

General Counsel's Update

CSURMA Conference
November 5, 2008

Who Are We?

Four Generations Interacting in One Place

- World War II
- Boomers
- Generation X
- Millennials (Generation Y)

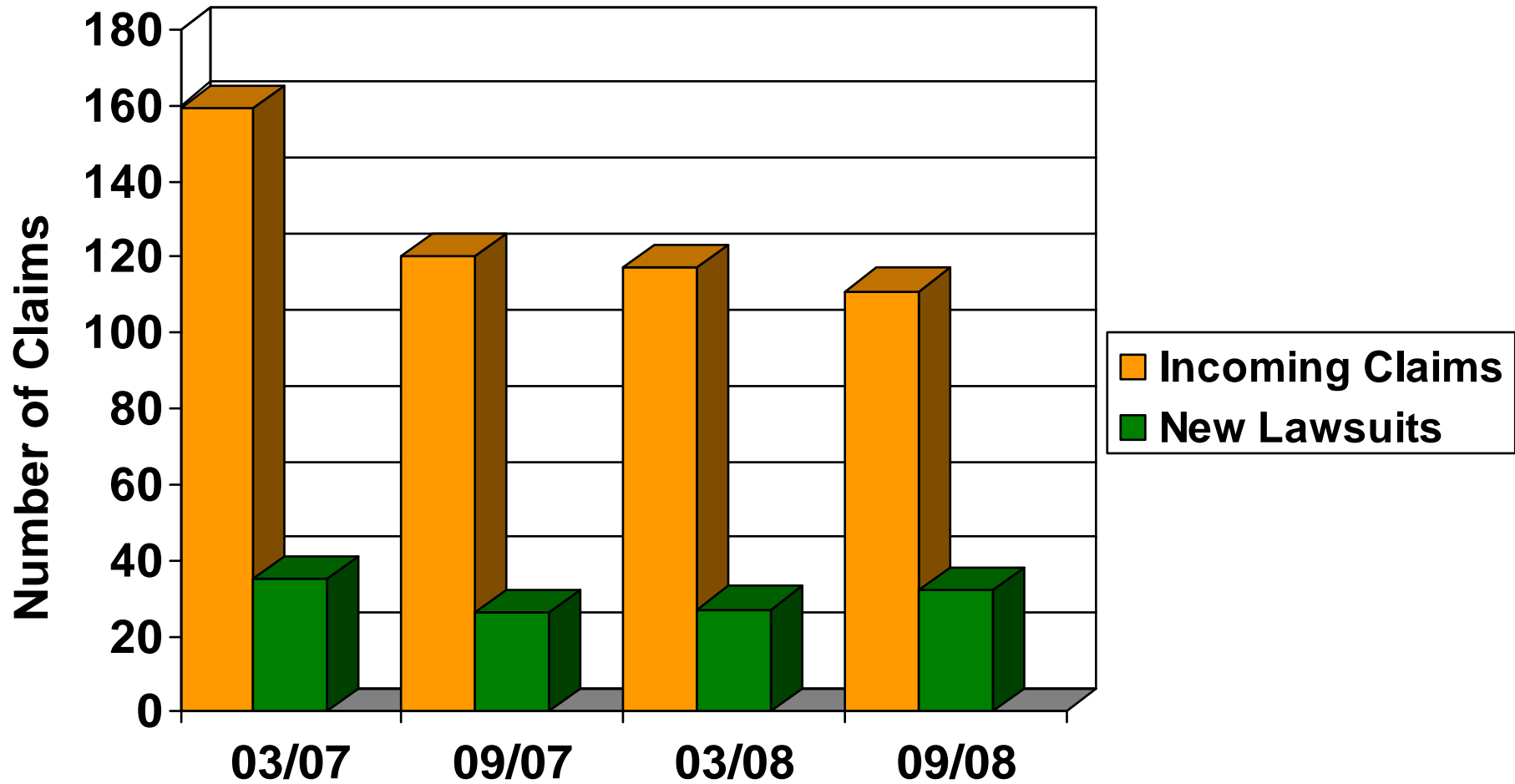
Impacts

- Use of technology
- Etiquette and methods of communication
- Boundaries
- Notions of privacy
- Institutional loyalty

