

COLORADO FOP NON-DUTY LEGAL DEFENSE PLAN

OFF-DUTY LEGAL PLAN BENEFITS & TERMS

Subject to any exclusions or limitations set forth herein, the OFF-DUTY LEGAL PLAN shall pay the following benefits for Covered Claims up to the applicable limits of liability:

A. COVERAGE

So long as a member is in good standing and is paying the monthly cost, he or she will receive a credit in the amount of \$15,000.00 per covered claim that may be used in one or more of the following practice areas with the exception of Family Law and Real Estate Law. Family and Real Estate law covered claims are capped at \$2,500.00 per covered claim provided the member has incurred the first \$2,500.00 in fees towards the Family or Real Estate Law covered claim. However, no member can exceed more than \$15,000.00 per covered claim or \$2,500.00 per Family or Real Estate Law covered claim over the life of the claim or regardless of how long in time the claim takes to resolve. Further, in the event that a member makes multiple covered claims the credit cannot exceed \$15,000.00 for any combination of claims in a calendar year.

B. COVERED CLAIMS AND APPLICABLE CAPS

The following are the covered claims by subject matter. In the event that there is a question about whether the proposed claim is covered or fits the terms of the subject matter the FOP President or his/her designee will make the decision.

1. Criminal Defense: Criminal defense includes any misdemeanor or felony case. Specifically excluded from criminal defense coverage is any traffic tickets or parking violations (DUI/DWAI is considered a misdemeanor and is therefore covered). Applicable Cap: \$15,000.00 per covered claim over the life of the claim.
2. Employment Law: Employment law matters includes unemployment hearings above and beyond the ten (10 hours) that is currently covered by the FOP Legal Defense Fund and District Court C.R.C.P. 106 administrative reviews of any employment decision. Specifically excluded from employment law is any matter covered by the FOP Labor Council. Applicable Cap: \$15,000.00 per covered claim over the life of the claim.
3. General Real Estate or Transactional Matters: This practice area includes landlord/tenant issues and/or disputes, real estate transactions, real estate finance and general business matters. Applicable Cap: \$2,500.00 per covered claim over the life of the claim, provided the member has incurred the first \$2,500.00 in fees towards the covered claim.
4. Wills, Trusts & Estate Law: This practice area includes consultations involving and the preparation of one or more of the following documents (as needed) - simple will, medical power of attorney, financial power of attorney, living will, simple will with trust provisions and declaration of last remains. Applicable Cap: \$15,000.00 per covered claim over the life of the claim.
5. Family Law: For purposes of the Plan, family law includes all proceedings arising under Article 10, Title 14 of the Colorado Revised Statutes, such as dissolution of marriage, establishment/modification of child support and maintenance, and allocation/modification of parental rights and responsibilities. Also included are hearings and sub-issues emanating from Title 19, C.R.S. proceedings, but only to the extent that the substantive law of Article 10, Title 14 C.R.S. will be applied thereto: By example, a child-support or APR hearing conducted following a Title 19 determination of paternity is a family law matter for purposes of the Plan, though the paternity determination itself is not. Specifically excluded from family law coverage are proceedings arising under Title 19 which are governed by the substantive law of Title 19, such as paternity, adoption, and/or Dependency and Neglect cases; as well as all proceedings arising under Titles or Articles other than those set forth above. Applicable Cap: \$2,500.00 per covered

claim over the life of the claim provided the member has incurred the first \$2,500.00 in fees towards the Family Law covered claim.

C. DISCLAIMER

Unless expressly mentioned above, all other practices areas of law are not covered by this Plan. For instance, while this list is not exhaustive, the Plan does not include matters concerning immigration, securities, syndications, environmental, tax, immigration, patent, copyright and intellectual property law.

The prior iteration of the Plan covered Family Law with a cap of \$15,000.00 per claim. Effective July 15, 2014, this Plan only covers Family Law claims up to a cap of \$2,500.00 per claim over the life of the approved covered claim provided the member has incurred the first \$2,500.00 in fees towards the Family Law covered claim. The member will receive the standard FOP rate of \$165/hour on all off-duty matters above the applicable caps but will be personally responsible for payment of any legal fees above and beyond the applicable cap.

