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Harold A. Schaitberger, General President

Thomas H. Miller, General Secretary-Treasurer

**FRONT LINE
LEGAL POLICY
APPLICATION**

International Association of Fire Fighters, AFL-CIO, CLC



OVERVIEW OF THE IAFF FRONT LINE LEGAL POLICY

The Front Line Policy makes available legal representation by and/or through the International's General Counsel's Office (referred to here as "GCO") for legal cases in which it is determined that the IAFF and its members have a significant interest arising from the death or serious injury of an IAFF member because of: (a) defective products; or (b) the negligence of a third-party. This policy also provides financial assistance from the International to cover initial out-of-pocket costs related to cases handled under the policy.

A. Defective Products

The Front Line policy is intended to make available legal representation to IAFF members, or the families of deceased IAFF members, who have died or suffered serious injury because their on-the-job equipment (including, but not limited to, gear, apparatus, tools, and apparel) did not meet acceptable standards, or because such equipment was defectively designed or manufactured. It is also intended to cover qualifying litigation against the manufacturer of products that have malfunctioned in the line-of-duty, where the malfunction contributed to the death or serious injury of an IAFF member.

The enactment of this policy is designed to ensure that adversely affected IAFF members or their families are provided fair reimbursement for their loss, and to establish favorable court precedent to improve the manufacturing of such products and equipment in the future.

B. Negligence of Third-Parties

The second category of cases covered by this policy includes litigation involving claims against third-parties, such as property-owners or possessors of hazardous materials, whose negligence has resulted in the death or serious injury of an IAFF member.

C. Initial Out-of-Pocket Expenses

For qualifying cases in which coverage under this policy is deemed appropriate, the International will provide an amount not to exceed \$10,000 to be used solely for the purpose of covering initial out-of-pocket costs incurred in the litigation. The Front Line Policy is intended to provide legal assistance directly through the IAFF General Counsel's Office, and the GCO may utilize local counsel in litigating qualifying cases. The \$10,000 in financial assistance will only be made available for litigation pursued under this policy. Fees for legal services and representation by the GCO and local counsel will be handled pursuant to a contingency fee arrangement which is favorable to the members.

D. Procedures and Funding

The decision to make available legal services and representation by the GCO and financial assistance related to the litigation pursuant to this policy would be made by the IAFF General President, according to the following procedures:

1. The District Vice President will communicate with the IAFF General President concerning a request for the legal services of the GCO.
2. The District Vice President and the affected affiliate will submit the facts (including relevant documentation) fully describing the matter and why it should qualify for assistance.
3. The GCO will study the information and provide a legal opinion to the General President as to whether the matter has merit. In a legal matter involving a Canadian affiliate or member, the General President may consult with a Canadian attorney as well as the GCO.
4. The General President will make the decision as to whether the GCO will be authorized to provide legal services and representation. The General President's decision to grant assistance shall be forwarded as soon as is practical to all IAFF District Vice Presidents.

Prior to making its recommendation to the General President, the GCO will research and examine the following legal issues:

- the opportunity presented by the claim to establish a strong precedent;
- the applicability of federal and state law;
- legal obstacles to the viability of a court action, such as the 'fire fighters rule'; the 'assumption of risk' doctrine; federal preemption; etc.;
- the receptiveness of state or federal courts in the jurisdiction with respect to the claim;
- the sufficiency of evidence to sustain the claim;
- potential affirmative defenses available to a corporation or negligent party (statute of limitations; etc.);
- the difficulties in proving causation, liability, and damages;
- the advisability of pursuing a workers' compensation claim;
- the prudence of pursuing a class action to provide broader relief and impact;

- the potential responsibility of other entities;
- intervening causes or contributory negligence which may undercut the claim;
- the financial capacity of potential defendants to satisfy court-ordered relief;
- the availability of expert witnesses who would provide authoritative testimony in support of the claim; and
- whether the claim might conflict with positions taken by the IAFF and affiliates on particular safety and health issues.

The General President's decision may be guided by the GCO's opinion; the availability of funding; the merits and potential precedent-setting impact of the case on the membership of the IAFF; the need for a coordinated and centralized approach to the case; the opportunity presented by the case to serve as a foundation for advancing the safety and health interests of the membership in securing favorable legislation, regulations, or policies; and other appropriate factors. In addition, the General President may consult with the General Secretary-Treasurer and the chairpersons of appropriate committees with regard to any decision made under this policy.

The General President may authorize funding of the initial costs of a particular court action from the general funds of the organization. The GCO will make every reasonable effort to recover and reimburse the IAFF for expenditures involving litigation costs.

E. Additional Services

In addition to providing legal assistance in appropriate cases when requests for assistance have been made, the IAFF will endeavor through various means to collect information and monitor issues arising from potential and/or ongoing cases and, when appropriate, provide information and guidance about such cases to affiliate members.