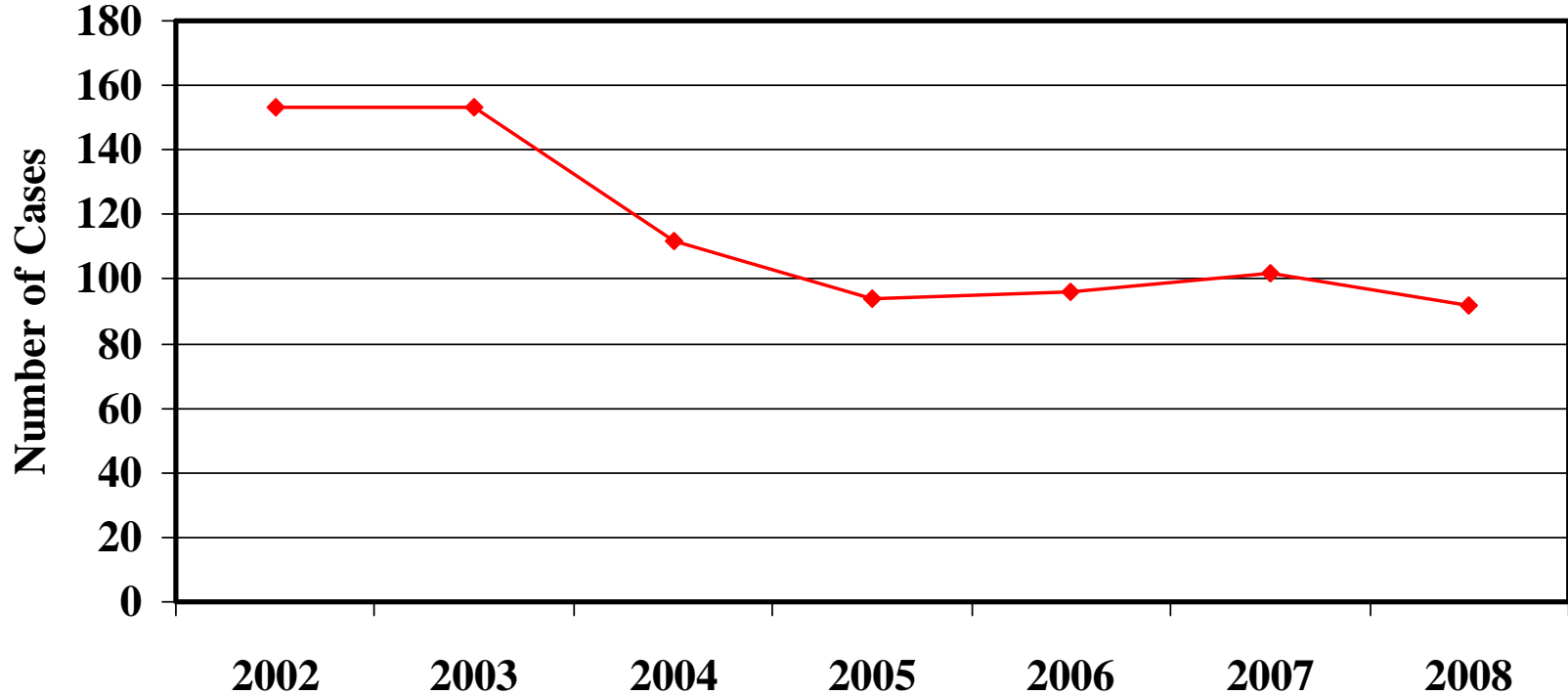
How Are We Doing?

