

BROTHERHOOD OF LOCOMOTIVE ENGINEERS AND TRAINMEN

NATIONAL DIVISION
1370 Ontario Street, Mezzanine
Cleveland, Ohio 44113-1702



Phone: 216.241.2630
Fax: 216.241.6516
www.ble-t.org

WILLIAM C. WALPERT
National Secretary-Treasurer

March 5, 2012

All General Chairmen and GCA Secretary-Treasurers
All State Legislative Board Chairmen and Secretary-Treasurers
All Local Division Executive Boards
All Regional Meeting Association Officers

Re: Designation of FELA Counsel by BLET National Division

Dear Brothers and Sisters:

Enclosed for your information and governance is a copy of the revised **Code of Compliance for BLET Officers and Employees Concerning Relationships with Employers and Legal Counsel Representing or Seeking to Represent Injured BLET Members**. The Code was revised and adopted by the Advisory Board on February 29, 2012. Every BLET officer and employee at all levels of the Organization is expected to comply with the Code in every respect. Please review the terms of the Code at your earliest opportunity and retain a copy for your files. Additionally, I would ask that you provide a copy of this letter and the revised Code to all the officers of your Committee, Board, or Division who are not identified above, as well as to any employees you may have. Any questions concerning compliance with the Code should be directed in writing to the office of the National President.

Concurrent with the revision to the Code, the Advisory Board also has revised National Division policy with respect to designation of FELA Counsel by BLET National Division. As you know, for nearly thirty years the BLET has maintained a list of experienced personal injury lawyers so that the Union's members would have available to them competent, principled legal counsel to assist in the handling of their claims for personal injuries incurred during the course of their railroad employment. This list, commonly known as BLET's Designated Legal Counsel ("DLC"), was created and maintained as part of the Union's mission to advance the working conditions, wages, benefits, job security, and quality of life for its present and future members and their families.

In 2010, the BLET Advisory Board revised its criteria for becoming a DLC, developed various Rules of Conduct with which DLCs would be expected to comport themselves insofar as it relates to their DLC status, and issued a formal Protocol to that effect. Now, after two years of experience administering that Protocol, the Advisory Board has decided to discontinue formally designating attorneys and instead to refer its members to the directory of the Academy of Rail Labor Attorneys ("ARLA"), an organization made up exclusively of lawyers who represent in-

**All GCA Chairmen and S-Ts
All SLB Chairmen and S-Ts
All Local Division Executive Boards
All Regional Meeting Association Officers**

(2)

March 5, 2012

jured employees under the Federal Employers' Liability Act. Copies of the Board's resolution and a statement regarding the revision are also enclosed for your information.


By relinquishing the role of designator and referring employees to the ARLA directory, BLET is expanding the number of attorneys available to its member requiring legal representation. ARLA maintains its own Constitution which, along with the rules of conduct and ethics issued by the states in which ARLA attorneys practice law, assures BLET members, as well as BLET can, that the attorneys they choose to represent them will maintain the standards required by ARLA. Furthermore, this change relieves BLET from expending the considerable time and resources necessary to administer the Protocol and the frequent controversies associated therewith.

With this announcement, we are issuing a separate set of inquiries, also enclosed, that we recommend injured BLET members should use when deciding which personal injury attorney will best represent their interests. We are confident that with answers to these inquiries in hand, and the confidence that attorneys who belong to ARLA offer the knowledge of the industry that is essential to effectively presenting injured employees' claims, BLET members will be able to continue to receive the high quality of representation they previously have received under the formal DLC Program. To this end we have requested that ARLA keep us up-to-date on the directory of ARLA member attorneys and firms.

We are aware that many of you have in the past made arrangements with BLET's DLC group, either with individual firms or with the full DLC, to fund Training and Education for your respective memberships. The 2012 Revised Policy does not exclude any of the attorneys or firms that were previously designated by BLET; as we understand it, they all belong to ARLA and are part of the new group being recommended by BLET. Accordingly, it is recommended that you contact attorneys and/or firms holding membership in ARLA individually if you intend to seek funding for your Training and Education events going forward.

Trusting that you will find this information helpful, and with warmest personal regards, I remain

Fraternally yours,


National Secretary-Treasurer

encls. (4)

All GCA Chairmen and S-Ts (3)
All SLB Chairmen and S-Ts
All Local Division Executive Boards
All Regional Meeting Association Officers

March 5, 2012

cc: D. R. Pierce, National President (w/encls.)
E. L. Pruitt, First Vice President (w/encls.)
BLET Advisory Board (w/encls.)
All National Division Employees (w/encls.)
M. S. Wolly, Esquire, General Counsel (w/encls.)
B. T. Raymond, IBT General Counsel (w/encls.)

**CODE OF COMPLIANCE
For BLET Officers and Employees
Concerning Relationships with Employers
and Legal Counsel Representing or Seeking to Represent
Injured BLET Members**

[As revised and adopted by the BLET Advisory Board February 29, 2012]

As expressed in our Bylaws, “it is the vision of the Brotherhood of Locomotive Engineers and Trainmen to be at the forefront of the labor movement as the result of grassroots involvement, expanding membership, and a cohesiveness among the engineer and trainman crafts and with other unions.” We are committed to “be a democratic organization with deeply held values and ideals that advance the working conditions, wages, benefits, job security, and quality of life for its present and future members and their families.” Our members have placed a tremendous amount of trust in us as their leaders. They expect every officer and employee at every level of the Union to ensure that their behavior is instilled with ethical practices so that every action taken on behalf of the Union is one the members will be proud of. They recognize, as do we, that the Union will be a more effective representative, and will succeed in expanding its representation, only if we honor the fiduciary principles that go hand-in-hand with the responsibilities of union leadership.

Therefore, the Advisory Board has again revisited and revised the Code of Compliance which addresses the relationship between BLET officers and employees, at every level of the Union, and employers of our members and any legal counsel who represent them, or seek to represent them, in matters involving personal injuries incurred while working on the railroads. This is that Code:

No officer or employee at any level of the BLET (the Brotherhood of Locomotive Engineers and Trainmen National Division, General Committees of Adjustment, State Legislative Boards and Local Divisions) may solicit or accept *any* gift, payment, money, loan, promise or agreement therefor, or anything of tangible or intangible value (including services and reimbursement of expenses) from any employer or attorney representing or seeking to represent any injured BLET member who:

- (a) Is attempting to promote the officer’s or employee’s candidacy for office;
- (b) Is attempting to influence any election on any issue within the organization requiring a vote; and/or
- (c) Has interests that may be substantially affected by the performance of an officer’s or employee’s official duties.

This prohibition does not extend (a) to payments where the employer is a carrier and the payment is for services rendered as an employee of the carrier or reimbursement for expenses incurred in connection with services rendered as an

employee of the carrier, and (b) if the item is a gift of minimal value, such as plaques and greeting cards.

No BLET officer or employee at any level of the Union may accept (a) *any* gratuity, payment or gift *of any amount* from any attorney for the purpose of obtaining representation of an injured member or (b) any portion of any attorney's fee earned in connection with representing any BLET member.

No BLET officer or employee at any level of the Union is permitted to accept from any attorney any permissible gratuity, payment or gift of any more than \$250 in the aggregate during any calendar year. ("Gratuity, payment or gift" includes both money, tangible items, and services of any kind.)

Unless the frequency would appear to be improper, an officer or employee may accept food, refreshments and materials provided at a conference or widely attended gathering or certain other events which an officer or employee attends in his official capacity.

Every BLET officer and employee will be provided with a copy of this Code and will comply with it in every respect.

BY DIRECTION OF THE ADVISORY BOARD.