This application is designed to facilitate the consideration of your request for assistance under the Front Line Policy. Once you have provided the information that is requested on the following pages, and have attached any documents that relate to your request, please submit your completed application to your District Vice President, who will then forward it to the IAFF General President. The amount of time that it takes to fully consider a Front Line Policy application can vary, so if your request for assistance is time-sensitive, please make sure to indicate that fact in your application. Also, please inform your District Vice President of any time deadlines related to your situation that could require expedited consideration of your application.



APPLICATION FOR FRONT LINE POLICY ASSISTANCE

This application should be filled out by the President of the Local or State/Provincial affiliate seeking the assistance. Once filled out, it should be forwarded to the affiliate's District Vice President for submission to the General President.

I. Identifying Information

Date: _____

Local or State/Provincial Affiliate Name: _____

Local Number: _____

Name of President: _____

Address: _____

Telephone Number: _____ Fax Number: _____

E-Mail Address: _____

Name of the IAFF member(s) for whom the assistance is being sought:

If assistance is being sought on behalf of a class of IAFF members, please describe the class of members and the grounds for seeking assistance on this basis:

If assistance is being sought on behalf of a family member of a deceased IAFF member, please indicate the name of the family member, the name and local affiliation of the deceased IAFF member, and the family relationship:

II. Basis for Entitlement to Front Line Policy Assistance (either the First or Second Category **must** be checked):

_____ First Category - Defective Products: Serious injury or death has resulted from

_____ Defective products or equipment

_____ Malfunctioning products or equipment

_____ Other (please specify): _____

If seeking entitlement under the First Category, please describe the situation in full detail, including the harm that was suffered and any facts (to the extent known at the time of the application) tending to show that the harm was caused by defective or malfunctioning products or equipment. Use additional sheets if necessary. **You must include copies of any documents related to your request with this application.**

_____ Second Category - Negligence of Parties: Serious injury or death has resulted from the negligence of a third party (property owner, transport company, etc.).

If seeking entitlement under the Second Category, please set forth complete details regarding the harm that was suffered and any facts (to the extent known at the time of the application) tending to show that the harm was caused by the negligence of a third party. Use additional sheets if necessary. **You must include copies of any documents related to your request with this application.**

Has the District Vice President been informed of all the details and circumstances relating to this request?

Yes _____ No _____

III. Other Information

Has the applicant taken any steps to pursue his or her rights (filed a grievance or workers compensation claim, filed an OSHA or other administrative complaint, filed a lawsuit, etc.) with respect to the matter for which Front Line Policy assistance is being sought?

Yes _____ No _____

If **yes**, please provide full details, including actions taken, dates, and results of such actions, if any:

Has any investigation been conducted regarding the matter for which Front Line Policy assistance is being sought? Such investigations would include, but are not limited to, those conducted by the fire department or other local, state or federal authority.

Yes _____ No _____ Not sure _____

If **yes**, please provide full details, including the nature of the inquiry or investigation, dates, and results, if any, of such inquiry or investigation:

Please include copies of documents, if any, pertaining to steps that have been taken to pursue legal rights related to the claim for which Front Line Policy assistance is being sought. Also include copies of any documents related to any inquiry or investigation that has been conducted regarding the matter, including investigations conducted by fire departments or other local, state or federal authorities. If copies of such documents are not available, please indicate on the following lines the name, address and phone number of the party or parties who would have these documents.

Has the applicant retained legal counsel for the purpose of representing him or her regarding the matter for which Front Line Policy assistance is being sought? Yes _____ No _____

If **yes**, please provide the following information:

Name of Counsel: _____

Name of Law Firm: _____

Address of Counsel: _____

Phone Number of Counsel: _____

Actions Taken by Counsel to Date:

IMPORTANT – PLEASE READ:

Please be aware that the Front Line Policy is intended to provide IAFF members, or the family members of deceased IAFF members, with legal representation directly from the IAFF General Counsel’s Office. If the party seeking assistance is not willing to authorize the General Counsel’s Office to serve as lead counsel in any legal action for which the assistance is being sought (thereby authorizing the General Counsel’s Office to make the legal strategy decisions in such actions), then assistance under this Policy would not be available.

If legal counsel has already been retained in the matter for which Front Line Policy assistance is being sought, is the party for whom this assistance is being sought willing to authorize the General Counsel's Office to serve as lead counsel in any legal action that might be authorized under this Policy?

Yes _____ No _____

Has any assistance regarding this matter been sought or obtained from any other IAFF department, or pursuant to any other IAFF policy?

Yes _____ No _____

If yes, please provide full details, including the type of assistance sought and/or provided:

IV. Signature of Applicant

I hereby apply to obtain assistance under the IAFF Front Line Legal Policy for the matter specified in this application. The foregoing information is true, accurate and complete, to the best of my knowledge.

Signature of Local President

Date

V. Procedural Record (Office Use Only)

Forwarded to General President by District Vice President _____

Date Forwarded to General President: _____

Date Forwarded to General Counsel's Office for Analysis and Recommendation: _____

Recommendation by General Counsel's Office (attach): _____

Date Forwarded: _____

Decision by the General President: _____

Date Decided: _____

Date Applicant Notified: _____

Date Vice President Notified: _____

Date Executive Board Notified: _____

Outcome of Case: