

Chapter 1 : What is BARGAINING? definition of BARGAINING (Psychology Dictionary)

Even aside from the argument that these activities are inherently political, the Center brief demonstrates that public-employee unions systematically abuse the collective-bargaining process.

Advertising - Plea Bargaining: Person Attorney Carl E. You may note the word "Advertising" being added to the websites of New York attorneys such as myself. The word "Advertising" is being required for use in the websites of New York attorneys by new rules effective in early . Incidentally, I was the first attorney in the United States to sue for the right to advertise as an attorney, which suit I commenced in . Prior to , it was illegal for a lawyer in most if not all states to advertise. Supreme Court ruled in that the public is entitled to obtain information of value to them as consumers and held that there was a Constitutional right of free "commercial speech", including the right of the public to have prescription prices advertised and the right to have lawyers advertise what they do and other information about their profession of value to consumers. Civil rights litigation obtained this important right for the public to receive to be able to obtain commercial speech from lawyers, doctors, other professionals, pharmacies and others. Once in a while, some relief can be obtained, but not often enough. The only way to deal with the problem, as I see it, is political. You need to run for office with the promise to voters that if you are elected you will try to appoint a "Town Attorney General" or "City Attorney General". This is like having a new sheriff in town, not one with a gun, but one with the money and legal authority to go into court to protect the rights of individuals against the ever-increasing loss of many of their rights, including the loss of rights through prosecutorial abuse. This may be your first time to my website, looking for information to help yourself or a member of your family who is the victim of prosecutorial abuse. What I will ask you to and every other victim of prosecutorial abuse to do is to take the abusive criminal-justice system away from the abusers by you, the victim, in two distinct ways: This FIRST event is to create a new medium for your community to provide the information to residents and local businesses that the local media do not provide, either because they are owned by the major corporate interests, or because they are afraid of losing advertising they have or hope to get from major corporations such as Wal-Mart, other top retailers, and other major corporations. The list must be "permissive" i. The permissive e-mail mailing list becomes your own newspaper to promote the interests of the community, which generally are not the interests of the persons or corporations which own your local commercial media. The size of your community is obviously a factor. Instead, I am talking about towns and villages even small counties having a total population of 25, or less. If it takes an average of 15 minutes per home, then 3, homes would require hours of work. This new medium for your community would be a permissive e-mail mailing list consisting of the e-mail addresses for most if not all of the residents and small businesses in your community. The small business addresses can be obtained from the local Chamber of Commerce, or by stripping the addresses from its website. Always remember not to spam, and that you need approval from the business or resident before adding the e-mail address to your community permissive e-mail mailing list. Obtaining the e-mail addresses of residents is more difficult. Whereas businesses are confined to business areas and can be reached by foot or bicycle within days for most communities in the United States, residents are scattered over an area perhaps 20 times the size of the area dedicated to businesses, with much greater time involved in creating the desired list. My suggestion is to find groups of interested persons, such as unemployed persons, seniors, individuals employed only part-time, persons on public assistance, college students, high-school students, church members especially churches catering to minorities and the poor. They can do the needed leg work, if they can be shown how the permissive e-mail mailing list can and would be used to further their specialized interests. In other words, try to share the workload by putting together a coalition of interested local groups to provide the people you will need to put the list together. Before giving you some pointers on what you can do to create the list most effectively, I want you to understand how the list would help to cure the problem that brought you to this website. A permissive e-mail mailing list including the e-mail addresses of most residents and small businesses in the town or village would enable the owners of the list perhaps you and a coalition of groups discussed above to create your own "newspaper" or equivalent really, a weekly newsletter to send to

