



# ADDA

## Association of Deputy District Attorneys

SPRING 2014

### Election Results

#### Marc Debbaudt Elected President

All ADDA members recently received election ballots. On February 18, 2014, those ballots were counted and Marc Debbaudt was elected ADDA President. The By Laws Amendment (which allowed the new officers to start their term of office in February instead of January) passed as well. New directors took office that evening.

#### Your new ADDA Board of Directors:

##### Officers

President: Marc Debbaudt

Executive Vice President: Jeff McGrath

Vice President: James Bozajian

Treasurer: James Evans

##### Directors

Anthony Colannino

Craig Gold

Bobby Grace

John Harrold

Stuart Lytton

Loren Naiman

Eric Siddall

The Board of Directors would like to thank outgoing President Donna M. McClay and all outgoing Officers and Directors for their service to our union.

### California Election Update

*By James R. Bozajian, ADDA Vice President*

With the onset of the 2014 election cycle, there are many hotly contested races of significant interest to Los Angeles County Deputy District Attorneys. The California Primary Election is scheduled for June 3rd, with the General Election set for November 4th.

#### Los Angeles County Elections

To prevail in a County election, a candidate must capture a majority of the vote. If no candidate exceeds 50% in the Primary, the top two vote-getters advance to the General Election.

Largely as a result of voter-imposed term limits, there are two open seats for the five-member Board of Supervisors. In the 1st District, Supervisor Gloria Molina is retiring after 23 years in office. The prohibitive favorite for election there is Hilda Solis, whose political resume includes service in the State Legislature, U.S. Congress, and as U.S. Secretary of Labor. In the 3rd District, Supervisor Zev Yaroslavsky is retiring after 20 years in office. The race to succeed him is quite competitive, with a multi-million dollar slugfest about to commence between the two front-runners: former Santa Monica Mayor/City Councilmember Bobby Shriver (perhaps better known as a nephew of President John Kennedy), and former State Assemblymember and Senator Sheila Kuehl.

It is worth noting that term limits will kick in to open up two more races in 2016. After 36 years in office, the seat held by Supervisor Michael Antonovich (5th District) will be up for grabs, as will the seat held by 20-year Supervisor Don Knabe (4th District). Taken together, these four changes will mark the largest turnover of the Board's composition in modern history.

There are also a rather sizable number of contested races for the Superior Court on the ballot this year — 15 in total, 14 of them open seats. As of this writing (2-14-14), a whopping 17 Deputy District Attorneys have filed to compete for these offices. They include: Efrain Aceves, Donna Hollingsworth Armstrong, Amy Carter, Joan Chrostek, Andrew Cooper, Alison Matsumoto Estrada, Chris Frisco, Shannon Knight, Helen Kim, Teresa Pineda Magno, Dayan Mathai, Serena Murillo, Carol Najera, Ann Park, Carol Rose, Steven Schreiner, and Stacy Okun Wiese.

There are two other Countywide races, both of them involving open seats. The contest to succeed 16-year Sheriff Lee Baca is still in flux, due to his sudden withdrawal from the race and resignation from office several weeks ago. There is already a large field of candidates lined up to replace him, and it is widely expected that none will have the ability to win outright in the Primary.

There is also an open contest for Assessor — open, because incumbent John Noguez has an open criminal case alleging multiple felony charges stemming from his conduct in office. Deputy District Attorney John Morris is one of many candidates who are seeking this post. The sheer volume of candidates makes it highly likely that a run-off will be needed in November.

#### Statewide Propositions

Of the many Statewide propositions likely to appear on the November ballot, two will have substantial impacts for prosecutors should they pass — one decidedly positive, the other decidedly negative. Both are in the signature-gathering phase right now

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## California Election Update

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### *Continued*

and have not yet qualified for the ballot. Although much can change on the political battlefield between now and then, it is worth glancing at how these referenda will affect Deputy District Attorneys. A simple majority vote is required for passage of these measures.

The “Death Penalty Reform & Savings Act of 2014” would amend the California Constitution to help streamline the appellate process for capital cases. ADDA has endorsed this proposition. Since the death penalty was reinstated in California in 1978, approximately 1,000 people have been sentenced to death here. And yet, in that 36-year period there have been a scant 13 executions. Assisted by a phalanx of left-wing federal judges, nearly three-quarters of those sentenced to death remain on death row. The others have either had their death sentences overturned, or have died from murder, suicide or natural causes while languishing in prison. Theoretically, this proposition would permit California to resume executions immediately by amending the State’s execution protocols — which federal courts have used as the latest pretext to issue a blanket moratorium on capital

punishment since 2006. Prospectively, the proposition would also allow California Courts of Appeal to review death sentences; limit the ability of condemned inmates to abuse the process by filing successive appeals; and take other steps designed to expedite capital cases.

The “Pension Reform Act of 2014” would amend the California Constitution to permit State and local governments (including Los Angeles County) to prospectively modify pension and retiree benefits. In essence, then, this proposition would allow the County to curtail and/or eliminate the accrual of public employees’ future compensation from November 2014 onward. There is no question but that this legislation has the potential to adversely impact every Deputy District Attorney. ADDA will consider taking a formal position opposing this proposition in the very near future.

Prosecutors are encouraged to review the full text of these proposals, which can be found on the California Secretary of State’s web site. We will provide further analyses of this election cycle in future publications.

## \$500 Bonus Coming in Flex/MegaFlex Allowance

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*By Tris Carpenter, ADDA/AFSCME Business Representative*

As you might know, there will be a \$500 bonus coming to you in 2014 in the form of two \$250 bumps in your Flex/MegaFlex allowance. The first should occur in the last paycheck in March, the second should occur sometime in July.

The origin of this bonus stems from the 2013 fringe benefit negotiations between the County and the County Coalition of Unions (CCU) and SEIU. At one point in the negotiations (to which I was assigned as AFSCME’s lead negotiator), a \$1,000 cash “signing bonus” was proposed by the CCU and SEIU as a “sweetener” for the proposed changes to the retiree medical

benefits that were under consideration. There was back and forth on the issue, and in the end, the amount was reduced to \$500. The County, however, wanted to spread out the cost over two fiscal years (hence, the second \$250 being in July).

The bonus may create some issues for those employees hired before 1996 who are in the “pensionable” Flex and MegaFlex plans. Some of those employees received another “waiver of pensionability” form. The ADDA distributed information about this issue in late February via an email blast; you can still access it on the ADDA website at the following link: <http://la-adda.com/important-message-to-ddas-hired-before-january-1-1996/>

## Elections & Endorsements

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*By James R. Bozajian & Bobby Grace, ADDA Directors*

ADDA has been actively interviewing and vetting candidates for this year’s elections. As of the date of this writing (2-21-14), we have endorsed the following candidates for Countywide elections.

Assessor: John Morris.

Superior Court Judge: Donna Hollingsworth Armstrong, Amy Carter, Joan Chrostek, Andrew Cooper, Alison Matsumoto Estrada, Shannon Knight, Teresa Pineda Magno, Dayan Mathai, Serena Murillo,

Carol Najera, Ann Park, Steven Schreiner, Stacy Okun Wiese.

Any candidate wishing to be considered for endorsement should contact ADDA in order to schedule an interview.

The California Primary Election is set for June 3rd. With respect to County races, if no candidate receives more than 50% of the vote there will be a run-off between the top two vote-getters on November 4th.

## Update: Annual Policy Acknowledgement and Job Specification Changes

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*by Tris Carpenter, ADDA/AFSCME Business Representative*

Two policy changes were contested during the last quarter that did not receive widespread coverage, yet both could have had dramatic impacts upon DDAs had they been allowed to stand.

The first was the formulation of the “Annual Policy Review Acknowledgement,” in the form of GOM 13-078. This is a form that every DDA receives each year at his/her annual performance evaluation meeting. In it, the DDA acknowledges that he/she has

received and will follow County and LADA Policies on various topics such as acceptable uses of email and office technology, sexual harassment, time and attendance, the County Policy of Equity, etc. Of course, many of these policies are pages and pages long.

Above the signature line was the following paragraph:

"I am aware that if I violate the above policies, I will be subject to personal liability for damages in court proceedings and/or disciplinary action(s) . . . .

I am also aware of my responsibility to immediately report behavior that is inconsistent with these policies . . . ." (Emphases added.)

This statement on its face constitutes a waiver of ADDA bargaining unit members' rights to request and receive indemnification and defense by the District Attorney's Office for misconduct – whether misfeasance or malfeasance – that reasonably or arguably falls within the scope of their employment.

This statement also constitutes a waiver of bargaining unit members' rights to appeal disciplinary action, and the severity of any disciplinary action, which is imposed upon them.

As a result of the ADDA's objection, the paragraph preceding the signature was changed to the following:

"It is the responsibility of every County employee to conduct himself/herself in a manner consistent with these laws and County policies. I am aware that conduct that violates these laws or County policies could subject an employee to personal liability for damages in court proceedings and/or disciplinary action by the County or both.

I understand that these policies are readily available on the Office of the District Attorney's intranet (LADAnet) and/or in the department's Personnel Policies Handbook (PPH). (To obtain a copy of the PPH, please call the Human Resources Division at (213) 202-7777.)"

Obviously, this language is a major improvement from ADDA's point of view.

The second policy change objected to by the ADDA was a change in the language of the job descriptions for DDAs Grades I-IV. The proposed changes, to be specific, affected Grades III and IV the most, by adding the additional duties of lower grades. For example, the old Grade IV spec had been:

**"CLASSIFICATION STANDARDS:**

Positions allocable to this class are responsible for 1) prosecuting the most difficult and complex felony, juvenile, appellate, civil or other types of cases requiring a high degree of initiative, skill and specialized legal knowledge, 2) supervising a small staff of attorneys as a Calendar Deputy, Deputy-In-Charge of an area office or section head, or 3) acting as assistant to a higher level position. The class encompasses administrative, lead person, and full supervisory positions and is the first level at which full supervisory or full administrative duties may be assigned. Direction received at this level is general in nature and primarily pertains to policy."

