



Happy Spring to everyone! Wow this political season is in full swing. Many races are heating up and you would think we are 10 days out from election!! Some of the races will be over in June, while others will carry into the General election in November. We just all have to remember to be thankful that as American's and living in a free society we have this privilege - - voting.

District Attorney Endorsement

Over the past few weeks, I have received some calls about the FDSA Board of Directors endorsement of District Attorney, Elizabeth Egan.

Your FDSA Board endorsed Egan in October of 2013. At that time, we were *not* approached by any other candidates. To date, her opponent, Lisa Sondergaard Smittcamp has still not contacted the FDSA.

Last spring, Egan approached our Board and asked to be interviewed. She was the only DA candidate who reached out and requested our endorsement. After we listened to her and she fielded our questions, we voted to endorse her.

As we do with all candidates who contact us seeking our support, we respectfully interview him or her, prior to making an endorsement decision. The FDSA does not go seek the candidates.

Below, you will find an article I wrote in January, which appeared in the monthly newsletter. It explains our position and Egan's track record and qualifications.

District Attorney

District Attorney Elizabeth Egan is seeking re-election as Fresno County District Attorney. Elizabeth A. Egan was elected the District Attorney of Fresno County in November 2002, becoming the first woman District Attorney in the history of the county. She ran unopposed in both 2006 and 2010. As Fresno County's top prosecutor, Egan has earned a reputation for tough, fair enforcement of the law. She is a champion for the rights of crime victims and for her tough anti-gang stance.

District Attorney Egan has focused her efforts on serious crime by beefing up the county's homicide, sexual assault and gang prosecution units. A strong supporter of the state's 'Three Strikes Law', she created a unit to ensure criminals sentenced to life terms remain in prison. Egan established an Elder Abuse Unit, expanded the Consumer Protection Division and added Real

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Estate Fraud and Identity Theft units. District Attorney Egan is a believer in "Vertical Prosecution," and continues to place attorneys in these units to deal with the specific cases.

District Attorney Egan is the Chairman of the Multi-Agency Gang Enforcement Consortium (M.A.G.E.C.) and a board member of the Marjaree Mason Center. She is also a member of the Eastern District United States Attorney's Executive Committee, the Central Valley HIDTA Executive Board, the California Narcotics Officers Association and the National District Attorney's Association, among others.

District Attorney Egan has always made herself accessible to the Fresno Deputy Sheriff's Association when issues arise where we would cross paths. An example would be after her last election we met and discussed the number of filings being returned back to detectives. We saw it as a problem and tried to find a solution. Egan responded through her office by creating an actual filing team as an assignment, rather than just getting a random DA to file a criminal case.

The FDSA has been working side by side with Egan during the tough budget years the County of Fresno has been facing. The consequence to her was the loss of deputy DA's and Investigators. Egan fights hard for every dollar to fund her Office.

During those uncertain economic times, Egan had to cut her Officer Involved Shooting team back because she needed attorneys in the courtroom. A couple years later during pre-budget talks, the money was allocated back to her office, and she reinstated the OIS team followed by a County Wide OIS protocol/policy for all agencies to outline the roll of the DA OIS team. Those are decisions made by elected officials showing their commitment to the public and law enforcement for complete transparency.

There is opposition this election cycle from a former Deputy DA, Lisa Sondergaard Smittcamp.

Based on Egan's track record and continued support over the years from the FDSA to her and from her towards law enforcement, the FDSA continued its support of DA Egan as our Fresno County District Attorney.

There will be more information to follow as the election gets closer regarding endorsements the FDSA Board has made in other elected offices in Fresno County and throughout the California Districts representing Fresno County.

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CARROLL BURDICK LABOR ATTORNEYS NAMED TOP ATTORNEYS

I want to congratulate **Gary Messing, Gregg Adam, Jason Jasmine, Jonathan Yank** and Labor Associate **Jennifer Stoughton** for being recognized as top attorneys within their field.

Gary was named the California Employment Lawyer of the Year by Corporate International Global Awards and Gregg was selected as the only union-side lawyer to the Top 20 Municipal Lawyer in California by the Daily Journal. In 2013, Gary was also all named a Northern California Super Lawyer in the California Super Lawyers Magazine while Jason, Jonathan and Jennifer were all nominated by their peers as Northern California Super Lawyers' Rising Stars.

