

INITIAL ADVISEMENT CONCERNING PBA LEGAL ASSISTANCE

Please be advised that your initial contact with the PBA Staff Attorney regarding your specific case is strictly for the purpose of evaluation of the case to determine potential conflicts, whether the incident occurred within the scope of your official duties as a law enforcement officer, and the relative merits (strength) of your case. This is only an initial evaluation of the case, but it is important for you to understand that it is a consultation for evaluation purposes and not an assignment of representation by an attorney. However, any information provided during your initial consultation with a PBA Staff Attorney will be completely confidential under the attorney/client privilege. It is the responsibility of the PBA attorney evaluating your case, to use the information you have provided to determine how best to proceed with your case and whether your position conflicts with the position of the Association as a whole or the position of their members who have also sought the legal assistance of PBA Attorneys. In order to meet the responsibilities, you should expect that it will be necessary to discuss information relating to your case and its merits with the officers or representatives of the Association. After gathering all pertinent information, an analysis of that information and a comparison thereof with Broward County PBA Legal Assistance Policy #95-1, a determination will be made concerning formal assignment of a Staff Attorney for representation. If no conflicts of interest are apparent in your case and your case presents sufficient merit, you will receive written notification of Staff Attorney representation. On the other hand, if there are questions of merit (pursuant to that policy) such as a

relatively minor level of discipline, i.e., oral counseling or written reprimand with no widespread potential effect on the bargaining unit, involvement with drug usage or other prohibited activity under the policy or an extremely strong case against a member with defenses, pursuant to 95-1, a merit review before the Executive Board may be required to determine if assignment of a PBA Staff Attorney is warranted. Resolution of conflicts or merit review necessarily involves discussion of your case with other officers or representatives of the PBA.

With regard to incidents that occur off duty, and fall outside of the PBA's legal assistance policy, upon determination of such facts in the initial consultation, a written notice of non-assignment of PBA staff representation will be issued with a referral to the Broward County PBA Pre-Paid Legal Assistance Program (L.A.P.) which covers representation for administrative aspects of off duty incidents. Please be advised that the costs associated with the L.A.P. are governed by the L.A.P. Policy and will be explained to you by the L.A.P. Attorney. (Please be aware that for off duty incidents, representation on criminal aspects still remains the responsibility of the member, as the PBA does not provide representation for such matters.) With regard to PBA legal assistance, if a staff attorney is assigned as a result of initial evaluation of your case or by direction of the Executive Board after merit review, the following limitations apply to that representation.

PBA attorneys will not be able to assert legal positions on your behalf that conflict with positions of the Association as a whole or that of other members who have also sought legal assistance of PBA attorneys. Where a reasonable settlement is offered by the employer and rejected

by the member, continued PBA legal assistance must first be approved by the Broward County PBA Executive Board. If the Executive Board determines that further legal representation is contrary to the best interest of the Association as a whole, then legal representation will be terminated and the member shall be responsible for any furtherance of the case, including any and all legal expenses, fees, and/or costs associated with the case. If at any point in your legal representation, it becomes apparent that a conflict exists: we may attempt to resolve the conflict; you may be referred to independent outside counsel or you may be denied continued legal representation. You will be notified if such a conflict is discovered and what action will be taken by the Association.

I HEREBY acknowledge reading and understanding the information provided above with regard to any legal assistance benefits.

Member Name (Print)

Member Signature

Date

- Member contacted the PBA under emergency circumstances by telephone, and the initial consultation was conducted by telephone conference at which time the member was read and advised of the information set out above.

PBA STAFF ATTORNEY

Date