STATEMENT REGARDING 2012 REVISION TO BLET FELA COUNSEL PROGRAM

For nearly thirty years, the Brotherhood of Locomotive Engineers and Trainmen has maintained a list of experienced personal injury lawyers so that the Union's members would have available to them competent, principled legal counsel to assist in the handling of their claims for personal injuries incurred during the course of their railroad employment. This list, commonly known as BLET's Designated Legal Counsel ("DLC"), was created and maintained as part of the Union's mission to "advance the working conditions, wages, benefits, job security, and quality of life for its present and future members and their families."

In 2010, the BLET Advisory Board revised its criteria for becoming a DLC, developed various Rules of Conduct with which DLCs would be expected to comport themselves insofar as it relates to their DLC status, and issued a formal Protocol to that effect. Now, after two years of experience administering that Protocol, the Union has decided to discontinue formally designating attorneys and instead to refer its members to the directory of the Academy of Rail Labor Attorneys ("ARLA"), an organization made up exclusively of lawyers who represent injured employees under the Federal Employers' Liability Act. By relinquishing the role of designator and referring employees to the ARLA directory, BLET is expanding the number of attorneys available to its members requiring legal representation. ARLA maintains its own Constitution which, along with the rules of conduct and ethics issued by the states in which ARLA attorneys practice law, assures BLET members, as well as BLET can, that the attorneys they choose to represent them will maintain the standards required by ARLA. Furthermore, this change relieves BLET from expending considerable time and resources necessary to administer the Protocol and the frequent controversies associated therewith.

With this announcement, BLET is issuing a separate set of inquiries that it recommends injured BLET members should use when deciding which personal injury attorney will best represent their interests. The Union is confident that with answers to these inquiries in hand, and the confidence that attorneys who belong to ARLA offer the knowledge of the industry that is essential to effectively presenting injured employees' claims, BLET members will be able to continue to receive the high quality of representation they previously have received under the formal DLC Program.

February 29, 2012

RESOLUTION REGARDING 2012 REVISION TO BLET FELA COUNSEL PROGRAM

WHEREAS, for nearly thirty years, the Brotherhood of Locomotive Engineers and Trainmen has maintained a list of experienced personal injury lawyers so that the Union's members would have available to them competent, principled legal counsel to assist in the handling of their claims for personal injuries incurred during the course of their railroad employment, and

WHEREAS, this list, commonly known as BLET's Designated Legal Counsel ("DLC"), was created and maintained as part of the Union's mission to "advance the working conditions, wages, benefits, job security, and quality of life for its present and future members and their families," and

WHEREAS, in 2010, the BLET Advisory Board revised its criteria for becoming a DLC, developed various Rules of Conduct with which DLCs would be expected to comport themselves insofar as it relates to their DLC status, and issued a formal Protocol to that effect, and

WHEREAS, BLET has had to expend considerable time and resources to administer the Protocol's reporting requirement and to resolve frequent controversies associated therewith.

WHEREAS, the Advisory Board is desirous of expanding the number of lawyers specializing in representing injured employees under the Federal Employers' Liability Act who are available to represent injured BLET members without undertaking the expenditure of additional BLET resources that would be necessary to do so were the current DLC program to remain in effect, and

WHEREAS, the Academy of Rail Labor Attorneys ("ARLA") is an organization made up exclusively of lawyers who represent injured employees under the Federal Employers' Liability Act, many of whom already are BLET DLCs, and

WHEREAS, ARLA maintains its own Constitution which, along with the rules of conduct and ethics issued by the states in which ARLA attorneys practice law, assures BLET members, as well as the BLET can, that the attorneys they choose to represent them will maintain the standards set by ARLA,

NOW THEREFORE BE IT HEREBY RESOLVED that BLET will discontinue formally designating attorneys and maintaining a list of Designated Legal Counsel and will instead refer its members to the directory of ARLA as a source of lawyers who will represent injured members in handling their FELA claims against their employing rail carriers, and

BE IT FURTHER RESOLVED that BLET will provide its members with a set of recommended inquiries to assist any injured BLET member in deciding which personal injury attorney will best represent his/her interests, and

BE IT FURTHER RESOLVED that the Code of Compliance for BLET Officers and Employees Concerning Relationships with Employers and Designated Legal Counsel shall be revised to reflect this change and to assure that no BLET Officer or employee at any level (the National Division, the General Committees of Adjustment, the Local Divisions, and the National and State Legislative Boards) is relieved of his/her obligation to continue to comply with the Code of Compliance insofar as his/her dealings with any legal counsel representing, or seeking to represent, injured BLET members is concerned.

