



Revision to ASR and/or Exhibits/Attachments

Date: 06-17-09

To: Darlene J. Bloom, Clerk of the Board of Supervisors

CC: County Executive Office

From: Lisa Bohan-Johnston

RE: Agenda Item(s) # 47 for the 06-23-09 Board Meeting

ASR Control #(s): 09-000895

Subject: Change to Recommended Action, Summary, Background, and Attachment

2009 JUN 18 PM 2:09
CLERK OF THE BOARD OF SUPERVISORS
ORANGE COUNTY
CALIFORNIA

li Bohan Johnston

Explanation:

The Office of the District Attorney has revised the DA Trial Attorney Partnership Program ASR to omit coverage for workers' compensation. Minor editing of the Recommended Action, Background, Summary and Resolution are required to reflect this change.

Revised Recommended Action(s)

1. Adopt the proposed resolution to ensure that attorneys who participate as volunteers in the Trial Attorney Partnership ("TAP") Program are entitled to a defense for acts or omissions occurring within the scope of their duties.

Make modifications to the:

Subject Background Information Summary

Background Information:

The Orange County District Attorney's Office ("OCDA") utilizes volunteer attorneys for its Trial Attorney Partnership ("TAP") program to assist with instituting or prosecuting judicial or administrative proceedings. Attorneys wishing to participate in the TAP program are vetted by the Office of the District Attorney, trained by the Office to perform specific prosecutor duties, sworn in, and filed as deputy district attorneys pursuant to Government Code sections 24101 and 24102. TAP volunteers work under the supervision of an Assistant District Attorney and provide valuable legal services at no cost to the County. TAP volunteers, as sworn deputies, are entitled to prosecutorial immunity pursuant to Government Code section 821.6.

Pursuant to Government Code sections 810.2 and 825, "employees" of a public entity are entitled to a defense for acts or omissions occurring within the scope of their employment whether or not they are compensated for their services.

To ensure these volunteers are provided the same coverage as employees serving in the same capacity as other sworn deputies, the District Attorney is requesting the Board adopt the attached resolution. Specifically, this resolution supplements state and federal laws that protect volunteers and ensures that the County will defend OCDA TAP attorneys in the same manner as an employee of the County as described in Government Code Section 825 for liability arising from acts or omissions occurring within the scope of their services.

The proposed resolution shall be in effect notwithstanding any prior resolutions or agreements to the contrary, including but not limited to the County's Personnel and Salary Resolution and the 2007 Standards for Utilization of Volunteers.

Summary:

The District Attorney is requesting the Board of Supervisors adopt the attached resolution to ensure that attorneys who participate as volunteers in the Trial Attorney Partnership ("TAP") Program, and are sworn in and filed as deputy district attorneys, are entitled to a defense for acts or omissions occurring within the scope of their duties.

Revised Exhibits/Attachments (attached)

See Attached

Additional Information and/or Correspondence (attached)

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RESOLUTION OF THE BOARD OF SUPERVISORS OF
ORANGE COUNTY, CALIFORNIA

June 23, 2009

WHEREAS, the Orange County District Attorney's Office ("OCDA") utilizes volunteer attorneys for its Trial Attorney Partnership ("TAP") program to assist with instituting or prosecuting judicial or administrative proceedings; and

WHEREAS, TAP attorneys are sworn and filed as deputy district attorneys pursuant to Government Code sections 24101 and 24102; and

WHEREAS, pursuant to Government Code sections 810.2 and 825, "employees" of a public entity are entitled to a defense for acts or omissions occurring within the scope of their employment whether or not they are compensated for their services.

NOW, THEREFORE, BE IT RESOLVED that this Board does hereby:

1. Agree to defend OCDA TAP attorneys in the same manner as an employee of the County as described in Government Code Section 825 for liability arising from acts or omissions occurring within the scope of their services.
2. This resolution shall be in effect notwithstanding any prior resolutions or agreements to the contrary, including but not limited to the County's Personnel and Salary Resolution and the 2007 Standards for Utilization of Volunteers.