

DPSOA Legal Guidelines

I. The Texas Department of Public Safety Officers Association will provide payment of reasonable and necessary attorney fees and expenses incurred by a member in good standing as a result of a covered event as more fully described below through authorized attorneys only. Authorized attorneys are General Counsel Bob Gorsky and the firm of Lyon, Gorsky & Gilbert, L.L.P., or others so designated by the by the Board of Directors or approved by the General Counsel on a case by case basis. In the event a member desires to hire counsel other than those identified herein, the member must notify the Texas DPSOA business office which in turn will advise the General Counsel or require the member to contact the General Counsel who will be responsible to verify the qualifications of the requested attorney. The General Counsel will make a recommendation to the President or his designee as to whether the requested attorney should be approved for that case. The President or his designee's decision regarding a dispute concerning the authorization of counsel shall be final. If a requested attorney is approved by the President or his designee, reasonable and necessary legal fees will be paid at the hourly rate paid to the General Counsel. No legal fees or expenses will be paid to counsel other than those named herein without the approval as contained herein.

II. Subject to Paragraph I above, the following matters do not require prior approval of the Board of Directors; however, a member must notify the President or his designee upon contacting the attorney. In all other cases the member must obtain the approval of the Board of Directors before legal assistance will be provided by the Texas Department of Public Safety Officers Association.

1. Any administrative investigation conducted by the Texas Department of Public Safety, the State of Texas or its appointed board and commissions pursuant to any complaint, investigation, or review procedures outlined in the Department of Public Safety General Manual, including when the member was acting as a Special Ranger or Special Texas Ranger.

2. The administrative appeal of any disciplinary action or accident review board action, stemming from any complaint, investigation, or review procedures outlined in the Department of Public Safety General Manual, including when the member was acting as a Special Ranger or Special Texas Ranger.

3. Legal defense through arraignment in criminal investigations of alleged misconduct which arises out of the performance of the member's job duties or while performing duties as a Special Ranger or Special Texas Ranger on behalf of the Texas Department of Public Safety.

4. Legal defense through arraignment in criminal investigations concerning a DPS retiree member's use of force or use of deadly force, including when the member was acting as a private citizen. DPS retiree member coverage shall not apply in the event the DPS retiree member uses force or deadly force while in the course and scope of his/her employment by any law enforcement agency other than the Texas Department of Public Safety, or as a private security officer.

5. Legal advice to a deceased member's immediate survivors relating to benefits available under federal, state or local law in cases resulting in the death of a member while that member was performing his job duties on behalf of the Texas Department of Public Safety or, if applicable, while performing duties as a Special Ranger or Special Texas Ranger on behalf of the Texas Department of Public Safety.

6. The monitoring by legal counsel of a civil action filed against a member in state or federal court where the allegations arise out of the performance of the member's job duties on behalf of the Texas Department of Public Safety or while performing duties as a Special Ranger or Special Texas Ranger on behalf of the Texas Department of Public Safety. However, nothing in this paragraph shall authorize full defense coverage without board approval.

7. One hour of legal advice related to a member's job duties, including while performing duties as a Special Ranger or Special Texas Ranger on behalf of the Texas Department of Public Safety.

III. Unless specifically approved by the Board of Directors, the payment of legal fees and expenses will not include attorneys' fees or expenses relating to the prosecution of a counter-claim, cross action or other affirmative claim.

IV. Legal assistance will not be provided in a civil case where a claim or suit is filed by a member for the purpose of obtaining an award of monetary damages from another member of the Association, however, a member may request reimbursement for such a suit or claim after such a suit has been concluded. In such a case, the Board of Directors shall have the sole discretion to reimburse for such a suit or claim after such a suit has been concluded. In such a case, the Board of Directors shall have the sole discretion to reimburse any member of the Association who may be a party to such a suit and such reimbursement shall not be construed as opinion by the Board of Directors of the Association regarding the merits of the lawsuit.

V. In order to be eligible for legal assistance concerning any matter, the requesting member must have been an active member in good standing pursuant to Article IV of the Texas Department of Public Safety Officers Association by-laws both at the time of the incident which gave rise to the claim, complaint or cause of action as well as at the time the request for legal assistance is made. This requirement shall not apply to retirees who were members in good standing and performing job duties on behalf of the Texas Department of Public Safety at the time of the complaint, claim or cause of action. Retirees are those persons who have been granted retirement benefits pursuant to the Texas State Retirement System.

VI. These guidelines shall supersede all previous guidelines, memos or directives concerning legal assistance.

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