ADOPTED by the BLET Advisory Board on February 29, 2012.

RECOMMENDATIONS FOR BLET MEMBERS WHEN SELECTING A PERSONAL INJURY LAWYER

BLET members who are injured on the job possess valuable rights under the Federal Employers' Liability Act (FELA). There are many competent personal injury lawyers who can assist you in protecting those rights and recovering damages from your railroad employer to compensate you for the harm such injuries cause you. The BLET recommends that you contact a lawyer who is a member of the Academy of Rail Labor Attorneys (ARLA), a group of personal injury lawyers who specialize in representing injured railroad workers in FELA cases. Here is a list of questions to assist you in deciding which lawyer can best represent your interests:

- Does the attorney have an established record of successful litigation experience?
- How many FELA cases has the attorney tried before jury?
- What is the attorney's success record at trial?
- Has the attorney tried cases involving the same injury you have suffered?
- Has the attorney tried cases against the same railroad?
- Will the attorney provide you with the names of other railroad employees he/she has represented so that you can ask them about their experiences with the attorney before you decide whom to retain?
- Does the attorney maintain current malpractice insurance in the amount of at least \$1,000,000 per occurrence?
- Does the attorney maintain membership in good standing in the bar of the state in which he or she practices law?
- Has the attorney been suspended or disbarred from the practice of law in any state?
- Will the attorney give injured members free advice in connection with their injury, and render assistance to them in related matters (RUIA, etc.)?
- Will the attorney agree not charge to you more than 25% of the gross settlement or award, or 33 1/3% of the net settlement or award?
- Are the costs you will be charged reasonable and incurred as a direct result of representing you?
- Will you have to pay for those costs during the prosecution of your case or will they be taken out of any settlement or verdict at the end of the case?
- Will you be given, in written form, a full accounting and breakdown of all expenses incurred, fees charged, or any other expenditures or deductions from the proceeds of any settlement or verdict?

- Will you have to pay anything if you lose?
- How will the attorney conduct the investigation and prosecution of your case?
- Will the attorney personally represent you or will he/she refer your case to another attorney for handling? If the latter, will the attorney you retain keep control of the case and remain fully responsible and accountable to you? Will you have the right to meet with and approve the other attorney?
- Does the attorney take an active part in matters of concern to railroad employees and the rail industry, including supporting the legislative programs of the BLET?

You certainly will have other questions that you consider relevant. Do not limit yourself to these. Don't be pressured into making a decision. Only retain an attorney whom you feel fully comfortable is the one who will best represent your interests in a manner which you consider acceptable.

BLET members should be aware that all attorneys are prohibited from engaging, either directly or indirectly, in Union politics at any level of the BLET (the National Division, the General Committees of Adjustment, the Local Divisions, and the National and State Legislative Boards). They may not contribute financially to the campaign of any candidate for union office, promote or otherwise seek support for or against a candidate, nor in any way attempt to influence any Union election or vote on any Union issue.

No BLET officer or employee at any level of the Union is permitted to accept from any attorney any permissible gratuity, payment or gift of any more than \$250 in the aggregate during any calendar year. ("Gratuity, payment or gift" includes both money, tangible items, and services of any kind.) Further, no BLET officer or employee, at any level of the Union, is allowed to accept (a) any gratuity, payment or gift of any amount from any lawyer for the purpose of obtaining representation of an injured member or (b) any portion of any attorney's fee earned in connection with representing any BLET member.