement of 3% at 55 for DDAs, but required that an enacting ordinance from each county’s Board of Supervisors. To date, Los Angeles County has declined to do so, and our unionization efforts are an attempt to resolve that and other important issues. The American Federation of State, County, Municipal Employees (AFSCME) has attempted to resolve the stalemate for some of its members in Alameda and Los Angeles Counties. As you may recall, AFSCME and SEIU assisted in the passing of AB 2023.

Under the AFSCME sponsored legislation, as of January 2008 physicians working in county jail or county mental health facility in Alameda or Los Angeles Counties would be classified as safety retirement members WITHOUT BOARD OF SUPERVISORS

RESOLUTION!!!! Each qualified member would begin paying safety retirement contributions at the safety member rate on January 1, 2008; however pre-safety retirement service credit would qualify in calculating the benefit paid. What this may mean is that there is no retroactive buy in for the enhanced benefit. Once the Employee Relations Commission makes its ruling on a DDA only bargaining unit, should our members agree to become represented then we have a method to bypass the County’s road block. We are hopeful that AFSCME’s efforts on behalf of its members will be successful.

We will continue to keep you informed on this important issue. The bill, AB 596, is currently pending in the State Assembly and is sponsored by Assemblyman Dymally.

ADDA Senior Vice President Frank Tavelman

Latino Prosecutor’s Association



Mixer & Happy Hour

Thursday, July 19th, 2007 5:30 PM

Twin Palms Restaurant

101 West Green Street, Pasadena, CA

91105 (626) 577-2567

**** Happy Hour Menu. No Entry Fee. No Speeches, No Official Business, Strictly a Social Gathering.****

SECURITY ALERT – PROTECT YOURSELVES:

As prosecutors we all understand the risk we face of a defendant’s attack in court, or of relatives or gang members waiting for us when we walk to our cars, but too few of us take the necessary precaution relative to our personal lives. Recently in Orange County, a number of police officers and a Superior Court Commissioner were victims of a vindictive defendant. Although the prosecutor in that instance was not a victim, that defendant’s actions should serve as a reminder to all of us to be careful.

Woman Gets 14 Years for Identity Theft of Jurists and Police Officers’ Trash.

An Orange County woman was sentenced to 14 years, four months in state prison after she was convicted of six drug-related offenses, eight counts of identity theft and computer fraud. **The defendant had accessed the State Bar web site to obtain a Superior Court Commissioner’s home address, and then accessed credit reports for the commissioner and police officers related to her case.** The investigating detective learned that this defendant, along with more than a

(Continued on page 6)

MAY ADDA BOARD OF DIRECTORS MEETING BROUGHT MORE DISCUSSIONS WITH ADMINISTRATION

Call to Order: Steve Ipsen, President, began the regularly scheduled meeting of the Association of Deputy District Attorneys Board of Directors at 5:20p.m. on May 15, 2007. Board members in attendance were Senior Vice President (Sr.VP) Tavelman, and Board Members (Brd. Mbrs.) Bozajian, Debbaudt, Harrold, Jordan, Lasicka, Lopez, Rizzo, Yochelson, and Bruce Abraham. Also attending were Assistant District Attorney (ADA) Jacqueline Lacey, and Commissioner John A. Slawson.

I. Chair's Update

ERCOM has finished its hearing and taken the matter under submission, with briefs due by June 1, 2007. Sr. VP Tavelman briefed the Board on the hearing.

II. Old Business

A. Approval of Minutes: The minutes were reviewed and approved (with modification to update attendance without opposition.)

III. New Business:

A. Commissioner John A. Slawson appeared,

seeking ADDA's endorsement of his Judicial application. Following his presentation, a motion was duly made and passed, to endorse his candidacy.

B. Jackie Lacey: ADA Lacey spoke briefly regarding the new PE format. A presentation in greater detail will be scheduled next month and given by Director Pam Booth. Regarding other issues, ADA Lacey reported the following:

-Parking Stipend: The Administration is still considering sending a letter to the CAO seeking a greater parking stipend, but as of yet no action.

-Social Security Reform: The Administration supports the legislation and will be sending support letters to legislators.

-The absence of office Computer Bulletin Boards/Intranet: ADA Lacey explained that these were still under construction.

-The discontinuation of the distribution of Advance Sheets: Administration determined substantial amounts of advance sheets were being discarded.

Given availability of on-line research, advance sheets were determined not cost effective. Office will look into possibility of ordering for limited amount. Office is considering ways to resurrect regular case updates.

-Security Screening in Branch and Area offices:

A Letter has been written to Presiding Judge regarding worst case scenarios, and response received indicated that he will look into issue.

-Use of Lotus Notes for communications regarding ADDA Awards Dinner:

The administration will consider requests on a case by case basis. Board Members then responded that the DA Investigator's Association was allowed to use Lotus Notes for their "Cigar Night" function. ADA Lacey stated that the use of Lotus Notes regarding LADAI Cigar Night was a mistake.

-Comp Time: The Administration's position is that as exempt employees DDA's are not eligible for paid overtime. Comp time is available per policy only in certain approved exceptions

-AB426: Office supports this legislation

-Romero Sentencing Commission: The Administration will oppose based on constitutional basis: Unlawful delegation of powers. The Office might consider supporting in a different form.

-Failure DA Cooley to attend ADDA Board Meetings: Unable to answer at this time.

Guadalajara & Puerto Vallarta

Fiestas de Octubre

October 13th – 21st

Only \$1,650

Hotel, airfare and all taxes included *Per Person Based on Double Occupancy,

Take advantage of this special MABA price with your deposit of only \$500.

Space is limited, reserve today! Deposit due by July 20th!

