



**Know What Is Going On
In the Legal World
And How it Effects Your
Organization**

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What Paul and the G&A Team are up to:

Goyette & Associates is thrilled to have achieved unprecedented growth in 2009 and look forward with excitement to the prospect of what we will achieve in 2010!

Our [Labor and Employment Divisions](#) were successful in dozens of [internal investigations, Skellys, arbitration hearings and disciplinary](#) matters. We can boast successes at the bargaining table even in this volatile economic climate due to the expertise of our Labor Representatives. To review some of our Labor and Employment successes click [here](#).

Gary Goyette saw huge wins and progress in our [Wage and Hour](#) division. You can review some of our recent victories [here](#).

G&A's Lead [Civil Litigation](#) attorney [Joy Rosenquist](#), received press coverage on the Neri matter, one of her many cases. To read the Modesto Bee article pertaining to this Brady issue click [here](#).

[Gary Goyette](#) is once again recognized as one of California's preeminent lawyers regarding Fair Labor Standards Act (FLSA) matters and complex class actions. The attorneys of this division have been highly successful in 2009 and look forward to upcoming decisions pending in 2010. For a review of G&A's [Complex Legal or Class Action](#) successes, click [here](#).



With 2 highly publicized trials, [Paul Q. Goyette](#) added yet another win to his 15 year winning streak in State and Federal Courts and established himself further as one of California's preeminent [high profile criminal trial](#) attorneys. For articles related to the Deleon and Newlin trials, click [here](#).

[Rafael Ruano](#), managing associate for G&A's [Estate and Business Planning](#) division, saw exponential growth this year and is planning to participate in a 30 minute television spot in late

January for a National organization. For more information on G&A's Estate Planning Division or to see if you or your organization qualifies for reduced fees for our comprehensive wills, trusts or estate plans, click [here](#). You can also request an informational DVD or set an appointment with Rafael to come give a presentation to your organization.

As the exclusive panel attorney's for [RN Guardian](#), G&A's lawyers successfully represented, and are currently representing, California Registered Nurses in disciplinary actions against their licenses with the BRN. [RN Guardian Attorneys](#) have also dispensed proactive legal advice which has mitigated adverse action in both job and licensing matters for RNs. For more information on the successes of [RN Guardian](#) or how your association can partner with RN Guardian, click [here](#).

As featured speakers for the highly sought [Advantage Training and Education Series](#), Paul and Gary Goyette offered their unique brand of advice and decades of institutional knowledge and expertise to over 100 attendees at the training seminar in Sacramento in November. [The Advantage Training and Education Series](#) is currently planning a Southern California Seminar for March in conjunction with the law firm of Silver, Hadden Silver, Wexler and Levine. For more information on how to obtain DVDs of the November training, or to sign up for the upcoming Southern California event, please contact [Jennifer Coalson-Perez](#) or click [here for a sample agenda](#). To have a seminar tailored specifically to you and your organization, call Jennifer.

We would like to take this opportunity to express our gratitude to our clients, colleagues for making Goyette & Associates the diversified and successful Firm it is. Here is to continued successes for 2010!

Featured Article: Citizens United Case Impact on Your Organization

Big News in Campaign Finance May Not Mean Big Changes to the Way You Do Things

February 4, 2010 – A recent Supreme Court ruling struck down limits on corporate political expenditures, unleashing a wave of heated political rhetoric from the President on down. While the effect of this ruling on the national political campaign finance world will take months, and probably years, to completely evaluate, the impact on local and state elections in California is unlikely to be immediate or significant.

The case, *Citizens United v. Federal Elections Commission*, arose from a documentary movie about then-Democratic presidential candidate Hillary Clinton and the attempts by the group that produced the movie, Citizens United, to obtain federal court approval to advertise and show the movie in the weeks leading up to the final presidential primaries in 2008. The 2002 McCain-Feingold campaign-finance act created limits on corporate-funded political ads in the 30-60 day period immediately preceding a federal election. The Supreme Court, in a 5-4 majority decision, ruled that the First Amendment allows the government to “regulate corporate political speech through disclaimer and disclosure requirements, but it may not suppress that speech altogether.”

What does that mean to California’s labor associations? For most city or county associations that limit their political action to local elections and the occasional contribution to statewide offices or ballot initiatives, the impact of this decision is likely to be minimal. For statewide associations that get involved in US Senate or Presidential campaigns, or regularly contribute to national parties, the new rules will reduce the number of restrictions for federal elections.



Citizens United’s impact will be most immediately felt at the national level, including Congressional elections, where the 2002 McCain-Feingold rules respecting corporate expenditures will no longer apply. Most local associations do not directly contribute to national campaigns or, when they do, they contribute through political actions committees (PACs).

