



CALIFORNIA CORRECTIONAL SUPERVISORS ORGANIZATION

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January 28, 2010

Dear CCSO Member:

The CCSO attorney Kellie Martinez has analyzed the District Court's denial of the temporary restraining order (TRO) and the procedures and merits of appealing.

Upon advice of Attorney Martinez, CCSO will not appeal the TRO but rather proceed aggressively with discovery to prepare a stronger record for the preliminary injunction scheduled for March 5th. In the event the court denies CCSO's request for preliminary injunction, our chances on appeal will be much better as the record will be more complete with new evidence found in discovery.

Discovery is the key to winning our argument. Note that although CCSO is not appealing the TRO the court hearing will proceed.

Attorney Martinez is requesting further evidence to support our request for a preliminary injunction (Although the CD positions will be eliminated by the time we get to court again, if the court ultimately finds in favor, it has the authority to order CDCR to place CDs back into their position).

The issue at this point is data collection. After consulting with several Chief Dentists about documentation the consensus is there is no existing State form that can be used to accurately document activities throughout the day. This is why the State's statistics regarding CD/SD activities are inaccurate. CCSO is proposing the following:

1. Beginning February 1, 2010 all SDs document daily activities by listing the type of activity and how much time spent on it using Outlook. We've been told the Outlook Planner would be a good form to use.
2. Collaborate to create a State form that could be used to accurately reflect daily activities. The CCSO attorney will present the form to the State for their approval.

The goal is to present solid evidence to the court showing just how much of CD/SD duties are administrative vs. clinical, and how much time is spent doing them. Whatever is used, it is important that all dentists use the same form and all activity is logged as it occurs, i.e., the same day. By doing this, entries will be made when the memory is fresh and most accurate. This would make the data more reliable in the court's eyes.

Please let me know your thoughts - but make sure you **DO NOT USE THE STATE EQUIPMENT** in our communications. Email ccso@charterinternet.com with results or mail to CCSO at 1481 Ullrey Ave, Escalon CA 95320. All the input and results will be given to Attorney Martinez.

Cordially,

Pat Le Sage
Chief Operations & Financial Officer, CCSO