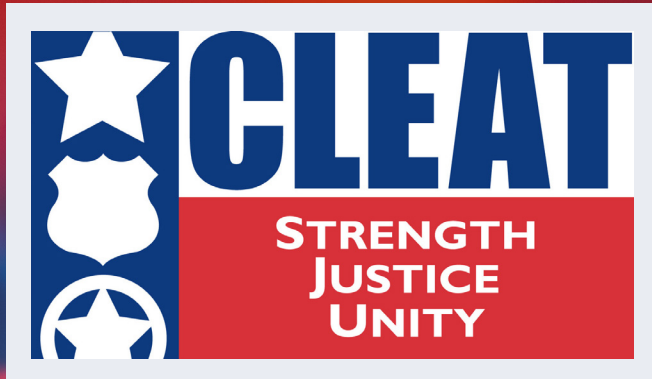


CLEAT covers *on & off duty* incidents 24/7!



# MEMBERSHIP BENEFIT COMPARISON

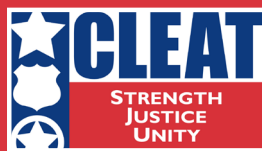
## New Benefits for 2021



- ⊛ Temporary Income Protection Benefits Increased ⊛
- ⊛ Off Duty Income Protection Added ⊛
- ⊛ Spouse Critical Incident Protection ⊛
- ⊛ TCOLE Instructor Coverage ⊛

*#WeHaveYourSix*

# BENEFIT & SERVICE COMPARISON CHART



TMPA

U.S. Law  
Shield

Yes
 Yes, but...
 No
 Unknown

- 1 PRIVATE PRACTICE ATTORNEYS
- 2 ATTORNEY OF YOUR CHOICE
- 3 RUN BY POLICE OFFICERS
- 4 GUARANTEED ON-SCENE RESPONSE
- 5 WRITTEN REPRIMAND COVERAGE
- 6 F5 APPEAL COVERAGE
- 7 FREE WILL PREPARATION/PROBATE
- 8 ADMINISTRATIVE COVERAGE  
(INCLUDED W/DUES)
- 9 LODD & DISABILITY BENEFITS
- 10 LEGAL BENEFITS GUARANTEED
- 11 MEMBER DECIDES IF/WHEN TO ACCEPT A  
SETTLEMENT
- 12 SUSPENSION REIMBURSEMENT
- 13 FREE TCOLE TRAINING ONLINE
- 14 SPOUSE CRITICAL INCIDENT REPRESENTATION  
(INCLUDED W/DUES)
- 15 TCOLE INSTRUCTOR COVERAGE
- 16 FUNDED SOLELY ON MEMBER DUES



\*See attachment for in-depth look



The organization began in 1976 by separating itself from a *do-nothing, pro-management organization that refused to represent its members.*

That's why we have spent the last **44 years** providing the men and women of Texas Law Enforcement with the **best representation the state has to offer.**

# A DETAILED LOOK INTO OUR BENEFITS

## 1 PRIVATE PRACTICE ATTORNEYS

Both CLEAT & TMPA will pay for private practice attorneys to represent you if the attorney agrees to follow the legal plan fee schedule. CLEAT hires full-time staff attorneys that specialize in representing officers involved in critical incidents and administrative investigations. Our attorneys continually work together to ensure the work we do to represent our members is the best in the state. Private practice attorneys do not specialize in representing officers. They may be criminal defense attorneys or divorce attorneys who are called upon from time to time to handle an officer's case. They may or may not be familiar with the timelines and particular circumstances involved in law enforcement administrative investigations.

CLEAT Legal has a database of knowledge regarding law enforcement specific cases that every one of our attorneys can access. Our attorneys are in constant communication with each other to ensure the best practices are in place to protect our members and provide them the best representation possible. When you are a CLEAT member, you don't just have one attorney... You have our entire Legal Staff working for you.

U.S. Law Shield requires participants to use one of their "contracting" attorneys.

## 2 ATTORNEY OF YOUR CHOICE

When you call for critical incident response, both CLEAT and TMPA send their "on-call" attorney. TMPA has high-profile attorneys in certain regions, but not everyone is guaranteed access to those attorneys or that those attorneys will respond to every critical incident. Subject to fee schedule rules, members have the ability to select their own private attorney.