the list providing information of value to them that the local media ignores. What type of information? Well, how about prosecutorial abuse and the damage that it is causing to your community. What else could you say in the newsletter? You have never seen anything like that in any of the local media, have you? The purpose of the permissive e-mail mailing list is to have a way to get a sufficient number of people in your community informed at the same time to be able to get them to take action that would be of benefit to them and the rest of the community. An occasional item in the local newspaper especially when the item is incomplete, and has no followup is basically worthless. You need to have control of the medium to be able to provide repeated information about the problem to be able to educate the local community members. There is a saying about advertising, "The more you tell the more you sell! You have to keep repeating the message because not everyone understands the message the first time they hear or read it. Also, email will help you identify and motivate candidates for local office; help to market their candidacy to the local residents and small businesses; and help to motivate local voters to vote these candidates into office. Communicate with me, Carl E. Person, for any insight or help I can give to creation of your community "permissive e-mail mailing list; you can reach me by email at carlpers ix. Look at the first of a series of websites I am creating -- www. You should run on the 16 election-issue platform I have set up for this purpose whether the candidate is you, me, or someone else you can encourage to run. At your request, I will try to come in to your town at my own expense to campaign for you or other person running on my point platform or a substantial part of my platform, including the "Town Attorney General" part. Once elected, you or other candidate running on my platform should do what you can with the other members of the town council to have me or another similarly qualified attorney as "Town Attorney General" for your town, village or county. The Town Attorney General is to ensure that the rights of the residents and small businesses of your town are enforced against the major corporations and others that have been systematically depriving your town of its jobs, its services, its higher-paying jobs, its standard of living - and sending the assets of your town to foreign countries. There are legal ways to stop this from occurring and to recover damages for the community for jobs already stolen. If this takes places, your town will lose its abusive criminal prosecution system. Abusive prosecutions are, as you know, very costly to the town and its residents, destroying the personal and economic lives of the victims, and imposing huge, wholly needless costs on the community, just to give overzealous prosecutors a win record against victims who have no money to fight, and who are bound to lose because of the prosecutorial advantages that, in New York City, enable federal prosecutors to put their criminal defendant victim felony defendant in jail This is not a fair criminal justice system. The best way for you to fight prosecutorial abuse is to help me get someone into your town who can do what you need to have done, which is to have legal representation to enforce the rights of individuals and small businesses against the illegal conduct of major corporations and others who disregard the law and hurt your community in their never-ending effort to strip your community of its jobs and other wealth, and send the jobs to other, low-wage countries, while asking you to continue buying their high-priced products. This has got to come to an end. Appoint a town attorney general to show you how to protect your town or village from losing whatever jobs it still has, and how to bring back many good jobs to your community. Study my 16 election issues with this in mind. There are things we can do in your town, but we need to get into politics to accomplish what needs to be done. This means that YOU need to run for office on my point program and get the ball rolling. When we have the first community in the U. The 2nd Circuit refused to grant an injunction putting me on the ballot. Having said all the above, let me introduce myself. I am Carl E. Person, an antitrust and civil rights litigator in federal and state courts for more than 40 years. My picture, in costume for the presentation, is at Carl E. Person in Costume of U. In actual fact, when tried, the results generally are not favorable, although I strongly suspect that wealthy defendants with power law firms can get greater mileage using the techniques I outline than typical criminal defendants, who have no money and often inadequate or unwilling counsel burdened with too many cases and the knowledge that whatever they do will probably be a waste of time, and antagonize the prosecutor, who in our new criminal justice system has become the judge and jury for most defendants. But this is not what I want to discuss with you. How You Can Reduce Prosecutorial Abuse in Your Town The time you and your lawyer spend in trying to overcome prosecutorial abuse is generally wasted, and I recommend that you spend the time trying to change

the system which encourages prosecutorial abuse. The criminal prosecutors achieve or expect to achieve fame, fortune and power by racking up criminal-case victories regardless of the guilt or innocence of the accused under existing principles of law. They readily learn that the way to become elected or appointed to Congress, the state or local Legislature, a judgeship, district attorney or U. Attorney position or other governmental office, is to get and publicize convictions, and to maintain that they are just in spite of overwhelming evidence to the contrary in too many cases. The way of halting this ever-increasing trend of prosecutorial abuse with resulting evils directed against individuals, I might add, not against corporations which are difficult to put in jail is to switch the emphasis from criminal to civil, from criminal prosecutor to civil prosecutor or what I have named a Town Attorney General, or "Little Eliot Spitzer". Why not be the candidate for mayor and make your argument as the main part of your campaign that you are going to appoint a Town Attorney General, and move the town into civil law enforcement against invisible corporations rather than criminal enforcement against hapless residents who wind up victims and represent huge present and deferred costs to the community to prosecute, incarcerate, feed, clothe, provide medical care, and take care of the family members who wind up as indigents and problem families for the town. I have a ready-made campaign and campaign website for you with my 16 election issues, at My 16 Election Issues Website for Local Elections. Then, you would be in a position to have the town appoint me or some other antitrust and civil rights litigator as town attorney general, to start a program of enforcing the various rights of the residents and small businesses of your town that are not being enforced by the federal and state Attorneys General, or any federal or state agency, or even by your town, village or county because traditionally the enforcement of such rights have been through federal or state officials or agencies. Now, with the federal and state governments being an adjunct to the corporate interests that supply the campaign funds, protection for the residents of your town has got to come from the town itself, through a legal officer I have named and described as the "Town Attorney General". I can help your candidacy. You can call upon me to come into town and put on my show, Town Attorney General Meeting at no cost to you, the town, or the audience to explain what I or another qualified lawyer could do for the town as Town Attorney General. I describe this presentation or performance in my Town Attorney General website. The Town Attorney General, if appointed, will create an economic revolution for your town and relegate abusive, over-zealous criminal prosecutors to a minor role, if not defendants in a civil rights suit to enjoin such conduct. The Town Attorney General will fight to enforce the rights of the residents and small businesses of your town instead of trying to put too many of the residents in jail for excessive sentences, and at excessive, wholly unnecessary costs and injury to the community. This is what you and I can do to stop prosecutorial abuse.