The County's new proposed language read:

**"CLASSIFICATION STANDARDS:**

In addition to the duties of a Deputy District Attorney I, II and III, positions allocable to this class are responsible for 1)

prosecuting the most difficult and complex felony, juvenile, appellate, civil or other types of cases requiring a high degree of initiative, skill and specialized legal knowledge, 2) supervising a small staff of attorneys as a Calendar Deputy, Deputy-In-Charge of an area office or section head, or 3) acting as assistant to a higher level position. The class encompasses administrative, lead person, and full supervisory positions and is the first level at which full supervisory or full administrative duties may be assigned. Direction received at this level is general in nature and primarily pertains to policy."

Obviously, this change raised red flags. For those who don't know, prior Administrations had a habit of transferring people they wanted to punish to less desirable positions, most often in the form of sending Grade IVs to juvenile assignments. As written, the change would have made such reassignment easy and without appeal.

After a formal "meet and confer" session with the LADA and the County CEO's office, the language was changed to:

**"CLASSIFICATION STANDARDS:**

In addition to the knowledge, skills, and abilities of a Deputy District Attorney I, II and III, positions allocable to this class are responsible for 1) prosecuting the most difficult and complex felony, juvenile, appellate, civil or other types of cases requiring a high degree of initiative, skill and specialized legal knowledge, 2) supervising a small staff of attorneys as a Calendar Deputy, Deputy-In-Charge of an area office or section head, or 3) acting as assistant to a higher level position. The class encompasses administrative, lead person, and full supervisory positions and is the first level at which full supervisory or full administrative duties may be assigned. Direction received at this level is general in nature and primarily pertains to policy."

The County CEO's representative stated that the proposed changes to the job specifications were part of a rolling process by which all County specs are reviewed, but this particular change seemed rather sinister given the past. The changes that were worked out by the ADDA preserved the logic of the specification and ameliorated our concerns. But without a union, DDAs would not have had an avenue to challenge the proposed change.

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## Upcoming Events:

Saturday DA Seminars: March 15, April 12, May 17, June 21

ADDA Board Meetings: March 18, April 15, May 20, June 17

California Primary Election: June 3

California General Election: November 4

## Call for Volunteers to Help Qualify Death Penalty Reform Initiative

The ADDA is actively recruiting volunteers to help collect signatures for the ADDA endorsed Death Penalty Reform Initiative. The initiative would be placed on the November 2014 ballot. The petition needs at least 1.2 million signatures to qualify for the ballot. ADDA is calling on our members to assist in the signature gathering process. The signature process is lengthy so it's important to have lawyers circulating the petition. Three former California Governors, Deukmejian, Wilson and Davis, support the reform effort and announced their support at a highly publicized news conference kicking off the petition effort on February 13, 2014. According to former Governor Davis, "the initiative will save money, reform the system and bring closure more quickly to victims' families."

The initiative seeks to do the following:

1. Give state appellate courts jurisdiction over death penalty appeals before consideration by California State Supreme Court
2. Impose time limits on state court death penalty review
3. Require state appointed attorneys who take noncapital appeals to take capital appeals
4. Exempt prison officials from existing regulations process for developing execution methods
5. Require death row inmates to work and pay victim restitution
6. Will transfer death row inmates among the state wide prison population

The State Legislative Analyst estimates that the state will save tens of millions in taxpayer dollars related to the death penalty.

Please see any ADDA board member or contact Californians for Death Penalty Reform and Savings at [www.deathpenaltyreform.com](http://www.deathpenaltyreform.com) for how to circulate/obtain petitions. You can also contact Phyllis Loya, Chairperson of Californians for Death Penalty Reform at [phyllisloya@yahoo.com](mailto:phyllisloya@yahoo.com)

## In Memoriam

### Hyatt Ethan Seligman

April 24, 1949 – February 5, 2014

Hyatt Seligman attended UCLA and graduated with a B.A. in Political Science. In 1970 he was drafted by the US Army and became an officer.

After being honorably discharged he attended Loyola Marymount Law School, where he graduated with a JD degree. For the next 34 years, he served as a Deputy District Attorney for the County of Los Angeles. In 2008, he was a founding member and President of the ADDA Union.

Hyatt wrote multiple educational books for the DA's office including his specialty on how to cross examine mental health professionals. He trained over 500 incoming Deputy District Attorneys and taught a Master's program at Chapman University Law School.

He received the Career Prosecutor of the Year Award in 2009 and the President's Award in 2013.

He was father to five children, Brandie, Todd, Adam, Rhea, and Samantha. He was grandfather to Isaiah, Gavriel, Orli, and Anani. He is survived by his loving wife Robin, his 5 children and 4 grandchildren.

[Reprinted from Hyatt Seligman's Memorial Service Program.]

### ADDA

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