The prior iteration of the Plan covered Real Estate Law with a cap of \$15,000.00 per claim. Effective September 15, 2016, this Plan only covers Real Estate Law claims up to a cap of \$2,500.00 per claim over the life of the approved covered claim provided the member has incurred the first \$2,500.00 in fees towards the Real Estate covered claim. The member will receive the standard FOP rate of \$165/hour on all off-duty matters above the applicable caps but will be personally responsible for payment of any legal fees above and beyond the applicable cap.

D. FEE AGREEMENT & BILLING

Prior to the commencement of any work under any of the above-designated practice areas, each member must execute a mutually acceptable engagement agreement with the applicable law firm or firms. The engagement agreement will state the scope of the services to be rendered by the law firm or firms and will acknowledge the waiver of legal fees up to the amount of the applicable cap so long as the member remains in good standing and continues to pay his or her monthly charge. Per the terms of the engagement agreement, the member will receive a monthly statement so that he or she can track time spent and fees and costs incurred. Once the applicable cap is reached, the member will pay at the rate of \$165.00 per hour (the standard FOP rate) directly to the law firm or firms on any given case.

E. COSTS FOR WHICH MEMBER IS RESPONSIBLE

Each member agrees and understands that the Plan covers only attorney's fees - not "costs." Each member will pay directly or reimburse the applicable law firm for all costs necessarily incurred in the representation of the applicable member. Depending upon the nature of the representation, such costs may include, without limitation:

- a) Fees payable to the court and for service of process;
- b) Subpoena and witness fees;
- c) Costs of investigation, photographs, and film;
- d) Fees of court reporters to take and prepare transcripts of depositions;
- e) Costs for reports and records from physicians, hospitals and employers;
- f) Costs and fees for experts for preparation of reports, preparation for depositions, and preparation for and testimony at trial;
- g) Costs for O&E reports, title commitments and title policies;
- h) Costs for surveys, improvement location certificates and the like;
- i) Costs for foreclosure guaranties and foreclosure related costs incurred by, or on behalf of, a public trustee
- j) Necessary travel and related expenses; and,
- k) Photocopying, postage and long distance telephone calls.

The above is NOT a full copy of the terms and conditions of the Colorado FOP Non Duty Legal Defense Plan. It is

only a summary of dues, covered claims, applicable caps, costs and fees. Members of the plan can request a full copy of the terms and conditions at any time by sending an email request to lodge52pride@gmail.com

* Required

REPRESENTATION

ALL Non-Duty Plan Representation will be preformed by the following list of approved FOP law firms and/or attorneys: ELKUS, SISSON & ROSENSTEIN, P.C.* <http://www.elkusandsisson.com/> 1660 Lincoln Suite #1750, Denver, CO 80202 Office Number: 303-567-7981 *EXCEPTION: This firm does not offer services for: Wills, Trusts & Estates FOSTER, GRAHAM, MILSTIEN & CALISHER LLC* <http://www.fostergraham.com/> 360 S. Garfield St; Suite 6 Denver, CO 80209 Office Number: 303-333-9810 *EXCEPTION: This firm does not offer services for: Family Law THE LAW OFFICE OF DANIEL SCHAEFER - Daniel Schaefer, Esq. daniel@danschaeferlaw.com 14650 Benton Street Broomfield, CO 80020 Office Number: 720-206-7894 *NOTE: This is the ONLY firm only offering services for Wills, Trusts & Estates

FOP NON-DUTY LEGAL DEFENSE AGREEMENT

DATE OF APPLICATION *

Month	▼	Day	▼	2016	▼
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Obligation

By my signature, I attest that I am a member in good standing of the Fraternal Order of Police Legal Defense Fund, or that I am a retired member in good standing.

