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**For Immediate Release**

**Texas Supreme Court Urged to Uphold Back Pay for Dallas First Responders**  
*City Claims Immunity from Firefighter, Police Officer Lawsuits*

AUSTIN, Texas (December 17, 2009) – The Texas Supreme Court today heard oral arguments in a dispute in which approximately 5,000 Dallas firefighters and police officers claim the city of Dallas owes them back pay as a result of a voter-approved referendum in 1979.

“Our argument today was you can’t ignore a voter-approved referendum and you must comply with what voters asked you to do. I hope the Supreme Court is going to say when voters compel a government to do something, the government must do it,” said Austin attorney Lee Parsley, who represented the plaintiffs before the Supreme Court. Hance Scarborough, LLP is the lead plaintiffs’ counsel in the case.

The 1979 referendum, approved by more than a two-to-one margin, guarantees the firefighters and police officers that the differential in pay between the frontline officers and the command staff would remain the same over time. The city council then adopted the referendum as a binding ordinance that could only be withdrawn by another vote of the citizens of Dallas.

The city initially followed the ordinance, but later began to increase the pay for the top command without giving corresponding pay increases to the rank-and-file first responders.

In 1994, the firefighters and police officers sued the city to enforce the ordinance. News reports estimate the city may owe the first responders more than \$1 billion if it is found liable in the two cases — *City of Dallas v. Albert* and *City of Dallas v. Martin*.

“It is unfortunate the city of Dallas has persisted in litigating these cases instead of honoring the financial commitment that voters made to their fire and police officers more than two decades ago. Other remedies exist that would significantly decrease the city’s financial exposure, but it has repeatedly refused to consider those options,” said Terry Scarborough, the plaintiffs’ lead trial attorney.

The city countersued the first responders in 1995. After nearly a decade of litigation in the trial and appellate courts where it lost almost every major ruling, the city now claims its is completely immune from the firefighters’ and police officers’ lawsuits. A trial court rejected the immunity claim and the city’s appeal has been pending for about six years.

It is the city’s immunity claim that the Supreme Court heard oral arguments on today.

Parsley contends the city waived any immunity by filing its own lawsuits.

“When you participate in litigation for nine years – you file counterclaims and you pursue judgments against your employees – then you have conceded to the court’s jurisdiction and you must answer to whatever the court holds – ultimately - is your liability,” Parsley said.

Joe Betzel, a 28-year veteran with the Dallas Fire Department and a plaintiff in the original case, said the city is prolonging the case in the hope the amount due first responders becomes so large that no court will rule against the city.

“We don’t want to damage the public in any type of large settlement. We are willing to discuss settlement issues and try to get this issue over with. The city has been reluctant to do that,” said Beztel, who attended the Supreme Court hearing.

Parsley said Dallas voters considered the financial ramifications on the city when they went to the polls in 1979.

“And they determined that firefighters and police officers were entitled to a pay raise. They determined that, forevermore, firefighters and police were entitled to stay in step in their pay raises and the city of Dallas chose to ignore that. So, if the city of Dallas has a liability – large or small – it is a liability they created for themselves,” he said.

Ultimately, these cases will return to district courts in McKinney and Rockwall for trial.

**About Hance Scarborough, LLP:** Hance Scarborough, LLP represents and counsels clients in matters involving regulatory and public policy law, and in a wide range of civil litigation matters. We strive to solve our individual and corporate clients' legal problems in an aggressive, yet efficient and cost-effective manner. Hance Scarborough has offices in Austin, Texas, and Washington, D.C.

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