Chapter 2 : Bargaining - Grief - Help for Adult Victims Of Child Abuse - HAVOCA

When we think of bargaining outside of the grieving process, we generally picture one of two things. The first is the standard monetary form of bargaining or bartering for the purposes of financial gain or the acquisition of goods.

Withdrawal Of A Plea And Conditional Pleas Overview Of Plea Bargaining The plea bargain is an agreement between a criminal defense attorney and the prosecution to resolve a criminal case and ends with a defendant pleading guilty or nolo contendere no contest in exchange for a reduced sentence or to a lesser charge. Nolo Contendere A plea of nolo contendere is a guilty plea. Its effect is in civil cases where a victim may elect to sue the defendant for civil damages by not allowing the plea in the criminal case to be evidence of an admission of guilt to the underlying charge. The Motivation For Plea Bargaining People are arrested and charged with crimes every day, putting tremendous stress on the court system, jails and prisons. To resolve the tremendous number of cases, a prosecutor and defense attorney may agree to a sentence reduction or a charge reduction. In a plea bargain, the prosecution may agree to: A defendant is generally motivated by avoiding: A likely harsher punishment if a plea agreement is not accepted and the defendant is convicted at trial The expense of a trial Avoiding incarceration is a prime motivator for many defendants. Alternatives to jail or prison can include community service, deferred judgment, participation in court-approved drug, alcohol or other treatment programs and home monitoring. Changing Case Dynamics Even in a case where the evidence appears weak, the matter can unexpectedly turn against a defendant especially if other witnesses come forth or incriminating evidence is found or the prosecution decides that additional charges will be added based on new evidence. Likewise, a prosecution witness can turn out to be discredited, non-cooperative or disappears, or a motion to suppress evidence is granted to the defense, turning a strong case into an uncertain one and prompting a plea offer. Most plea agreements in misdemeanor cases are worked out at the pretrial conference with some resolved at the arraignment. In felony cases where plea bargains are permitted, the prosecution and defense can arrive at an agreement at any stage of the criminal proceedings, including during or after a trial but before a jury arrives at a verdict. If there is a hung jury or one where a jury is divided on a verdict, the parties will typically resolve the matter in lieu of retrying the case. The Involvement Of Judges Judges get involved in the plea process as well. By meeting in chambers with the prosecution and defense attorneys who may be entrenched in their positions, the judge will generally assess the evidence against you and whatever defenses are available. A judge will also weigh any offers made by the state and what you are willing to accept. Judges can present what they feel is a good offer based on the current evidence and may offer an insight into how they may rule on the admissibility of contested evidence in an effort to persuade the sides to come together. Also, a plea agreement usually must be approved by the court, although it is rare that a judge rejects one. Voluntary Plea Once a negotiated plea is accepted, the court will question you to ensure that you are entering into the plea voluntarily with no promises except as to those in the plea agreement and with knowledge that you are waiving certain rights, including: Right to a trial by jury of 12 persons who must find you guilty by a unanimous verdict Right to subpoena witnesses Right to be represented by your own attorney Right to cross-examine witnesses against you Right to present your own witnesses and evidence Right to remain silent and to not testify or offer any evidence Understanding of the immigration consequences if you are not a US citizen or of other constitutional rights In some cases, waiver of the right to appeal Admitting To Allegations Generally, a judge will require that you agree to the factual basis outlined in the complaint or admit to the allegations you assaulted the victim without provocation. You may, however, offer an Alford plea where you do not admit to the offense but agree that there is sufficient evidence to convict you at trial. This plea has the same effect as nolo contendere. An adverse consequence of an Alford plea is that a probation officer and judge may feel that your failure to take full responsibility for your conduct weighs against a lenient sentence. This a matter to be discussed with your defense attorney. Prohibitions On Plea Bargaining There are certain felony cases where California law prohibits the state from plea bargaining.