If a CLEAT member is not satisfied with their attorney, CLEAT has a large team of attorneys working to defend and accommodate our members. CLEAT also has supervising attorneys that oversee the work of our staff attorneys to ensure members get the best service possible.

TMPA does not accept responsibility for supervision of the private practice attorneys they refer members to. They simply pay the bill. If a member has a complaint, they have to resolve it with the attorney themselves. The U.S. Law Shield service contract does not give participants the option to use the attorney of their choice.

## 3 RUN BY POLICE OFFICERS

All of CLEAT's Board of Directors and Executive Board members are required to be law enforcement and are elected by our members. Additionally, all of the locally elected union presidents are members of our Board of Directors. CLEAT employs more than a dozen current and former/retired law enforcement officers throughout the organization.

## 4 GUARANTEED ON-SCENE RESPONSE

CLEAT guarantees that an attorney will respond to the scene of a critical incident within 2 hours of being called, or we will pay the member \$1000. TMPA's guarantee will pay the member \$500. The U.S. Law Shield service contract does not include scene response to a participant involved in a use of force critical incident.

For reserve officers, the TMPA benefit is only paid if a Plan Attorney resides within 50 miles of the critical incident.

## 5 WRITTEN REPRIMAND COVERAGE

CLEAT does not limit coverage for administrative investigations or disciplinary appeals. TMPA claims they will represent written reprimands, but their Legal Plan Document has conflicting language. TMPA will only provide an attorney if there is a formal appeal process. ***TMPA Legal Plan Document (August 2020): Section 6.1 (g) - Exclusions: Minor Discipline - No benefits shall be provided under a Benefit Election in a case where it is determined that the administrative discipline to be imposed upon the Participant is a reprimand, negative notation or suspension of less than one (1) day pay or the financial equivalent thereof.*** Section 5.1 (a) In situations where a participant has received a written reprimand and the participant's employer has a formal process of appeal for written reprimands, the Plan shall provide a Plan Attorney to assist the Participant in the appeal process.

The U.S. Law Shield "Career Shield" service contract does not explicitly include representation for written reprimands.

## 6 F5 APPEAL COVERAGE

TMPA's F5 appeal coverage is not guaranteed and is contingent on their belief that they can win. CLEAT does not prejudge cases. CLEAT members are entitled to an F5 appeal even if you lose your department appeal and regardless of whether we believe you can win the appeal.

***TMPA Legal Plan Document (August 2020): Section 5.1(l): Upon approval by the Plan Administrator, legal fees and expenses to appeal an F-5 Report of Separation of employment if:*** 1. the agency filing the report does not provide the Participant the right to a review hearing on the merits of the termination, either before a hearing examiner, arbitrator, commission, or city council; 2. it is reasonably likely that the category marked of Honorably Discharged, General Discharge, or Dishonorably Discharged as the designation of separation is incorrect; **3. it is reasonably likely that the Participant can prevail on the appeal by changing the category designation;** and 4. the separation of employment is the result of an otherwise covered event under this Plan.

The U.S. Law Shield "Career Shield" service contract does not explicitly include representation for F5 appeals.

## 7 WILL DRAFTING & PROBATE

CLEAT will prepare a will, medical directive and power of attorney for our member and their spouse at no charge. We will also update existing wills when needed at no additional cost. In addition, we are the only organization that includes probate services for the wills we prepare. In the event that tragedy occurs (the member or spouse), contact CLEAT and we will assign an attorney to probate the will.



TMPA currently advertises on their website that members and spouses are entitled to will preparation, but the language guaranteeing this benefit was removed from the TMPA legal plan document in 2016. TMPA does not provide probate services.

U.S. Law Shield does not include will preparation or probate services in their service contracts.

## 8 ADMINISTRATIVE COVERAGE W/BASIC DUES

CLEAT members can pick up the phone and ask a CLEAT attorney a question on any given day, without pre-approval.

