

ASSOCIATION OF DEPUTY DISTRICT ATTORNEYS

GROUP LEGAL PLAN D-3 c<BD Approved 05.15.18> (U: 05.17.18; P: 5/21/18 10:11 AM)

BENEFIT

I. Civil Service Representation:

- A. ADDA shall provide legal representation before the Los Angeles County Service Commission (hereinafter “Commission”) to Members (hereinafter “Member” or “Members”) who suffer a suspension of 6 or more days for conduct arising out of the course and scope of employment as a Deputy District Attorney (hereinafter “Deputy”) if, after a thorough review by General Counsel and with the concurrence of the Board, it is determined that there is a reasonable likelihood of succeeding on the merits of the case.
- B. ADDA shall provide legal representation to Members before the Commission for on-or off-duty conduct that results in a suspension of 6 or more days up to and including discharge if, after a thorough review by General Counsel and with the concurrence of the Board, it is determined that there is a reasonable likelihood of succeeding on the merits of the case.
- C. ADDA shall provide legal representation before the Commission to Members who allege a violation of Civil Service Rule 25 if, after a thorough review by General Counsel and with the concurrence of the Board, it is determined that there is a reasonable likelihood of succeeding on the merits of the case. All decisions regarding coverage under this Section I shall be made at the sole discretion of the Board.

COVERAGE:
MEMBERS/NON-MEMBERS
Covered / *Not Covered*

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BENEFIT, Cont.

COVERAGE:
MEMBERS/NON-MEMBERS
Covered / Covered

II. Arbitration Representation:

- A. Disciplinary Appeals: ADDA shall provide legal representation during arbitrations to Members & Non-Members who suffer a suspension of 5 or fewer days for conduct that arises on or off duty if, after a thorough review by General Counsel and with the concurrence of the Board, it is determined that there is a reasonable likelihood of succeeding on the merits of the case.

- B. Contract Violations: ADDA shall provide legal representation before ERCOM to Members & Non-Members for violations of the Memorandum Of Understanding (hereinafter "MOU") between ADDA and the Los Angeles County Board of Supervisors so long as there is a cognizable violation of the MOU and, after a thorough review by General Counsel and with the concurrence of the Board, it is determined that there is a reasonable likelihood of succeeding on the merits of the case.

III. Unfair Labor Practice Charge Representation:

ADDA shall provide legal representation before ERCOM to Members & Non-Members on unfair labor practice charges if, after a thorough review by General Counsel and with the concurrence of the Board, it is determined that there is a reasonable likelihood of demonstrating that the conduct of the Employer was in violation of the Ordinance.

Covered / Covered

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BENEFIT, Cont.

COVERAGE: **MEMBERS / NON-MEMBERS**

IV. Administrative Investigation Representation:

Covered / Covered

ADDA shall provide legal representation to Members & Non-Members during all phases of the Los Angeles County District Attorney's Office (LACDAO) administrative investigations into allegations of misconduct.

V. P.C. 141 Criminal Complaint Representation:

Covered / *Not Covered*

ADDA shall provide legal representation to Members during all phases of criminal investigations prior to filing of a criminal complaint into allegations of misconduct for alleged failure to disclose potentially exculpatory evidence in a criminal case that arises out of the course and scope of employment as a Deputy and the alleged conduct must not have been malicious and/or willful.

VI. Grievance Representation:

Covered / Covered

- A. ADDA shall provide legal representation to Members & Non-Members to assist, prepare, and file job-related grievances as that term is defined in the MOU.

- B. Determination of entitlement to legal representation shall be made on a case-by-case basis after a thorough review and recommendation by General Counsel to the Board of Directors (hereinafter "Board") and authorization by the Board and/or a Legal Representation Committee appointed by the Board.

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BENEFIT, Cont.

COVERAGE: **MEMBERS/NON-MEMBERS**

VII. State Bar Complaint Representation:

Covered / *Not Covered*

- A. Should the County of Los Angeles (hereinafter “County”) fail to provide timely legal representation to a Member in response to a complaint filed with the California State Bar Association (hereinafter “State Bar”), ADDA shall provide legal representation to Deputy Members for:
(1) initial legal consultation; (2) assistance in preparing a written response to the State Bar; and, if required, (c) assistance in obtaining County representation for State Bar administrative hearings.
- B. Representation is subject to the following conditions: (1) the Member must have been acting within the course and scope of employment as a Deputy District Attorney; and (2) the alleged conduct must not have been malicious and/or willful.
- C. The Member must agree to: (1) timely submit a request for reimbursement of legal expenses to County; and (2) promptly remit to ADDA any sum eventually reimbursed by the County, if any.

VIII. Workers Compensation Consultation/Referral:

Covered / *Not Covered*

Members shall be entitled to free workers compensation consultation/referral.

IX. Personal Injury Consultation/Referral:

Covered / *Not Covered*

Members shall be entitled to free personal injury consultation/referral.

X. Retirement Consultation/Referral:

Covered / *Not Covered*

Members shall be entitled to free retirement consultation/referral.

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DEFINITIONS

1. As used herein, “Member” or “Members” shall mean any regular, full and/or part-time Deputy (Grades I-IV inclusive) who is eligible to vote in an ADDA Board of Directors election and a contract ratification election.
2. As used herein, “Non-Member” or “Non-Members” shall mean any regular, full and/or part-time Deputy (Grades I-IV inclusive) who is not eligible to vote in an ADDA Board of Directors election and a contract ratification election.
3. As used herein, “Board” shall mean the Board of Directors of the Association of Deputy District Attorneys.

SPECIAL REQUIREMENTS & CONDITIONS:

1. ADDA at all times retains the exclusive right to select/designate the legal counsel for representation. Further, ADDA shall not be responsible for payment of any legal representation fees for counsel that it has not pre-authorized.
2. In order to qualify for representation under **Benefits I (Civil Service Representation), V (PC 141 Criminal Complaint Representation), and VII (State Bar Complaints)**, the Member must have been a Member in good standing (as defined hereinabove) continuously from the time & date of the incident that gave rise to the need for representation through the date such incident is fully adjudicated.
3. Additionally, in order to qualify for representation Benefits, the Deputy must have sought assistance from the Association upon notification by LACDAO that he/she is under investigation or from the date of the Member’s knowledge or the date the Member should have known of the dispute giving rise to a request for the Association’s assistance.
4. The State Bar Complaint representation benefit shall become effective July 1, 2018. Coverage for then existing Members shall begin as of that date. Thereafter, coverage for new Members shall become effective thirty (30) calendar days following ADDA’s receipt of their completed Membership Applications.
5. The Board reserves the right to amend this Group Legal Plan as it deems appropriate based on available finances and/or other legitimate business reasons.