Chapter 3 : Bargaining - Help for Adult Victims Of Child Abuse - HAVOCA

Collective bargaining is the negotiation process that takes place between an employer and a group of employees when certain issues arise. The employees rely on a union member to represent them during the bargaining process, and the negotiations often relate to regulating such issues as working conditions, employee safety, training, wages, and layoffs.

Salary 10 Advantages and Disadvantages of Collective Bargaining Collective bargaining is referred to as a process or negotiations between an employer or organization and a group of employees who are members of a trade union. The union will negotiate with an employer or a group of businesses on behalf of an employee or employees. It usually encompasses negotiations on number of hours worked, health and safety, salaries and grievances, among others. Although it has been introduced as early as and have been in existence for more than a century, not all are for this process. There are advocates for as well as critics of collective bargaining and both have significant views on why it is good and bad for industries and the parties involved: To have a better understanding, let us discuss the pros and cons of this contentious topic. List of Advantages of Collective Bargaining 1. Advocates for collective bargaining posit that with collective bargaining, it will be easier for employees to fight for their rights as hard-working people. By being members of trade unions, they will have a voice through the representatives of the unions whose aim is to work for the betterment of its employee members such as higher wages, shorter working hours, safer workplaces and better health care. It keeps abusive employees powerless. In collective bargaining, employees who normally will not have the means and confidence to fight for their rights if they are not part of a trade union will have individuals who will challenge employers who take advantage of their workers. Supporters of collective bargaining say that employees have better chances to get compensated accordingly or leave their jobs if they want to without having to worry they will be sued or not get their wages. It prevents employees from going on strikes. When there are big issues between employees and employers that are not settled, a popular option for employees are to go on strikes. These actions hamper operations and consequently cripple businesses. In the end, consumers suffer. With collective bargaining, there is no need for workers to stop working because they have representatives with them who will work for their benefits. Moreover, collective bargaining protects employers as well. This is because collective bargaining will result to an agreement. And normally, this will also be agreed upon if the negotiations are beneficial for both parties. With collective bargaining, employers are also protected in a way since business operations will not be totally affected. It gives protection to all employees. People who are in favor of collective bargaining say that in the contracts signed by the employers and trade union representatives, all employees in the company will benefit from whatever conditions are stipulated in the agreement, regardless if they are members of the trade union or not. Additionally, this gives employees the right to question the policies of the company they belong to. It provides security and stability. On the part of employees, this will give them security of tenure since they will not have to worry about getting terminated unlawfully and in case they will be, they have a support system as well as representatives to fight for their rights as employees. Conversely, business owners will be able to project the expenses to finance operations and compensation packages and benefits. This way their businesses will be more stabilized. List of Disadvantages of Collective Bargaining 1. It is prone to inequality. Critics of collective agreement say that this can lead to either the employers or employees getting less of what they deserve. If representation is weak on the side of employers, chances are, the business will lose a substantial amount of money from over-compensation or excessive benefits. On the other hand, if representation for employees is weak, they might not get employment benefits they should be enjoying. It can be biased to employers. Some groups not in favor of collective bargaining argue that this process gives too much power to employees and leave the employers with tied hands when it comes to running their businesses. Since trade unions can demand from employers and ask for collective bargaining negotiations, critics are worried that this practice may become a habit even if in truth, there is nothing irregular with how these employers run their businesses. It takes a long period of time. Another disadvantage claimed by anti-collective bargaining is the time it takes for the negotiations to finish and materialize. They talk about bureaucracy and what it does to the people involved in

the process. Negotiations can take months and even years to finish, excluding the time it will take to execute the stipulations in the agreement contracts. It can be unfair to senior employees and member employees. If the issue is about salaries and benefits, say equality in wages, employees who have been working for long years for an organization are taken advantage of since they will be getting the same benefits with that of their junior and newer colleagues. For critics, this is not appropriate. Also, they contend that since that all the benefits included in the collective bargaining agreement will be handed down even to non-member of the trade union, for example, this is not fair to members who pay for their dues. It can widen the gap between employers and employees. Although collective bargaining is aimed to come up with solutions beneficial to both the management and employees, there are cases where nothing is agreed upon. When talks become futile, the situation might aggravate instead of mitigate. For the opposing group, this can, at times, create a barrier between employers and employees instead of a healthier relationship. Collective bargaining has both advantages and disadvantages which can work for or against the parties involved. Although mutual benefits can be achieved legally with this, abuse and inequality can also take place.

Chapter 4 : Plea Bargaining by on Prezi

Denial and bargaining often overlap - when the denial becomes too great the bargaining phase usually takes over. During the bargaining phase the parent/carer will acknowledge that something terrible happened but they will try to convince themselves and others that there will be no trauma associated with the event.

