

# Baystate Legal Defense Service Quarterly Newsletter

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## A MESSAGE FROM ATTORNEY LOUISON

*Doug Louison, Partner  
Co Founder of BLDS*



The BayState  
Legal  
Defense  
Service  
(BayState/  
BLDS)  
continues to  
attract new

members seeking aggressive,  
experienced and cost effective  
representation. Membership is  
available on a group or  
individual basis.

### Recent Cases:

Over the past year, our attorneys have successfully represented BayState members at internal departmental hearings, Civil Service Commission appeals, arbitrations, civil rights trials and criminal trials in both State and Federal Courts. Here are some examples of recent BayState victories:

### Reinstatement at Arbitration

In 2005, a 17 year veteran Officer was terminated. The Officer was wrongfully accused of accessing confidential departmental computer files. He was reinstated after a successful arbitration in 2007 where the termination was reduced to a two week suspension. The officer was reinstated with back pay.

### Reinstatements at Civil Service

An Officer was terminated by his municipality for violations of MGL ch. 209A restraining orders and domestic violence. Said officer was reinstated in 2007 after successful negotiations at the Civil Service Commission.

Two Officers terminated for excessive force on a prisoner had their discipline overturned by the CSC and were reinstated with back pay. The Department has appealed to the Superior Court. The Superior Court has ordered a new hearing held with all defense being handled through BLDS.

### Suspension Overturned at Civil Service

A 20 day suspension for allegedly not reporting the name of an officer who stepped on an inmate during a scuffle was overturned by the Commission.





***The Labor Front:  
Negotiating Contracts in FY2008***  
David E. Condon, Partner

The Firm recently negotiated a contract for a public labor union and secured a three year deal that was worth a 15% wage increase along with additional financial compensation and reimbursements. While the contract contained minor language concessions, the employer recognized its responsibility to provide a fair wage based on the ever-increasing cost of living.

Our Firm was proud to represent this union and we continue to work aggressively across the state to assist public employees in securing the best possible collective bargaining agreements.

For questions regarding your contract negotiations, please contact our firm or visit us on the web at [www.lccplaw.com](http://www.lccplaw.com).



***Acting on Outstanding Warrants  
for civilian visitors***  
Valerie A. McCormack, Associate

Visitors to correctional facilities must complete a pre-approval form and a background check is then conducted to determine any outstanding warrants. If, after following the proper procedure, a decision is made to place an individual who is visiting an inmate under arrest due to an outstanding warrant, the Officer may be protected even if the individual arrested turns out to be the “wrong guy” so long as he or she uses common sense and follows proper procedure.

There are a number of cases that address issues that may arise when arresting someone pursuant to an allegedly valid warrant.

For instance, in Soto v. Bedzel, the Court held that a policeman who relied on a computerized outstanding warrant list in making an arrest pursuant to that warrant had qualified immunity from a civil rights suit. Qualified immunity provides protection for many employee’s actions (or inactions) in performance of their duties. It “gives ample room for mistaken judgments by protecting all but the plainly incompetent or those who knowingly violate the law.” In Soto, the plaintiff had been stopped by a police officer, and actually showed the officer his recall notice for the warrant (at the time, warrant recalls were not computerized). The police arrested him anyway.

The Court applied the qualified immunity analysis, which consists of three parts: 1) whether the claimant has alleged a deprivation of an actual constitutional right; 2) whether the right was clearly established at the time of the alleged action or inaction; and 3) if both questions are answered in the affirmative, whether an objectively reasonable official would have believed that the action taken violated the clearly established constitutional right.

According to the Soto Court, a valid warrant provides the necessary probable cause required for an arrest. Further, “an officer is not constitutionally bound to look beyond a facially valid warrant in determining qualified immunity.” For the rest of the article please visit our website at [www.lccplaw.com](http://www.lccplaw.com).

## The Winner's Circle



Attorney Bradford Louison, Principal, LCCP recently had an outstanding result in the District Court for a Baystate Legal Defense Fund member.

A member who works at the Bridgewater complex was involved in a civil suit involving a very serious incident in his neighborhood in 2006. Attorney Bradford Louison filed suit on behalf of the member through the Baystate Legal Defense Fund's Ancillary Matters Program which provides representation to members in private, non-job related civil matters. (See, page 4.)

The matter was tried before a jury in the Brockton, Massachusetts District Court resulting in a significant jury verdict in excess of six figures. According to the Clerk, it was the largest civil verdict ever in the Brockton District Court. We are very happy to be able to provide our members with outstanding legal representation in all personal matters in addition to our outstanding legal representation in work related and contract matters.

If you are a Baystate member and you would like to discuss any personal legal matters with the firm please call 617-439-0305 or visit our website.



This spring, Attorney Regina Gilgun Ryan, Principal, LCCP, defended a group of Police Officers at a trial in the United States District Court, Boston.

The plaintiff alleged that she was falsely arrested when she was charged with assault with a dangerous weapon, to wit, her motor vehicle. The plaintiff's neighbors had reported to the police that the plaintiff drove her car at four young children while the children were out in the neighborhood playing. As a result, the officers charged the plaintiff with assault with a dangerous weapon. She, however, was found not guilty of the criminal charges.