Litigation Trends

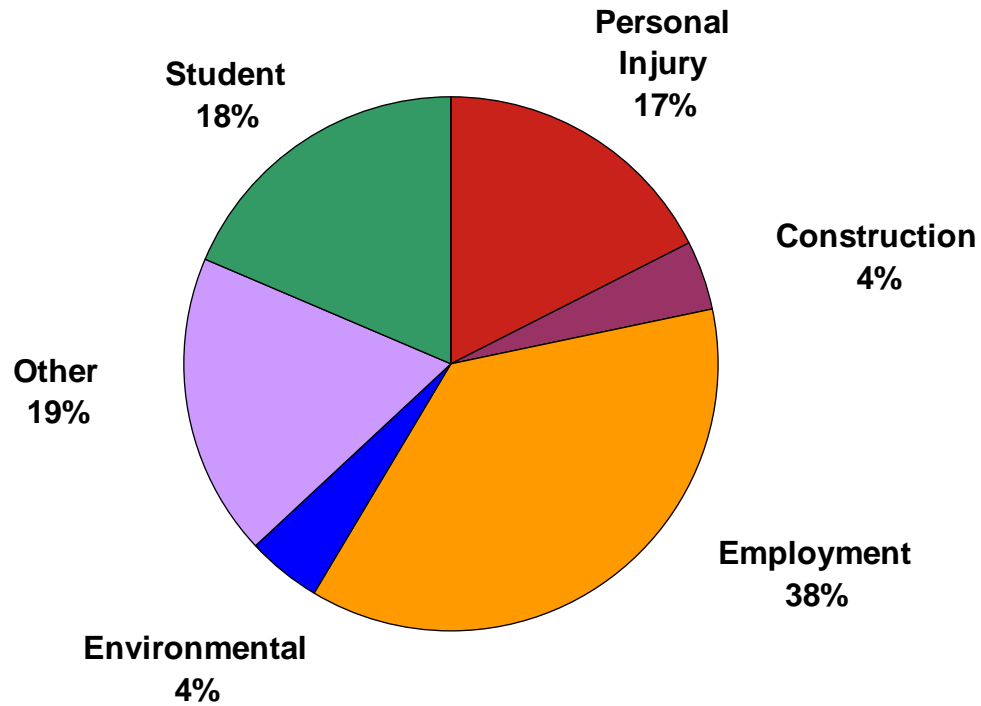
Incoming Claims vs. New Litigation



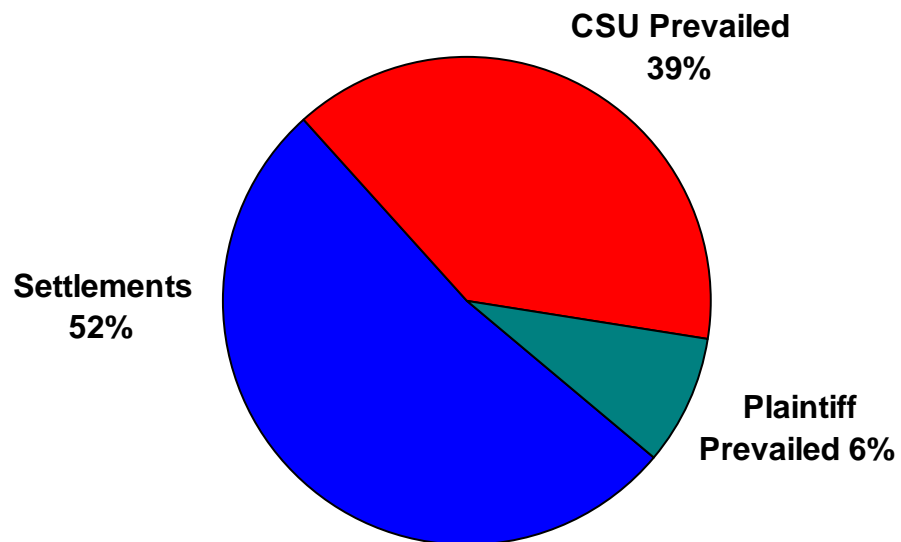
Case Volume Over Time



Current Case Types



Resolution of Cases



Hot Topics for 2009

Hot Topic #1: Whistleblowers and Whistleblower Retaliation

- Claims up dramatically

- Difficult to prevent

What Can We Do?