There are obvious times when we consider grief to be a natural reaction to life circumstances like when someone has died or moved away or when an important job or possession is lost. However the experience of grief is not only stimulated by losing loved ones or possessions, grief is also engaged when someone loses a way of living or a way of looking at themselves which had been a way of life. In the process of recovering from an addiction, grief emerges in reaction to the intense changes taking place in an individual and in a family as the addiction problem is addressed. Understanding and accepting this process of grieving helps recovery to be less of a mystery. Before exploring the grief process itself, it might be helpful to identify some of the losses that may be brought forth. They are going to miss the distraction, relaxation, intensity and high the behavior or substance offered to them. Rituals Addicts come to miss the rituals surrounding their acting-out behaviors. The places, patterns and secret activities of their substance or behavior addiction were built into their life just as solidly as a job or home and changing these is difficult and sometimes painful. Addict Relationships The addict often loses relationships that were maintained with people they involved in their acting-out or using. Freedom Living an addictive life involves avoiding accountability and responsibility to people and activities that might interfere with the freedom to use substances or act out with sex, gambling etc. The life of a recovering person involves a great deal of being accountable, checking-out decisions and actions with other people as well as meeting all commitments and responsibilities. As with the addict, the partner will experience losses as the transitions and challenges of addiction recovery take place. A partner who has been in the caretaking role for an addicted person, i. Not being needed can be a difficult challenge for partners of addicts. Loss of predictability As difficult as being in a relationship with an addict can be, at least there is some emotional and situational predictability once the patterns of the addiction are established. Addicts in recovery can actually be more moody, vocal about their needs and wants and assertive than someone living in the shame of their addiction. These can be difficult changes for a partner to understand and tolerate. Unhappiness Strangely enough, a lonely, disappointed partner, consistently abandoned, rejected or let down in their relationship with an active addict, can become comfortable in their misery. A partner, now in a relationship with a more functional, responsible and connected recovering person, has to look more closely at himself or herself when feeling unhappy, disappointed or unfulfilled. Time Taken by the Recovery Process As the recovering person gets more involved in their 12 step program, therapy and self care, they may not be any more available for relating and spending time then they were in the days of their addiction. Once kept apart by substance use and acting-out, couples may now find themselves separated by support groups, sponsors and time spent in the recovery process. In her book, Dr. Kubler-Ross was able to identify and differentiate the stages a person goes through when grieving a loss. We now understand that not everyone goes through each and every stage, nor do these stages follow a predictable pattern. Nevertheless, the feelings and situations that people go through in the recovery process can be aligned with these concepts. These stages exist primarily to shield the person who is grieving from being overwhelmed by their feelings and experiences. Grief is a process that takes time, support and self-acceptance to move beyond. Denial This is the earliest stage of the grief process that occurs when someone has not yet fully comprehended or been able to integrate the depth of the change to their lives. Addicts utilize denial to avoid taking responsibility for their substance use or behavioral acting-out. They will not be able or willing to make the connection between the consequences of their addictions and the behaviors themselves. Addicts in denial will blame other people and circumstances for their problems as they deny any responsibility. When are those cops going to do the work they are supposed to do instead of picking on good citizens like myself? Anger The anger stage of grief exists as an attempt to avoid the true underlying addictive problem. By using anger, blaming, nagging and shaming addicts and loved ones can seemingly throw around responsibility for the personal, family, financial, legal and other problems

without identifying and acknowledging the addiction problem itself. The addict will conclude that it is the fault of a partner, job, children, etc. They will unconsciously but deliberately pick fights or create negative situations in order to justify their addictive behavior. They will blame partners for poor handling of finances or childcare despite the fact that their addiction is the real source of these problems. They attempt to use control, complaining and negativity to tolerate their unhappiness, all the while hating themselves for the ways that they are acting.

Bargaining In the bargaining stage of grief, the person is beginning to come to some realization that there is or might be a problem but to compensate they are working hard to try to continue to avoid fully facing the solution or reality of their circumstances. To bargain is to try to maintain control and continue to live without real change taking place. Rather than being fully surrendered to the problem, the addict is attempting to hold on to control by making up new excuses and promises, thereby avoiding the inevitable. For partners, bargaining is a last ditch attempt to maintain the status quo. Not wanting to take the risk of confrontation of the real problem, partners may accept promises they know will not be kept or try to make changes to make life easier for the addict in the hope that they will stop their addictive behavior.