Attorney Ryan retained the services of a Police Practices Expert who testified that the officers acted pursuant to their training at the Massachusetts Criminal Justice Training Council and acted appropriately when they arrested the plaintiff. After a long and contentious trial, the jury agreed and returned a verdict in favor of the defendants on all counts.



Louison, Costello, Condon & Pfaff, LLP  
ATTORNEYS AT LAW

**LOUISON, COSTELLO, CONDON & PFAFF, LLP**, offers members of the Baystate Legal Defense Service, their family and friends, additional representation on non-job related matters for reduced legal fees in other areas of the law.

★ **Personal Injury:** Louison, Costello, Condon & Pfaff, LLP will reduce the contingency fee collected from awards or settlements won on your behalf;

- MOTOR VEHICLE ACCIDENTS
- DOG BITES
- PRODUCTS LIABILITY
- CONSTRUCTION SITE ACCIDENTS
- PREMISES LIABILITY
- SEXUAL HARASSMENT AND SEXUAL ASSAULT
- MEDICAL MALPRACTICE
- INSURANCE DISPUTES
- LIQUOR-SERVERS LIABILITY

★ **Real Estate:** Reduced closing fees for all real estate transactions, purchases and refinances. Also reduced closing costs with mortgages through our affiliated mortgage providers;



★ **Criminal Defense:** The lawyers at our firm have extensive and successful experience representing individuals at both the State and the Federal Courts on all matters;

★ **Estate Planning/Wills and Trusts; Medicaid Planning; Asset Protection:** You have worked hard for your money and the property you have accumulated. Make sure you take the necessary steps now to protect your home, investment property or other assets from attaching creditors; and

★ **General Legal Services:** The attorneys at our firm have extensive experience in other areas of importance to you. We are available for consultation, representation and, if necessary, referral to additional attorneys.

To take advantage of these benefits or additional information contact Attorney David E. Condon at Louison, Costello, Condon & Pfaff, LLP 617-439-0305 or email: [dcondon@lccplaw.com](mailto:dcondon@lccplaw.com).

**PAY ROLL DEDEDUCTION FORM FOR PARTICIPATING DEPARTMENTS**

**VENDOR CODE**

I, \_\_\_\_\_, hereby make application to the Baystate Legal Defense Service <sup>SM</sup> and elect to have the membership fee automatically deducted from my paycheck. I understand and agree that the membership fee for this Service shall be a bi-weekly deduction amount of \$7.70.

I understand a conflict may arise preventing Louison, Costello, Condon & Pfaff, LLP from representing me. Louison, Costello, Condon & Pfaff, LLP shall have sole determination whether there is a conflict. In the event such conflict exists in the opinion of the firm, Louison, Costello, Condon & Pfaff, LLP reserves the right to select outside counsel to represent the member.

I understand and agree that my membership in the Baystate Legal Defense Service <sup>SM</sup> will automatically terminate on my failure or refusal to pay my membership fee to the Legal Defense Service in the manner provided herein.

Name: \_\_\_\_\_

Employee ID No.: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
\_\_\_\_\_

Tel. No.: \_\_\_\_\_ Email: \_\_\_\_\_

Employer/Facility: \_\_\_\_\_

**Authorized Signature:** \_\_\_\_\_

**Dated:** \_\_\_\_\_

\*\*\*\*Please return this form to Louison, Costello, Condon & Pfaff, LLP, 67 Batterymarch Street, Boston, MA 02110,

ATTN: David E. Condon. Tel: (617)439-0305 Fax: (617)439-0325\*\*\*\*

I, \_\_\_\_\_, hereby make application to the Baystate Legal Defense Service <sup>SM</sup> and enclose herewith the sum of \$200.00 as and for my first twelve months' membership.

I understand and agree that the membership fee in said Service shall be the amount of \$200.00 per year, payable in advance.

I understand and agree that my membership in the Baystate Legal Defense Service <sup>SM</sup> will automatically terminate on my failure or refusal to pay my approval membership fee to the Legal Defense Service in the manner provided herein.

**Signature:** \_\_\_\_\_ **Dated:** \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Tel. No.: \_\_\_\_\_ Email: \_\_\_\_\_

Facility/ Department: \_\_\_\_\_

***Payment Preference:***

Please charge this credit card:

- VISA
- MASTERCARD

Card # \_\_\_\_\_ Exp. Date \_\_\_\_\_

**Authorization No.** \_\_\_\_\_

**(non-embossed number on the back of the card)**

**Authorized Signature** \_\_\_\_\_

**FOR DETAILS REGARDING THIS CONTRACT** please visit our website at [www.lccplaw.com](http://www.lccplaw.com)

\*\*\*\*Please return this form to Louison, Costello, Condon & Pfaff, LLP, 67 Battery March Street, Boston, MA 02110, ATTN: David E. Condon. Tel: (617)439-0305 Fax: (617)439-0325\*\*\*\*