With TMPA, members have to be referred to an attorney and then that attorney has defined limits on how long they can consult with the member. Consultations are contingent on TMPA deciding that it is “reasonably likely” the member will face disciplinary action or litigation. CLEAT does not limit the amount of time a member can consult with our attorneys. We take whatever time is necessary to represent the member. CLEAT does not prejudge the outcome of cases, and if the legal plan covers the incident, then we represent our members.

***TMPA Legal Plan Document (August 2020)*** j) Reasonable and necessary legal fees and expenses to consult with a Plan Attorney prior to the imposition of disciplinary, civil, or criminal action against a Participant when it is **reasonably likely that Participant will face such action**, and such action would be covered under 5.1(a). Plan attorneys will attempt to limit to 3.5 billable hours, unless more time is reasonably needed. If more time is reasonably needed, Plan Attorneys will advise the Plan Administrator, so the Plan Administrator can expand the time.

For an additional fee, U.S. Law Shield participants can purchase the “Career Shield” service contract for an employment-related defense.

## 9 LINE OF DUTY DEATH & DISABILITY BENEFITS

In 2019, CLEAT expanded the benefits to include payments for disabilities that result from injuries in the line of duty, including death or disability resulting from a heart attack or stroke that occurs on duty or within 24 hours of a line of duty assignment.

Both CLEAT and TMPA provide a \$15,000 line of duty death benefit. However, only CLEAT provides the benefit for duty-related heart attacks or strokes. U.S. Law Shield does not provide death or disability benefits to plan participants.

## 10 LEGAL BENEFITS GUARANTEED

CLEAT does not prejudge cases nor pick winners or losers. Prior approval is not required to speak with a CLEAT attorney.

The TMPA legal plan, in several places, allows coverage only after approval of the Plan Administrator. This is a legal loophole that allows them to exclude coverage in cases they don't want to cover. It allows TMPA to pick and choose whether they want to represent a member. Members are encouraged to read the entire legal plan to understand the limits of coverage fully.

***See next page for some examples with the actual language from the TMPA Legal Plan Document (August 2020):***



- **Discipline** – Section 5.1 (j): Reasonable and necessary legal fees and expenses to consult with a Plan Attorney prior to the imposition of disciplinary, civil, or criminal action against a Participant when it is reasonably likely that Participant will face such action, and such action would be covered under 5.1(a). Plan attorneys will attempt to **limit to 3.5 billable hours**, unless more time is reasonably needed. If more time is reasonably needed, Plan Attorneys will advise the Plan Administrator, so the **Plan Administrator can expand the time**.
- **Certain Civil Service Disputes** – Exclusions - Section 6.1 (d): No benefits shall be provided under this Plan for any action to obtain, protect, preserve, or set aside any benefits or position with respect to any civil service, merit system, or personnel eligibility list, except for promotion, **without written approval of the Plan Administrator**.
- **Expert Witness/Hearing Examiner Fees** – Section 5.1 (h): All reasonable and necessary expert witness fees, professional service fees and hearing examiner fees required for the defense of Participants, subject to **prior written approval by the Plan Administrator**, in covered civil, criminal, or disciplinary actions.
- **Employment Practices** – Section 6.1 (a): Exclusions: Notwithstanding the foregoing, when any such action is brought in connection with a disciplinary action that is covered by this Plan, benefits may be provided in the sole and **absolute discretion of the Plan Administrator**.
- **Appeals** – Section 6.2 (e) Limitations: **No benefits** shall be provided to appeal a decision by an administrative body or court, **unless approved in writing by the Plan Administrator**.

TMPA can terminate benefits if the Plan Administrator determines that the member's participation is not in the best interest of the plan or if TMPA determines that the members conduct is detrimental to the interest or welfare of TMPA or the Plan.

**TMPA Legal Plan Document (August 2020)** Section 4.3 (2): A Participant's benefits may also be terminated, and his status as a Participant terminated, if the Plan Administrator, in his sole discretion, determines that the Participant's continued participation in the Plan would be contrary to the best interest of the Plan, including but not limited to, a Participant who has violated the constitution or bylaws of TMPA, a Participant who has violated a provision of the Plan, a Participant whose conduct is detrimental to the interest or welfare of TMPA or the Plan, a Participant whose conduct is abusive or fraudulent with respect to the Plan, and a Participant whose conduct has been dishonest. A termination under this section 2.0, shall not affect benefits to be provided under an existing claim.