Depression This stage marks the beginning of true surrender to the depth and meaning of the addictive problem. No longer trying to assign blame or find a way out addicts begin to delve into the sadness and fear of not knowing themselves as they thought they did. Addicts struggle to come to grips with the meaning of their history of addictive actions and the costs these problems have created individually and in relationship to others they love. Often ashamed and confused in this early stage of recovery addicts may also be in unable to conceive of a life without their acting-out behaviors or substance use. For partners the depressive stage is one of beginning to comprehend the depth of the losses and challenges that the addiction has cost. Not fully understanding how addiction works and that the hope for recovery, partners may despair that their relationships will ever be right. As they experience the addict going off to step meetings, making phone calls to other addicts and sponsors, the partner may feel left out of the process and fearful of the new barriers that seem to be encouraging separation rather than support and connection.

Acceptance This stage is inevitable provided that addicts stay in recovery and that partners begin to join the process. For the addict at this stage, they can now begin to see that there is a path laid out for their recovery which others have followed successfully. They can begin to entertain a new vision of how their life will be lived without being in relationship to active addiction. New healthy recovery relationships and support have begun to replace isolation and lies. The addict has been sober long enough to begin to develop new ways of coping and managing their life circumstances, often utilizing hidden creativity and ingenuity formerly lost to their addiction. Partners at the acceptance stage can see light at the end of the tunnel. Now informed and involved in recovery through their own support groups, therapy and self-education they are beginning to redefine their role to their addicted partner, their families and to themselves. The paragraphs below outline an understanding of the differences between a grief reaction and an episode of depression.

Since the symptoms of grief and depression are similar and often vary only in the degree of the symptom, it is best to utilize the support of a professional counselor or clergy to help clarify and work through these issues.

Identifiable Differences Between Grief and Depression Many of the symptoms outlined below are typical of the experiences people have when going through the early stages of a loss and are very normal. Usually these are accompanied by some reduced day-to-day functioning which passes as the person integrates the change and reorients to new life circumstances. These symptoms in their most severe form might persist for several weeks with gradual reduction over months depending on the severity of the loss.

Normal Grief Reaction

- Feelings of being overwhelmed and less capable than normal
- Some day-to-day confusion and memory loss
- loss of keys, forgetting appointments, etc.
- Reduced interest in things which usually are interesting or pleasurable
- Sleeplessness and fatigue or oversleeping
- Tearfulness and feelings of loss and longing
- Imagining or dreaming about being back in addictive behaviors
- Self-blame, self pity, anger at the situation
- Reduced interest in eating or overeating

Signs of Depression Many of these signs are similar to the above grief experiences except that these occur in a more severe and long-term form. Persistence of symptoms such as those listed below often indicate the need for professional counseling and the possible use of anti-depressant medication. In fact recovery is a lengthy process which often can bring painful emotional and circumstantial realities forward in the early stages before the more comforting and feel-good benefits take

place. Part of recovery is allowing long hidden secrets to be disclosed and long-buried disappointments and fears to be revealed. This is painful and difficult stuff. The real challenge is more than just sobriety for the addict; it is tolerating clearing of the wreckage of the past while holding on to hope for the future. Some sayings common to the various 12 step programs may be helpful in passing through the grief stages of recovery. One of the most important gifts of the 12 step meetings themselves is the opportunity to experience and even celebrate those who are in recovery a bit longer and have a more hope to offer than the person s behind them. There is not doubt that process of 12 step work; therapy and living in spirituality do create meaningful change for those who work to have that happen.

Chapter 5 : Prosecutorial misconduct - Wikipedia

Contracts Outline - Abuse of the Bargaining Proces For Later. save.

