



A Union of Professionals

## AFT Defense Fund Instructions

1. Funds may be granted to locals whenever there is a legal proceeding before a court, arbitrator or other administrative body that complies with these instructions and satisfies the guidelines on the following page.
2. The Defense Committee should be promptly informed of the filing of any “major” court action and provided a copy of the pleadings, including the complaint, answer and all briefs.
3. The local, not the member, must file the Defense Fund application. As a general rule, grants will be approved and paid only when reasonable financial support is furnished by or through the local and the state federation. “Reasonable” in most cases means sharing the costs among the local, the state federation and the national union on a **one-third-each basis**.
4. In the event that attorneys’ fees are recovered, in whole or part, at any stage in this proceeding, then the local and state federation agree to reimburse the Defense Fund in the same proportion as the Defense Fund contributed to the funding of the proceeding.
5. Applications must be submitted to the AFT within *one year* of the commencement of legal action. Therefore, it is advised in the instance of lengthy cases that applications should be submitted at the beginning of legal action and not at the end. Applicants are allowed to resubmit applications (continuing grant applications) as additional legal fees and expenses are incurred throughout the length of the case.
6. The local must complete all three pages of the application and clearly explain the case and how it follows the guidelines. In states where there is a state federation the local shall forward the application, along with **itemized** attorneys’ fee statements of actual costs and other supporting documents, to the state federation for approval. The state federation will be responsible for forwarding the application to AFT National.
7. Effective Jan. 1, 2013, it is required that each local submitting applications to the Defense Fund will have a review committee that is charged with investigating and reviewing each case before it goes to binding arbitration, an administrative law judge, or another administrative or legal proceeding. One of the questions the committee should consider is whether legal proceedings are the most effective way to resolve the issue and the extent to which alternative approaches to resolution may be available. In particular, locals will be expected to screen poor employee performance cases with care before making a decision to challenge these determinations. Applicants for Defense Fund assistance must confirm that each case has been reviewed and recommended by the review committee.



8. The Defense Committee reserves the right to reject applications in which either the attorneys' hourly rate or time spent is excessive. The Defense Committee will consider only those cases in which the grant request totals or exceeds \$150.
9. The Defense Committee reserves the right to review an application on the merits at all levels of the judicial process.
10. The local **must** be current in its per capita payments with the AFT and the state federation in order to receive payment from the Defense Fund for an otherwise qualified case.
11. In considering a Defense Fund request, the AFT reserves the right to review the legal arrangements and agreements between a local and its counsel.
12. These procedures for grants for the defense of members have been adopted by the AFT executive council.

Defense Committee  
American Federation of Teachers

Ted Kirsch, Chair  
Frank Flynn  
Melissa Cropper  
David Strom



*A Union of Professionals*

## **AFT Defense Fund Guidelines**

The following criteria are used to evaluate applications for funding:

### **I. MATTERS LIKELY TO BE ACCEPTED BY THE DEFENSE COMMITTEE**

- Immediate threats to job security.
- Enforcement of tenure rights, and defense against termination and demotion actions.
- Enforcement of civil rights and union leadership rights.
- Violations of academic freedom.
- Significant cases with precedential impact on the entire bargaining unit. Strict scrutiny will be applied where the local argues that the contract interpretation question will affect the entire unit.
- Court enforcement and defense of arbitration awards.

### **II. MATTERS UNLIKELY TO BE ACCEPTED BY THE DEFENSE COMMITTEE**

- Claims for workers' or unemployment compensation.
- Issues of contractual interpretation that are not threats to job security, tenure, civil rights, academic freedom or other issues of significance to the entire unit.
- Suspension cases of four days or fewer.
- Strict scrutiny will be applied to cases involving a member's off-duty conduct, particularly criminal conduct or circumstances where there is no connection to the workplace.
- Strict scrutiny will be applied to attendance cases.
- Cases concerning extracurricular job positions that do not have an impact on the member's employment contract.
- Unfair labor practices not encompassed by category I above.
- Civil matters covered by the AFT Occupational Liability Insurance Plan and the Union Officials Liability Insurance Plan (see plan brochures for a description of coverage).
- Criminal cases covered under the AFT Occupational Liability Insurance Plan.
- Claims by one member against another.
- Requests from an individual member or officers.
- General legal research or attorney services during contract negotiations.

\* If there is uncertainty about these guidelines, please contact the AFT legal department for clarification.



# Defense Fund Grant Application

**THIS IS THE ONLY DEFENSE FUND GRANT APPLICATION THAT WILL BE ACCEPTED. PLEASE DO NOT SUBMIT OUTDATED GRANT APPLICATIONS OR THE LOCAL/STATE FEDERATION GRANT APPLICATION.**

Date submitted:

WE, THE UNDERSIGNED, CERTIFY THAT:

Name of local:	Local no.:
Local address:	
Phone no.:	
by official action has voted to apply for an AFT Defense Fund grant for the defense of:	
Is individual an AFT member? <input type="checkbox"/> Yes <input type="checkbox"/> No Date of membership:	
Has the case been reviewed and recommended by the local federation's Defense Fund review committee? <input type="checkbox"/> Yes <input type="checkbox"/> No	
The state federation's Defense Fund review committee? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Are itemized fee statements attached to this application? <input type="checkbox"/> Yes <input type="checkbox"/> No	

<p><b>Employer information:</b></p> <p>Name of employer:</p> <p>Address:</p>
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<p><b>State federation information:</b></p> <p>State federation address:</p> <p>Was the state federation sent a copy of this application? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If so, when?</p>
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<p><b>Financial information:</b></p> <p>A. Estimated total cost of case: \$</p> <p>B. Total cost of case to date: \$</p> <p>C. Total cost of bills attached: \$</p> <p>D. Total grant request for this application (AFT's share): \$</p> <p>E. Percentage to be paid by the local:</p> <p>F. Percentage to be paid by the state federation:</p> <p>G. Other contributions: \$</p> <ul style="list-style-type: none"> <li>• Please list or specify sources of other contributions, if applicable:</li> </ul> <p>H. Amount previously contributed by AFT Defense Fund. \$</p> <p>I. Is this a final application for this case? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
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**PLEASE NOTE THAT GRANTS WILL NOT BE HONORED UNLESS ITEMIZED ATTORNEYS' FEE STATEMENTS ARE ATTACHED TO EACH APPLICATION. IF THIS IS A CONTINUING GRANT APPLICATION, PLEASE DO NOT SUBMIT LEGAL BILLS THAT HAVE ALREADY BEEN APPROVED.**

## Case Description

**INSTRUCTIONS:** This information must be completed by the local attorney and attached to the application for a Defense Fund grant. The purpose of this description is to be able to identify the case legally, so that other local and state federations as well as attorneys can have the information to assist in the representation of AFT members.

1. Name of attorney:

Law firm:

Address:

2. Legal title of case:

3. Court where case is pending (specific title):

4. Legal issues presented:

5. Nature of case:

6. What projection, if any, is made for further legal action?

We certify that the information contained in this grant application is true and accurate.

Signed \_\_\_\_\_  
**President of Local**

Signed \_\_\_\_\_  
**President or Designated Officer of State Federation**

Approved by: \_\_\_\_\_  
**Chair, AFT Defense Committee**

\_\_\_\_\_  
**AFT Special Counsel**