

# ARIZONA LABOR COUNCIL LEGAL PACKAGE: Law Firm of Yen Pilch Komadina & Flemming, P.C.

## I. TRIAL DEFENSE FOR EMPLOYMENT-RELATED MATTERS, CRIMINAL AND CIVIL.

No additional charge.

- 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.
- B. ALC will pay a bond premium for a bail bond up to a bond amount of \$50,000 in job related criminal matters.
- C. **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.

- A. Member, spouse and dependent children receive legal representation in any disciplinary hearings.
- B. Member, spouse and dependent children receive legal defense at all post-disciplinary hearings before a review board or merit commission.
- C. 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.

- A. One hour of pre-audit consultation.
- B. Up to five hours for representation during the audit, negotiations, and settlement conferences prior to litigation if there is no settlement within 30 days.
- D. 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

- A. No additional charge.

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

- A. Legal defense of moving violations.
- B. Legal defense against vehicle related charges of:
  - 1. Manslaughter
  - 2. Involuntary manslaughter
  - 3. Negligent homicide.
  - 4. Vehicular homicide.
- C. Five hours of free representation and help with:
  - 1. Protection against loss of Member's driver's license.
  - 2. Property damage recovery.
  - 3. 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.

- A. 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 \$1,500 of legal services and additional covered costs up to \$400.

## IX. 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.

## X. 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.

## XI. 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:

- A. 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.
- B. 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.
- C. Any matters which the Firm, by the Code of Professional Conduct, is prohibited from handling.
- D. 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.
- E. ALC in consultation with the Firm reserves the right to make reasonable modifications to the terms of the Agreement.
- F. 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.