Judicial Activism Collective Bargaining Collective bargaining is the negotiation process that takes place between an employer and a group of employees when certain issues arise. The employees rely on a union member to represent them during the bargaining process, and the negotiations often relate to regulating such issues as working conditions, employee safety, training, wages, and layoffs. To explore this concept, consider the following collective bargaining definition. Noun Negotiation of issues or conditions of employment by an organized body of employees and the employer. The Act set the standards for U. The Act requires officials elected to head a union to meet with the employer to negotiate conditions. Specific rules in support of collective bargaining include: For example, independent contractors and government workers are excluded from the NLRA. However, the Act does stipulate that these workers cannot be prevented from joining labor unions if they wish to do so. Under the Act, employers are obligated to follow certain laws, and are prohibited from certain actions, including: This federal agency is charged with managing legal disputes between employees and an employer. The agency is also responsible for taking action against employers in violation of the NLRA. Good Faith Bargaining Both employees and employers are required to partake in good faith bargaining. While this term may involve many issues, it typically includes 1 refusal of either party to meet and attempt to bargain with the other party, 2 engaging in sham or misleading negotiations, and 3 making changes to the terms of an existing CBA without consulting the other party. The NLRB helps ensure all employers and employee representatives adhere to these conditions as, when principles of good faith bargaining are not adhered to, the negotiation process between employer and employees may be more difficult. Mandatory Bargaining Issues Employers do not have to engage in good faith bargaining over every issue that arises as some may be considered trivial and are not covered under the labor laws. There are some issues, however, that are considered mandatory bargaining issues for which employers must participate in collective bargaining, including wages, layoff procedures, and hours. When an employee group desires changes to be made in an issue subject to collective bargaining, it must give advanced notice to the employer. If the employer refuses to meet in collective bargaining over the issue, it may be charged with unfair labor practices, and the NLRB may step in. This often results in an investigation by the NLRB, and potentially in a labor strike. Collective Bargaining Process The collective bargaining process involves five core steps: Preparation â€” Choosing a negotiation team and representatives of both the union and employer. Both parties should be skilled in negotiation and labor laws, and both examine available information to determine whether they have a strong standing for negotiation. Discussion â€” Both parties meet to set ground rules for the collective bargaining negotiation process. Proposal â€” Both representatives make opening statements, outlining options and possible solutions to the issue at hand. Bargaining â€” Following proposals, the parties discuss potential compromises, bargaining to create an agreement that is acceptable to both parties. Final Agreement â€” Once an agreement is made between the parties, it must be put in writing, signed by the parties, and put into effect. Continuous Bargaining Continuous bargaining is a method of collective bargaining in which ongoing negotiations between the employer and the union representative take place. This may occur when the employer and union representative have a good working relationship that enables them to continually make small changes to ensure positive employment policies. Concession Bargaining Concession bargaining is a method of collective bargaining that sometimes takes place when the employer is in distress. In this situation, the union may give the employer back a previous agreement in exchange for job security for the largest number of employees. For example, a union may give up paid time off in exchange for protection for layoffs. Benefits of Collective Bargaining According to studies, employees covered by collective bargaining often have better working conditions, higher wages, and better benefit packages than employees who are not members of a labor union. For example, union workers are more than 18 percent more likely to have affordable health insurance, and 22 percent more likely to have pension coverage. Wage advantages offered by collective bargaining mostly benefit earners of middle and lower wages, reducing wage gaps. Membership in

labor unions and collective bargaining also benefits employees by decreasing the wage gap that exists between male and female employees. Collective Bargaining in Education Collective bargaining in education consists of a process in which faculty and the board of trustees at a school interact and negotiate terms of employment. The collective bargaining process in education, similar to other forms of collective bargaining, results in legally binding agreements that cannot be changed by only one side. If changes are needed, both parties must participate in negotiations to reach a new agreement. Some reasons educational employees are encouraged to engage in the collective bargaining process include: It creates a feeling of shared control over employment issues and the decision making process. Clearly defined employment policies reduce uncertainty. A fair and effective grievance procedure increases faculty confidence that problem issues will be handled in a fair and timely manner. A negotiated agreement that addresses faculty concerns provides a sense of security. The policy of collective bargaining puts pressure on both sides to act in good faith in regard to employment practices. Employer Duty to Supply Information While the employer has an obligation to supply pertinent information to the union during the collective bargaining process, only certain information is required to be supplied. Union Duty of Fair Representation When an employee is a member of a union, the union has a duty to provide fair representation to the employee. If an employee feels that the union has breached its duty of fair representation, he may follow certain procedures to file a grievance. If there are no grievance procedures available, the employee may hire an attorney to help ensure his rights are protected. Because employment law can be complex, an attorney experienced with employment issues is best suited in this situation. The board investigates the claims over which a deal was not reached, and looks at information from both sides in determining whether future proceedings are necessary. The NLRB may make a decision siding with either party, as long as fair labor laws are not violated. Paying for Representation In many states, employee union members are required to pay for a portion of the cost of representation during the collective bargaining process. In some jurisdictions, the dues may not be used for representation during collective bargaining, while in other jurisdictions the dues are specifically for such representation. International Collective Bargaining Collective bargaining is an international human right recognized in Article 23 of the Universal Declaration of Human Rights. The right to international collective bargaining is promoted through international labor standards, and though not all countries recognize the National Labor Relations Act or National Labor Relations Board, many countries have their own associations or agencies that oversee labor rights. Related Legal Terms and Issues Coercing â€” persuading or forcing a person to do something through the use of manipulation or threats. Dues â€” the cost of membership when a person joins a union or club. Dues may be required weekly, or annually. Grievance â€” a formal complaint filed by an employee or agent. Some employers or agencies have specific procedures that must be followed. Independent Contractor â€” a person who agrees to do work for someone else using his own methods. Layoff â€” a permanent or temporary discharge of employees. Strike â€” the act of employees organizing and protesting employment practices in an attempt to induce changes. Union â€” an organized group of employees that is formed to protect workers from unfair labor practices.