Your Trip Includes...

- 5 Nights in Guadalajara
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- All Breakfasts & Farewell Dinner in Guadalajara
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- Transportation in Guadalajara & to Puerto Vallarta
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- Tequila Express Tour
- MCLE Credit*
- ...and much, much more!

Highlights to Experience...

- Bull Fights
- Jalisco State Philharmonic
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- Concerts
- Fútbol
- Teatro Degollado
- El Parian
- Tonalá
- ...and much, much more!

*(\$100 additional for CLE Certificate)







LETTERS TO THE EDITOR

Letters can be sent to
theverdict@sbcglobal.net

Dear Attorney Notes:
In a previous issue, "Attorney Notes" inadvertently misstated the roles of members of the Baker to Vegas support team. Bob Foltz drove the attorney team's runner support vehicle the entire length of the race, with assistance from John Nantroup. Thank you for your prompt attention to this matter

Alan Yochelson
LADA Baker to Vegas Team.

The editor wishes to thank Alan for drawing attention to this error, Likewise the Editor also wishes to thank Alan for contributing the text of the May minutes of the ADDA Board of Directors Meeting.

D. Legislation: Motion made and passed to co-sponsor an initiative allowing the County Sheriff's to use alternative housing. Sr. VP Tavelman discussed HRI 140 and Congressman David Dreier's interest our comments. Tavelman will e-mail letter expressing concerns.

E. DA Cooley's insulting comments regarding ADDA President Steve Ipsen at the Criminal Courts Bar Association Dinner. Motions were made and passed to send letters to DA Cooley and the Criminal Courts Bar Association objecting to such remarks.

D. Newsletter expenses: \$498 was approved for extraordinary newsletter expenses.

Adjournment was at 6:55 pm.

LOS ANGELES COUNTY GANG EXPERT LEADS TRAINING CONFERENCE FOR LAW ENFORCEMENT

Law enforcement officers will have the opportunity to learn about the latest technological developments and sophisticated maneuvers being used to fight gangs worldwide at "Gangs, Drugs & Immigration," a training conference scheduled for Sept. 5-7, 2007, in downtown LA.

Training sessions include "African-American Gangs," "Gangs and Illegal Immigrants," "Asian Gangs," and "U.S. Border Patrol." The event is co-sponsored by the Los Angeles County Sheriff's Department and the Orange County Sheriff's Department. Peace Officer Standards and Training (POST) certification for all courses is pending. Other Sponsors are the Association of Deputy District Attorneys, Los Angeles (ADDA) and the California District Attorneys Association (CDA) who has authorized State Bar MCLE credits for the courses, under their authority.

Sgt. Richard Valdemar, Major Crimes (Ret.), LASD, will draw upon his 33 years of frontline experience with international gang activity, covering West Coast gangs and Mexican drug cartels. Key portions of these sessions will present a history of California prison gangs, a description of how Mexican drug cartels have overtaken city councils, and Sgt. Valdemar's "Ten Fatal Errors" of anti-gang efforts.

The training conference is being presented by Citizens Protection Alliance, an outreach project dedicated to recognizing the importance of two-way communication between police and communities. Law enforcement officials can register online at www.citizensprotection.org or call 866/602-2677. Special rates for seminar attendees have been arranged at the Westin Bonaventure Los Angeles. Registration is avail-

able at the website or by calling the hotel at 213/624-1000 and requesting the "Gangs, Drugs &

Immigration" conference rate.



Los Angeles
September 5 - 7, 2007

Law Enforcement Training Conference

Training Programs

- ★ Mexican Drug Cartels
- ★ West Coast Gangs
- ★ African-American Gangs
- ★ Gangs and Illegal Immigration
- ★ Asian Gangs
- ★ U.S. Border Patrol

MCLE Certified
POST Certification pending



Daily Luncheons & Events

- Daily Luncheons**
- Thursday Awards Presentation with former LAPD Chief Daryl Gates
- Critical Issues Forums**
- How Gang Trials Are Won and Lost
 - Dealing with Illegal Immigration
 - Drugs and Law Enforcement

SPACE IS LIMITED: REGISTER NOW

Registration is limited to Sworn Officers, Prosecutors, Probation Officers or other law enforcement personnel only

REGISTER ONLINE
www.citizensprotection.org

OR CALL NOW TO REGISTER
(866) 602-COPS
(866) 602-2677

CONFERENCE REGISTRATION

(Includes training, lunch and Forum)

FULL CONFERENCE (3 DAYS)
\$400 Early Bird fee
(Register by August 1, 2007)
\$450 After August 1
ONE DAY REGISTRATION
\$200

[Special Group Rates at the luxurious Westin Bonaventure Los Angeles Hotel](#)

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- Los Angeles County Sheriff's Department
- Association of Deputy District Attorneys
- Orange County Sheriff's Department
- California District Attorneys Association

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- Citizens Protection Alliance



www.citizensprotection.org

SECURITY ALERT – PROTECT YOURSELVES:

(Continued from page 3)

dozen others accessed nearly 600 credit reports using the password of a local dentist who failed to change his password after firing an employee. That employee gave the password to others. The defendant was upset at the court commissioner and the officers based on her arrest. One officer obtained a restraining order against the defendant, and the defendant then hired a private inves-

tigator to follow the officer. The Court of Appeal ruled that the hiring of the private investigator was an attempt to violate the restraining order.

The majority of deputy district attorneys list their business address on the State Bar website, but it is important to confirm that is the case. Likewise, we should all be extra careful relative to providing social security information to doctors and dentists. Some offices request this information, but often it is no longer needed since insurance companies now rely on different identifying information to pay claims.

ADDA Senior Vice President Frank Tavelman