Legal Defense Fund Agreement

To my knowledge, I am not presently named in any suit, action, or proceeding, nor under investigation for any non-duty related incident, except for the following:

TYPE / BRIEF EXPLANATION

Type: suit; action; proceeding; investigation

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	▼
◀	▶

TERMS AND CONDITIONS

TERMS AND CONDITIONS I hereby apply for enrollment into the FOP NON-DUTY LEGAL DEFENSE PLAN. I agree to abide by all the terms and conditions thereof.* I understand that no coverage is in effect until this application is accepted and approved by the Non-Duty Legal Defense Plan Administrator; and, not until initial payment has been cleared. I agree to be truthful when making a claim, and I will agree to release all of the information required by the Plan Directors. * Revised August 25, 2016 NOTE: Cost of membership is One Hundred and Eighty Dollars (\$180.00) per calendar year at \$15.00 per month; REGARDLESS the month membership is established.

SIGNATURE *

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LOCAL LODGE *

FOP MEMBER ID # *

Enter the 5-digit FOP member number (Note: 1 = 00001)

LDF MEMBER ID # (If unknown, hit the spacebar) *

Enter the 11-digit LDF member number (Example: = 0123456789-Q)

LAST NAME *

FIRST NAME: *

DATE OF BIRTH *

Month	▼	Day	▼	2016	▼
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ADDRESS *

CITY, STATE: *

POSTAL CODE *

CURRENT ASSIGNMENT *

DATE OF HIRE *

Please Include Day of Month

Month	▼	Day	▼	2016	▼
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MAIN TELEPHONE # *

PERSONAL E-MAIL ADDRESS *

- PLEASE NOTIFY COFOP STATE OFFICE OF ANY CHANGES TO CONTACT INFORMATION

PAYMENT INFORMATION:

***ACH FORM_LINK: <https://files.acrobat.com/a/preview/dc0e1e90-b6fc-47ef-bd9b-5d69ba62362b> A Non-Duty Plan ACH Form MUST also be filled out and submitted to the CO FOP State Lodge. The APPLICATION PROCESS WILL NOT BEGIN UNTIL BOTH APPLICATION & ACH FORMS ARE RECEIVED SUBMIT ACH to the State Lodge via one of the following options: 1. E-mail: lodge52pride@gmail.com 2. US Postal Mail: COLORADO FOP NON-DUTY PLAN P.O. Box 2292 Loveland, CO 80539

PAYMENT TYPE *

NOTE: The [OTHER] option is for OFFICE USE ONLY

- ACH: \$15 Monthly Withdrawal (see above link & submittable options)

- APPLICATION ONLY (Per State Request): ACH Previously Sent & Received
- Other:

DISCLAIMER: (PLEASE READ)

MEMBERSHIP/ACTIVATION PROCESS: Coverage is NOT in effect until this application is accepted and approved by the Non-Duty Legal Defense Plan Administrator; and, not until initial payment has been cleared*. Members in default of monthly dues payments will be allowed a 30-day grace period. If any dues in arrears are not corrected within 30 days, membership will be deemed, Inactive. MEMBERSHIP DUES: Cost of membership is One Hundred and Eighty Dollars (\$180.00) per calendar year REGARDLESS the month membership is established; therefore, IF membership is established AFTER the fifteenth day of January (January 15) then the Initial Preauthorized Debit WILL INCLUDE an addition Fifteen Dollars (\$15.00) for EACH interim month. ACCEPTABLE FORM OF PAYMENT: ACH (Only!) A signed ACH Form, authorizing \$15.00 monthly dues withdrawals [deducted the 15th of every month], is the only accepted form of payment. ***** IMPORTANT APPLICANT INFO: ▪ PLEASE ALLOW AT LEAST 1 WEEK FOR MEMBERSHIP VERIFICATION, APPROVAL & PROCESSING TO COMPLETE. ▪ ONCE DUES ARE INITIATED, THE FIRST, CLEARED, WITHDRAWAL PAYMENT WILL SERVE AS NOTIFICATION FOR "ACTIVE" MEMBERSHIP STATUS. ▪ IF YOU HAVE QUESTIONS ABOUT YOUR STATUS, CONTACT THE PLAN ADMINSTRATOR ROB PRIDE AT 970-232-4332 or LODGES2PRIDE@GMAIL.COM