U.S. Law Shield does not have a specific plan document for "Career Shield" employment coverage published on their website. Coverage and limitations of coverage are not explicitly defined in their service contract.

# 11

## MEMBER DECIDES IF/WHEN TO ACCEPT A SETTLEMENT

TMPA can cease to represent you if you refuse to settle your case or if the Plan Administrator determines it is in the member's best interest to do so. CLEAT does not prejudge cases, and the member decides what is in their best interest. CLEAT attorneys will give the member professional advice as to what the member should do, but the decision is ultimately up to the member. If the member decides to continue their appeal, we will continue to represent that member. CLEAT will not cease coverage for failure to accept a settlement offer.

**TMPA Legal Plan Document (August 2020) Limitations** - Section 6.2 (d): Settlement opportunity or jeopardy - Benefits may be terminated in the event the Plan Administrator determines, on advice of the Plan Attorney, that it is in the best interest of a Participant to cease his or her participation in any particular case...

# 12

## ON & OFF-DUTY SUSPENSION REIMBURSEMENT

Under the CLEAT Temporary Income Protection Program (TIPPs) an active member is eligible to receive reimbursement of **\$200/day for 10 days** (\$2000 per calendar year) for loss of income due to a suspension that is not appealed. In addition, a member is also eligible to receive reimbursement of **\$50/day for 10 days** (\$500 per calendar year) for loss of income from off-duty employment due to a suspension that is not appealed. ***The decision to appeal discipline or not rests solely with the member.***

TMPA and U.S. Law Shield do not offer a similar benefit.

# 13

## FREE TCOLE TRAINING ONLINE

Included with CLEAT membership is the ability to take courses online that are eligible for TCOLE credit. Courses available include mandatory courses, such as State and Federal Law Update.

TMPA offers up to 50 hours of online training for an additional fee of \$30. U.S. Law Shield does not offer a similar benefit.

# 14

## SPOUSE CRITICAL INCIDENT REPRESENTATION

(INCLUDED W/DUES)

The CLEAT Legal Plan document provides legal representation to the spouse of an active member who has a valid and current license to carry a handgun (LTC) and the spouse is involved in a lawful and justified use of force or critical incident. TMPA offers a similar membership benefit. Law Shield offers a similar benefit for an additional fee.

# 15

## TCOLE INSTRUCTOR COVERAGE

The CLEAT executive board has adopted a resolution to provide legal representation to members who are licensed TCOLE instructors when they teach TCOLE approved courses. If the instructor faces civil litigation related to their teaching, CLEAT will represent the member. TMPA and U.S. Law Shield do not offer a similar benefit.

# 16

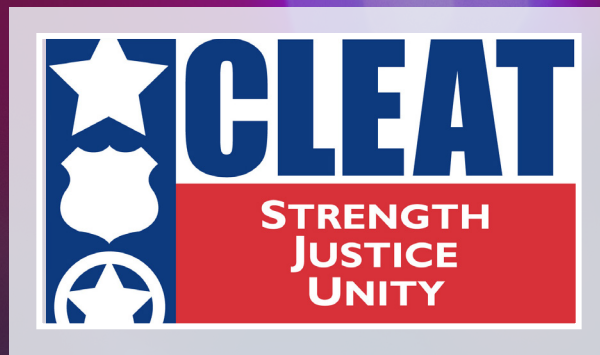
## GOVERNMENT FUNDING

Accepting Grants and public funds creates a conflict of interest. TMPA funds a good portion of their operations by taking government grants. CLEAT will always remain independent and conflict-free when representing the best interests of our members before the Texas Legislature and other governmental entities.


## INFORMATION PROVIDED

All information provided in the “in-depth look” was found in the TMPA and US Law Shield Legal Plans.





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(800) 752-5328**

**CLEAT REPRESENTS OVER 25,000 MEMBERS ACROSS TEXAS**

In addition, CLEAT is affiliated with over 100 local associations.