

## **INFORMATION REGARDING REPRESENTATION**

### **GROUP REPRESENTATION**

You are one of several employees in your district (respondents) who were served with layoff notices and who have requested a hearing and filed a Notice of Defense in the layoff proceeding. CTA has arranged to provide representation to all members in your situation.

The purpose of the representation CTA is providing is to protect the rights of all respondents to a full, fair and impartial hearing and to ensure that seniority rights are protected. Representation will include discovery and review of relevant documents, objection to the introduction of improper evidence, cross-examination of district witnesses, and presentation of evidence and motions on behalf of respondents as a group. (For example, in some cases it may be appropriate to move to dismiss the entire proceeding on various procedural grounds.)

### **POTENTIAL CONFLICTS OF INTEREST**

However, each respondent must consider the possibility that he or she may also have particular individual defenses. You must understand that the representation CTA is providing cannot properly assert such an individual defense if it conflicts with the rights of another member of the group being represented in the layoff proceeding.

It is improper for an advocate representing a group to assert any contention on behalf of one person to the possible detriment of another person being represented. Therefore, respondents who wish to assert individual and possibly conflicting defenses must do so themselves or through a separate attorney or other representative.

Such conflicts of interest among respondents may arise in asserting seniority rights. For example, if you feel that your date of first paid service is earlier than that asserted by the district, you may argue that your retention (and rehire) rights are superior to those of another respondent. Similarly, it may be appropriate for you to present testimony and argue that because of your special qualifications, you have rights superior to those of another respondent employed on the same date as your date of hire.

You will be given an opportunity to assert any individual conflicting defenses or contentions at the hearing and you should exercise this right. You may also retain an attorney at your expense to represent you at the hearing.

Because of their ethical obligations, your CTA advocate cannot properly assert any such defenses or contentions on your behalf. Accordingly, respondents represented by CTA in the layoff proceeding should immediately inform the CTA advocate of the existence of any such individual defenses or contentions they may have, so that they may be properly presented at the hearing.

## **CONSENT TO LEGAL REPRESENTATION BY AN ATTORNEY (CERTIFICATED EMPLOYEES)**

I declare that I am a permanent or probationary certificated employee of the LONG BEACH UNIFIED SCHOOL DISTRICT and a member of TEACHERS ASSOCIATION OF LONG BEACH (CTA/NEA). I have received from the district a notice of recommendation of non-reemployment, and have requested a hearing pursuant to Education Code Section 44949. The reasons given for the recommendation for non-reemployment are those set forth in Education Code Section 44955. I understand that similar notices were delivered to other certificated employees of the district and that other employees have also requested a hearing.

I understand that CTA has agreed to provide representation to its members to the extent possible to the entire group or class of certificated employees similarly affected by the district's action and that the CTA attorney will seek to enforce seniority rights under the Education Code.

I hereby consent to and authorize representation at said hearing by MARIANNE REINHOLD, an attorney who participates in the CTA Group Legal Services Program. By executing this document, I understand and consent to such representation as a member of TEACHERS ASSOCIATION OF LONG BEACH and CTA and as a member of the group or class of employees similarly affected by the district's action. I understand that CTA is paying for the fees and expenses incurred by this attorney to represent me in this matter, and that the attorney is representing me with the understanding that this compensation arrangement does not interfere with the attorney's independence of professional judgment or the attorney-client relationship.

In that regard, I agree to abide by, authorize and ratify all decisions made on behalf of the group or class represented. Such decisions may include, but not be limited to, decisions relating to strategy, the presentation of evidence, continuances of hearing dates, and extensions of notice deadlines.

I acknowledge that I have been advised and understand that the relevant issues involved in the hearing include assignments, qualifications, seniority, and so-called "bumping rights", so that real and potential competing and conflicting rights and interests may exist within the group or class represented. I hereby consent to representation by the CTA attorney notwithstanding any such conflicts of interests. I further acknowledge that I have been advised and understand that I am free to secure independent counsel and representation at my own expense in lieu of that provided by CTA and, further, that I may do so at any time. I agree that if I do secure independent counsel I will notify my CTA counsel of that fact and recognize that upon that notification my CTA counsel will cease to represent me in the proceedings.

I agree to cooperate fully in the defense of this matter and acknowledge my individual responsibility promptly to request a hearing, thoroughly to read and review all notices served, and to provide all relevant information, including that relating to seniority and qualifications.

I understand that the representation provided herein relates only to the administrative hearing and that it does not include any appeal or judicial review.

DATED: \_\_\_\_\_, 2010

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Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Address  
\_\_\_\_\_

\_\_\_\_\_  
Home Phone

\_\_\_\_\_  
School Phone

\_\_\_\_\_  
Membership Number