USE GOOD JUDGMENT!!

- Scope of “investigation”
- Promptness of response
- The human factor

Hot Topic # 2: Conflict of Interest

- Not limited to Form 700 disclosures
- Broad definition of “conflict”

“However diverse and winding the chain may be which connects the [public employee] with the [conflict], if it can be followed and the connection made, [the law has been violated].” People v. Daysher 2 Cal.2d 141, 146 (1934)

- Applies to **all** employees
\$390 annual gift limitation

Why conflicts now?

- Corporate scandals; financial collapse
- General cynicism and distrust of public leaders
- Cut backs in CSU funding

Important Principles

- Structural, not personal
- Confusion about gifts – “personal” benefits
- Can sometimes be cured with proper disclosure and/or disqualification

CONFLICT OF INTEREST HANDBOOK



PREPARED BY:

OFFICE OF GENERAL COUNSEL
THE CALIFORNIA STATE UNIVERSITY

REVISED: SEPTEMBER 2007

Hot Topic # 3: Transparency

- Public/taxpayers' right to know
- Complicated by vast amounts of electronic data
- Takes a lot of time

Hot Topic # 4: Integration of Athletics

- Title IX
- Fresno verdicts
- Audit review and recommendations
- National focus on student athlete experience

What does that mean?

- MPP changes/coaches “contracts”
- Student athlete accountability measures
- Gift restrictions
- Contract requirements
- Template for coaches’ letters of appointment
- Better definition of role of auxiliaries

Where to Go With Questions

The Office of General Counsel

562-951-4500

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Mission Statement

The California State University Office of General Counsel is committed to act with integrity, knowledge of the law, and reason, in support of the dynamic educational environment of the CSU. It is our function to provide, manage, and coordinate all legal services for the CSU, as an institution, to minimize legal risks and costs, and always to do so efficiently, reliably, and professionally.

- [Current Legal Developments](#)
- [Lawsuits, Subpoenas and Small Claims Actions](#)
- [Use of the CSU Name](#)
- [Access to CSU Records](#)
- [OGC Manuals on CSU Legal Issues](#)
- [Outside Legal Resources](#)
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This page and those linked to it are designed to provide information for the students, faculty and staff of the California State University. Visitors are also welcome. The information provided is not a substitute for formal legal advice.

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OGC Manuals on Other Legal Issues

The Office of General Counsel has prepared the following manuals on various legal topics that arise in the day-to-day life of the California State University. These manuals are intended to provide general background to those who must deal with those issues. University administrators should consult with University Counsel assigned to their campuses with respect to specific situations.

- [The Attorney-Client Privilege \(.doc\)](#)
- [Conflict of Interest Handbook \(.doc\)](#)
- [Fundamentals of Copyright and Fair Use \(.doc\)](#)
- [Handbook of Election Issues \(.doc\)](#)
- [Handbook of Free Speech Issues \(.doc\)](#)
- [Immigration Manual \(.doc\)](#)
- [Pitchess Motions Manual \(.doc\)](#)
- [Records Access Manual \(.doc\)](#)
- [Student Discipline Manual \(.doc\)](#)
- [Subpoena Handbook \(.doc\)](#)
- [Instructions for Skelly Review Officers \(.doc\)](#)
- [Trademark Handbook \(.doc\)](#)
- [Protecting Domain Names Handbook \(.doc\)](#)
- [University Volunteers \(.doc\)](#)

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