

## **FRATERNAL ORDER OF POLICE LODGE 44 FOR CORRECTIONS**

The Fraternal Order of Police, Lodge 44 for Corrections is the Largest FOP Correctional Lodge in Arizona.

FOP44 represents all ADC employees in the Meet and Confer sessions with the ADC Director that include discussions over Public Safety, Employee Safety, Professional Development, Development of the Corrections Field, and ADC Policies.

Together with the Arizona Labor Council, the FOP44 protects the rights of all ADC employees, not only within the Department, but at the State Capital.

The FOP44 legal package, available through the Arizona Labor Council, is recognized as a leader in public safety legal protection across the nation.

### **FOP44 LABOR SERVICES**

Locally, FOP44 represents employees throughout the disciplinary process. From the new "FACT FINDING" to appeals to the Supreme Court, we have hundreds of successful outcomes for our members.

### **FOP ARIZONA LABOR COUNCIL (ALC)**

The Fraternal Order of Police Arizona Labor Council provides access to labor services for individual members and participating lodges - in furtherance of the labor aims, goals and purposes of the Arizona Fraternal Order of Police at the State Capital.



**REPRESENTING LAW ENFORCEMENT  
EMPLOYEES SINCE 1905**



**"THE F.O.P. – BUILDING ON A PROUD TRADITION..."**

## *FOP44 for Corrections*

P.O. Box 64861 Phoenix, Arizona · 85082

Phone 623-252-1367

Legal Plan Membership Office  
Toll free 877-547-3500

[www.azfop44.net](http://www.azfop44.net)

## *FOP44 for Corrections Fraternal Order of Police*

*LEGAL DEFENSE PLAN*



# Arizona Labor Council Legal Package: Law Firm of *Yen, Pilch, Landeen P.C.*

6017 N 15TH STREET • PHOENIX, ARIZONA 85014 • 602-241-0474

## **I. TRIAL DEFENSE FOR JOB-RELATED MATTERS, CRIMINAL AND CIVIL.** No additional charge.

1) A Member, spouse and dependent children (under 18 or 23 if a full-time student residing with Member) will be represented if either one is named as a defendant or respondent in an employment-related civil or criminal action to the extent that the member's employer does not provide legal counsel to the member in the said action.

2) ALC will pay a bond premium for a bail bond up to a bond amount of \$50,000.00 in job related criminal matters.

3) **CRITICAL INCIDENT RESPONSE.** Statewide 24/7 attorney response to critical incidents. When appropriate, simultaneous response by agency FOP representative.

## **II. DISCIPLINARY HEARING REPRESENTATION for on or off duty employment-related matters.** No additional charge.

1) Member, spouse and dependent children receive legal representation in any disciplinary hearings.

2) Member, spouse and dependent children receive legal defense at all post-disciplinary hearings before a review board or merit commission.

3) ALC Members may receive representation in labor disputes, as certified by the ALC in consultation with the Firm.

## **III. IRS AUDIT REPRESENTATION. Except in cases where tax evasion or fraud is alleged, Members receive up to 65 hours of representation in the event of an IRS audit of their personal returns.**

1) One hour of pre-audit consultation.

2) Up to five hours for representation during the audit, negotiations, and settlement conferences prior to litigation if there is no settlement within 30 days.

3) Up to 45 hours of preparation and actual trial time if the IRS sues the Member or if the Member elects to pay the disputed tax and sue the IRS for recovery.

## **IV. WILL FOR MEMBER AND SPOUSE.**

No additional charge.

## **V. MOTOR VEHICLE REPRESENTATION FOR MEMBERS WITHIN THE STATE OF ARIZONA, EXCEPT DUI/DWI & DRUG RELATED MATTERS.**

1) Legal defense of moving violations.

2) Legal defense against vehicle related charges of:

- A) Manslaughter
- B) Involuntary manslaughter
- C) Negligent homicide
- D) Vehicular homicide

3) Five hours of free representation and help with:

- A) Protection against loss of Member's driver's license.
- B) Property damage recovery.
- C) Recovery of personal injury damages.

## **VI. UNLIMITED FREE PHONE CONSULTATIONS OR FREE OFFICE CONSULTATIONS AS NEEDED** on any personal legal matter which the firm would otherwise agree to handle at their standard hourly rates – toll free number available.

## **VII. ESTATE REPRESENTATION.** No additional charge.

Survivors of members killed in the line of duty or in off-duty accidents caused by others will receive representation in the probate of the member's estate.

## **VIII. WORKERS COMPENSATION.** Members receive representation in Workers' Compensation matters. No upfront costs for accepted contingency fee cases. For non-contingency fee matters, the members shall receive \$2,000 of legal services and additional covered costs up to \$400.

**IX. MEDICAL RETIREMENT:** Members receive free consultations regarding state or employer provided disability retirement matters. If member desires to have legal representation in the disability retirement process, the firm will provide representation to member at a discounted rate.

**X. DISCOUNTED RATE** for other legal services for members: A discounted rate per hour or a contingency fee reduced to 25% for all legal services not otherwise provided by the plan and which the firm would otherwise accept at significantly higher rates. Some legal services are charged on a flat fee basis, e.g., criminal cases, trusts; ALC members and spouses receive 25% off flat fees. A retainer fee may be required on a case-by-case basis for the discounted rates. Labor actions, which are affirmative in nature, i.e., the member is the plaintiff, are covered in this section..

**XI. CONTRACT DEVELOPMENT:** If certified by the ALC, in consultation with the Firm and the National FOP Labor Services Division, assistance with development and negotiation of employer agreements/ MOU

## **XII. ATTORNEY REPRESENTATION**

Where a representation conflict or potential conflict arises, a member may be referred to other ALC retained counsel at no additional charge to the member.

**XII.** Supervisors, regardless of rank, shall be entitled to legal defense of all disciplinary actions brought against them by their department or agency. Supervisors shall also be entitled to all other legal benefits of ALC membership.

## **XIII. EXCLUSIONS.**

Except as otherwise agreed, the Firm shall not be required to provide legal representation under the following conditions:

1) For pre-existing conditions which are defined as those acts which give rise to litigation or disciplinary proceedings which are alleged to have occurred prior to the Member's enrollment in the ALC or during a lapse in dues payments and about which the Member had reasonable notice that it might serve as the basis for litigation or disciplinary proceedings at the time he or she first became a Member or during a lapse in dues payments, even though the lawsuit or administrative proceeding was not initiated until after such date.

2) Matters, claims or defenses pertaining to any matter covered herein which the Firm and the ALC Executive Committee determine to be frivolous, or otherwise unmeritorious including decisions to appeal any judgment or claims of defenses.

3) Any matters which the Firm, by the Code of Professional Conduct, is prohibited from handling.

4) Any matters which the ALC Executive Committee, in its discretion, directs the Firm not to pursue because the matter does not advance the principles and interests of the ALC.

5) ALC in consultation with the Firm reserves the right to make reasonable modifications to the terms of the Agreement.

6) Under no conditions shall this Agreement be construed to provide a Member with legal representation in any action in which the ALC, or any Member of the Executive Committee, may be an adverse party.