This was Gary's tenth selection as a Super Lawyer, Jason and Jonathan's fourth, and Jennifer's first year as a Rising Star. Each year, fewer than five percent of the lawyers in the state receive the Super Lawyers designation, while less than two-and-a-half percent of lawyers under the age of 40 receive the Rising Star designation. Congratulations to all.

BIG WIN IN THE FIGHT TO PROTECT PENSIONS: SAN JOSE'S MEASURE B RULED UNCONSTITUTIONAL

In a big win for public sector employees and Carroll Burdick, a Santa Clara County Superior Court judge ruled that the City of San Jose's attempt to increase employee pension contributions and reduce retirement benefits unconstitutionally impaired San Jose employees' vested pension rights.

Judge Patricia M. Lucas's decision invalidates the key components of "Measure B," a ballot measure touted as a fiscal necessity that was really a politically-motivated attack on public employees led by San Jose Mayor Chuck Reid. The lead plaintiff, the San Jose Police Officers Association, is represented by Carroll, Burdick & McDonough. Labor Partner **Gregg Adam** was assisted by Appellate Partner **Gonzalo Martinez** and Labor Associate **Amber Griffiths**.

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The Court ruled that the City of San Jose cannot impair the vested rights of its employees based on “reservation of rights” language in the City Charter. It further ruled against the City’s attempt to saddle employees with the costs of its unfunded pension liabilities, striking language that would have required employees to contribute to the unfunded liability of the City’s general pension fund. The judge also ruled in the employees’ favor in the protection of Cost of Living Adjustments. In addition, she ruled against the City’s attempt to force employees to pay more for their current pension plan or be forced into one with more limited benefits.

According to the Court, certain changes—such as modification to disability retirement benefits—were permissible as modifications not disturbing rights of employees to enjoy a “substantial or reasonable pension.” Also, although the Court upheld the “poison pill” language in the measure, which states that the City can initiate pay cuts if any portion of the measure is ruled invalid, the City gains nothing with this. SJPOA members are being informed that this ruling cannot touch their wages based on protections under a two-year Memorandum of Understanding.

As President of your labor association, we have been keeping our eye on this issue since the voters passed it two years ago. This is a huge victory for many of us in a silent way. CB&M took the lead for San Jose POA and prevailed. Congratulations not only to the firm but to San Jose

PUBLIC AGENCIES CANNOT TAKE ACTION AGAINST A PEACE OFFICER SOLELY BECAUSE THE OFFICER’S NAME IS ON A BRADY LIST

I want to bring all of you up to speed on the latest issue of Brady.

A new amendment to the Public Safety Officers Procedural Bill of Rights bans public agencies from disciplining, firing, demoting, or denying a promotion to a peace officer merely because a “Brady list” includes the peace officer’s name. Brady lists are maintained as a result of *Brady v. Maryland* (1963) 373 U.S. 83, under which a criminal prosecutor must disclose the name of any testifying peace officer whose conduct (or omission) could impact credibility findings.

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The amendment, effective January 1, 2014, also covers peace officers whose names do not appear on such a list, but may be subject to disclosure pursuant to *Brady*. The amendment does not prohibit agencies from disciplining peace officers for the underlying conduct or omission that led to inclusion of the peace officer's name on the *Brady* list. If such conduct is proven, the evidence that a peace officer's name was placed on a Brady list can only be used for the sole purpose of determining the type or level of punitive action to be imposed.

Upcoming Events

There will be several upcoming events, one being the 3rd Annual Fresno Deputy Sheriff's Association Peace Officer Memorial event, Thursday May 1st from 5:30pm-8pm. This gives us a time to honor our fallen deputies and their families who have been killed in the line of duty at the Sheriff's Office. All of you are welcome to attend. I will be sending out a formal invitation in the next week or two.

Fraternally,

A handwritten signature in purple ink, appearing to be "Eric", enclosed in a purple oval. The signature is stylized and cursive.

Eric

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