Chapter 6 : The Plea Bargain Process Between Prosecution and Defense Attorney

the debt ceiling as a "bargaining chip," meaning as a benefit to be conferred or a cost to be imposed. My goal in this article is to explore the use and abuse of lever-

Failure to disclose exculpatory evidence Abuses of discretion[edit] This section does not cite any sources. Please help improve this section by adding citations to reliable sources. Unsourced material may be challenged and removed. March Prosecutors are given discretion about how they conduct their business. Selective prosecution by race, income, political affiliation, etc. Capture of the grand jury , misusing it as a tool for inquisitorial abuse, or excluding citizen complaints from being heard. Plea bargaining abuses, such as seeking testimony in exchange for leniency. This may solicit perjury or falsified evidence. Tainting of jury pools with public statements by prosecutors that are either inaccurate, exaggerated, unsupported by evidence or that could be inadmissible at trial, and such statements become widely promulgated by the media. Prosecutors causing depositions in a related civil trial which were likely to yield exculpatory evidence , and then "staying" those statements so they cannot be used in a criminal trial. Prosecutors using their Peremptory Challenges to remove from the jury anyone with relevant experience in the complex subjects of a trial. Defense attorneys often use similar tactics. Prosecutors pursuing criminal penalties for selected industry practices in Corporate America when regulatory intervention would be more appropriate. For example, prosecuting a mechanic for minor violations of the Clean Water Act rather than affording the opportunity for the mechanic to correct their error and pay the appropriate fines. Prosecutors using multidefendant trials to get defendants to turn on one another in the courtroom, as judges may be reluctant to allow separate trials in multi-defendant cases. Examples and remedies[edit] The examples and perspective in this article may not represent a worldwide view of the subject. You may improve this article , discuss the issue on the talk page , or create a new article , as appropriate. September Learn how and when to remove this template message In late , the 6th US Circuit Court of Appeals ruled that John Demjanjuk had been a victim of prosecutorial misconduct during a trial in which federal prosecutors withheld evidence. In the murder trial of O. Simpson , the defense argued that Los Angeles Police Department detective Mark Fuhrman had planted evidence at the crime scene. Although Fuhrman denied the allegations, Simpson was found not guilty , although he was later held liable for the deaths in a civil suit filed by the families of the victims. In USA Today August 24, , Francis Fukuyama stated, "[Such defenses lead to] a distrust of government and the belief that public authorities are in a vast conspiracy to violate the rights of individuals. Attorney for the Middle District of Florida , said. She went on to accuse three players of raping her at that party. Making the case even more volatile was the fact that the stripper was black and the three accused players were white. He also made numerous inflammatory statements to the media. The case against the players eventually collapsed; all charges were dropped, and the North Carolina Attorney General took the unusual step of declaring the players innocent. In a Texas man, Michael Morton was released from prison after serving nearly 25 years for the murder of his wife in He was released after DNA evidence pointed to another man as the killer. He was sentenced to spend 10 days in jail and was also disbarred. During that period, judges have cited misconduct by prosecutors as a reason to dismiss charges, reverse convictions, or reduce sentences in 2, cases, according to a study by the Center for Public Integrity released in ; the researchers looked at 11, cases in which misconduct was alleged. Prosecutors have asked judges to stop using the term to refer to an unintentional error, and to restrict its use to describe a breach of professional ethics.

Chapter 7 : 10 Advantages and Disadvantages of Collective Bargaining | calendrierdelascience.com

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Chapter 8 : The Role of Grief and Loss in Addiction Recovery - Oxbow Academy addiction treatment program

This misuse and abuse of the legislative process is not justice. Shame on the legislature! Michele Hanisee is President of the Association of Los Angeles Deputy District Attorneys, the collective bargaining agent representing nearly 1,000 Deputy District Attorneys who work for the County of Los Angeles.

Chapter 9 : collective bargaining | Employer Labor Relations

The plea bargain is an agreement between a criminal defense attorney and the prosecution to resolve a criminal case and ends with a defendant pleading guilty or nolo contendere (no contest) in exchange for a reduced sentence or to a lesser charge.