

# Daily Journal

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Peak Into Events Behind Judge's Indictment

## Commissioner Testifies She Involved in Bribery Case

## Same-Sex Partner Wins LAPD Pension

By Catherine Ho  
Daily Journal Staff Writer



The same-sex partner of an LAPD officer killed in last year's Metrolink crash will be allowed to receive her deceased partner's pension even though the two never formally documented their relationship, a Los Angeles Superior Court judge has ruled.

The case, *Gerritsen v. City of Los Angeles* is believed to be the first case in which the Los Angeles Fire and Police Pensions, the body that administers retirement benefits for the city's fire and police officers, has had to deal with questions over whether a same-sex partner is entitled to a deceased partner's pension when their relationship has not been formally registered.

Judge Judith C. Chirlin ruled Tuesday that Laura Gerritsen, whose partner Spree DeSha died last September in the deadly train collision, is entitled to collect pension benefits even though the couple did not submit documentation proving their union prior to DeSha's death. Gerritsen is also an

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make the number of actual layoffs between 600 and 900, depending upon final negotiations with labor union representatives.

Union officials could not immediately be reached for comment Thursday afternoon.

Officials also said they would also cut spending "related" to rehabilitation programs at the department's headquarters from about \$54 million to roughly \$17 million.

The new cuts come on the heels of weeks of debate in the state capitol over how best to reduce the prison population and it's budget.

Lawmakers argued over alternative custody methods, reducing the ranks of parolees and commuting the sentences of some deportable criminal aliens.

Many measures did not pass both houses, including a sentencing commission that would have been empowered to make reforms to the state's overburdened prisons.

Even with Cate's cuts, there are still unresolved issues for the prison system. It has been under a health care receivership since 2005 and a federal judge has ordered a 25 percent reduction in the population - which the state is fighting in court.

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# Launches Probe of iting Agencies

companies and securities to gauge risk and make investment decisions. At the peak of the housing boom, the agencies gave their highest ratings to securities backed by subprime mortgages that later fell apart.

The agencies either ignored or didn't understand the risks, Brown said. He added that the agencies made billions of dollars in revenue from the securities they rated.

A spokesman for Standard & Poor's said the agency couldn't comment because it hasn't yet seen the subpoena. Representatives of Moody's and Fitch did not immediately return calls for comment.

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# Same-Sex Partner Entitled to LAPD Pension, Judge Rules

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LAPD officer.

Gerritsen, represented by Lisa L. Maki and Christina Coleman of Law Offices of Lisa L. Maki, filed suit in December after Gerritsen received notice from the city that she could not collect survivorship pension benefits because she and DeSha had not submitted an affidavit of domestic partnership to the city before DeSha died.

Of the four classes of people entitled to survivorship benefits under the city's administrative code, same-sex partners are the only ones who must file such an affidavit during the lifetime of the person whose benefits are at issue. For all other classes — married couples, children or dependent parents — the survivor can submit documents proving the relationship after the death of the relative or spouse.

"It closes the door on a whole class of people," Maki said. "If you're a same-sex couple, you have to submit paperwork before the death of your loved one. No other class of person has to do that. If you're married, you don't have to do that while [your] spouse is still alive."

That distinction in the city's administrative code was never made clear to Gerritsen and DeSha, who had in fact filled out the forms but didn't submit them before the train crash, Maki said.

"It was sitting on Spree's desk at the time of the death," Maki said. "They didn't know it had to be handed in before she died."

Gerritsen and DeSha never registered as domestic partners in the state of California for fear that it could lead to discrimination within the police department if it became public, Maki said. During the two-day bench trial, Gerritsen's attorneys cited other documents to substantiate the civil union, including joint bank accounts and a grant deed for a home they purchased together.

The city argued that Gerritsen should have known the affidavit had to be submitted during the lifetime of both partners because the document is for medical and dental benefits — which must be submitted during the member's lifetime. The city also contended that it provided materi-



Courtesy of Lisa Maki

LAPD Officer Laura Gerritsen, left, sued the city of Los Angeles after it wouldn't allow her to collect survivorship pension benefits for her domestic partner, Officer Spree DeSha.

als to LAPD officers regarding their benefits, and is not responsible for Gerritsen's failure to understand them.

The city's argument "fails for several reasons," according to a minute order issued by the court. Requirements for the paperwork were confusing, and there was no evidence that Gerritsen or DeSha received training from the city concerning their pension benefits, the order said.

Deputy City Attorney Brian Cheng, who represented the city in the lawsuit, said Thursday he could not comment. A spokesman for the office said they were still reviewing the ruling and could not comment further.

The Los Angeles Fire and Police Pension and the LAPD did not respond to requests for comment Thursday.

Maki said she hopes the city will revisit its policy of notifying domestic partners of the requirement to file the affidavit.

"I would hope the city will look at procedures in the way they notify domestic partners of their rights," she said. "The information sent to my client has no mention of the requirement that it has to be filed prior to the death of the partner. I think they can do a better job on that."

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# Commissioner Says She Was Involved in Judicial Bribery Case

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first contacted by investigators, her reaction was, "If anybody did anything wrong that day, it was me," transcripts show.

Prosecutors allege that it was not the last time Silberman's campaign discussed a bribe.

At the end of February 2008, Murillo hired political consultant Hal Dash of Cerrell Associates, a firm that handles many judicial campaigns in Los Angeles.

Dash testified that he spoke to Steinberg, Silberman's political

consultant, on the phone shortly after his first contact with Murillo. He testified that Steinberg asked, "How much is she willing to pay for him to drop out of her race?"

Murillo testified that, after Dash told her about the conversation, she was "tired of getting these cheap shots" and began to look for a legal remedy. She ultimately reported it to the Los Angeles district attorney's office.

Dash told the grand jury that he was contacted at his office in March 2008 by district attorney investiga-

tors, who asked him if he would call Silberman's campaign consultants and try to get them to repeat the offer.

Dash obliged, and testified that Alexander made a similar offer. Dash told the grand jury that the investigators caught it on tape. During the conversation, he said investigators held up signs prompting him on what to say.

Steinberg's attorney, Stephen A. Meister of the Law Office of Mark J. Werksman, declined to comment. Alexander's attorney, Larry M.

Bakman of Santa Monica, could not be reached Thursday afternoon.

Orange County Superior Court Judge Richard M. King is expected to hear pretrial motions in the case today. The matter has been moved to Orange County so a Los Angeles judge would not preside over a peer's case.

Likewise, Deputy Attorney General Zee Rodriguez is prosecuting the case in lieu of the Los Angeles district attorney's office.

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