

## 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.