The ruling in *Citizens United* is probably most relevant to California labor groups in that it sets a definite tone and appears to move the Court in protecting the rights of corporations, including all for-profit business as well as unions and all non-profit groups, to be able to use their money to communicate political speech. If any government, local or state, tries to set limits on labor union or business political expression, they will be held to the new *Citizens United* standard that greatly expands previous standards.

Until further guidance from state and federal election commissions, associations should continue conducting political contributions and electioneering the same way that they have. However, if an association determines that they would like to pursue more aggressive or direct

political involvement, such as running ads related to a specific federal election (such a local Congressional campaign), the rules of the game have likely gotten looser.

If you have questions regarding the impact of this ruling on your association or business, you can contact Rafael Ruano at (888) 993-1600 or rruano@goyette-assoc.com.

What to Stay on the Look-out For; laws or legislation coming down the pipes that could directly impact you...

AB399(Brownley) Signed into law: October 11, 2009.

- Ensures that furloughed state employees receive the same amount of retirement service credit they would have received absent the furlough.
- Authorizes the California Public Employees' Retirement System (CalPERS) to refund accumulated contributions to inactive members when they reach 70 years of age and transfer excess reserves between CalPERS self-funded health plans to pay all or a portion of member and retiree premiums and ensures that a furloughed state employee receives the same amount of retirement service credit he or she would have received absent the furlough.

“AB 399, by Assembly Member Julia Brownley, would require the California Public Employees Retirement System to provide members 70 years of age and older and permanently separated from all service with the election to withdraw contributions or apply for service retirement. AB 399 would require that failure to apply for service retirement or withdraw contributions within 90 days be deemed as an election to withdraw contributions. This bill additionally holds state and judicial branch employees harmless from any retirement credit effects of furloughs. AB 399 was signed into law on October 11, 2009.” –

http://www.imakenews.com/csac/e_article001571550.cfm?x=b11,0,w
California Counties Legislative Bulletin Volume 109, Issue 24

GOV SIGNS AB 399 REGARDING PERS SERVICE CREDIT

The governor has signed into law AB 399 (Julia Brownley), which will ensure that CSU employees on furlough will receive full service credit for their Public Employees Retirement System (PERS) based on the salary the employee would have earned if they had not been furloughed. CFA supported this legislation in the belief that employees should not be punished financially twice – once in their current salary, and later when they retire – for taking furlough days that help alleviate the impact of state budget cuts. AB 399 received bi-partisan support in the Legislature and will incur negligible state costs while protecting the retirement funds of all state employees.

Although CFA had negotiated an agreement with the CSU administration to ensure that faculty furlough days would not have an impact on their PERS service credit, AB 399 will ensure that all state employees will receive such protections.

- http://www.cs.csustan.edu/~john/Post/CFA/HdLns/2009_10_13.pdf

AB704(Calderon) Held under submission May 28, 2009

AB 704 (Calderon) PERS – Deferred Retirement Option Program

This bill would establish the “Deferred Retirement Option Program” or “DROP,” a voluntary program in PERS for certain state employee groups. The program would provide eligible members a lump sum at retirement in addition to a monthly retirement allowance. The bill is in the Assembly Appropriations suspense file.

- a. **Establishes the Deferred Retirement Option Program (DROP) as a supplemental benefit program in the California Public Employees Retirement System (CalPERS).** The program would be available for managerial employees in state bargaining units 5 (Highway Patrol), 6 (Corrections), 7 (Protective Services and Public Safety), and 8 (Firefighters).
- b. A DROP is a feature within a defined benefit plan that permits a member's benefits to be split into two components - one payable as a monthly annuity and the other payable to the member as a lump sum. It is typically offered to experienced employees that have reached the maximum retirement age, as an incentive to keep them in the workforce.
- c. Members entering the program select a retirement date between 12 and 60 months into the future, and agree to freeze accrual of retirement benefits from the date they enter the program. Upon retirement, these members would then receive both the retirement benefit they were eligible for at the time of election, and an additional lump sum consisting of their retirement allowance for the period of time they were participating in the DROP, and interest accrued at a rate of 5% per year, minus any administration costs retained by CalPERS.
- d. Existing law does not provide for a DROP in CalPERS. SB 274 (Soto), Chapter 897, Statutes of 2003, established the DROP as an optional benefit program for safety members of counties operating retirement systems under the County Employees' Retirement Law of 1937 ('37 Act).



The Fun Stuff! Weigh in on this! We will post the results and our favorite responses in next month's Ezine!

What is your take on the new proposed legislation that would require children to wear helmets while on the slopes? Respond to: jennifer@goyette-assoc.com

Stay up to date between Ezines by checking out our [Blog](#); always full of interesting outcomes, opinion editorials or press on our Firm. To find out what we're doing in real time, follow us:

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